The State and Trade Unions: A Dialectical Framework for Understanding Industrial Relations in Nigeria

Au. Nkemdili Nnonyelu
Dept. of Sociology/Anthropology,
Faculty of Social Sciences,
Nnamdi Azikiwe University, Awka

A version of the paper was presented at the Working Class and Trade Union Studies Association of Nigeria 2nd Conference.
Held At the Conference Centre, University Of Ibadan, Ibadan
Date: 5th – 7th December, 2012

ABSTRACT

Generally speaking, industrial relations studies have focused on the relationship between the employers and employees in employment relationships. While this is largely true in most of the developed world, the reality is that in developing societies, industrial relations is a study of the interaction between the state and labour, as represented by their unions. Understanding the character of the state, its orientation and philosophy is critical to appreciating the nature, scope and complexity of industrial relations, particularly against the backdrop of persistent struggles between trade unions and the state, or its agents. The paper therefore, contends that a study of industrial relations trends in Nigeria will give primacy to the dialectics between trade union and the state.

Keywords: State, Trade Unions, Industrial Relations, Dialectics.

INTRODUCTION

Nigeria’s industrial relations was largely influenced by global developments. Of particular importance was the industrial revolution that effectively laid to rest the ancient feudal order. While dispersing the craft masters and the guild journey men, the industrial revolution brought in its wake the emergence of a new work relationship between employers and employees characterized by paid employment. This singular event opened a new vista in redefining the whole concept of work as it gave birth to a contractual relationship, hitherto unknown in the world of work between an employer and employee. This new type of work relationship found its way into Nigeria through colonialism. Even with the contradictory tendencies within industrial capitalism, (see Onyeonoro, 2005, Watson, 2012, Adewunmi, 2007) this new relationship in the workplace has continued to dominate modern society.

Besides colonialism, which we shall return to later, it is noteworthy that wage employment in Nigeria was facilitated by the monetization of the economy and the introduction of taxation. The transition from the old barter economy to a monetary system of exchange ensured that the peasants and other traditional workers had to enter the new work world to earn payments that will ensure their participation in the socio-economic order. Similarly, taxation, which has not received sufficient attention in the literature, has been perceived as a major impetus in the dawn of a new era of employment relationship in Nigeria (see Nnonyelu, 2011). Reminiscent of the process of conscripting civilians into the military during wars, tax collection was a nightmare in the colonial era.

Thus, people were compelled to seek paid employment for various reasons including but not limited to income, identity prestige, status, source of livelihood etc (see Edwards, 2003). The
forced incorporation of Nigeria into global capitalism by the colonial state in late 19th and early 20th centuries provided the enabling platform for the state to foray into the virgin area called industrial relations. This did not come without consequences occasioned by countervailing forces.

THE PREMISE OF INDUSTRIAL RELATIONS

The phenomena of industrial relations have become pervasive, and, are present everywhere where people are engaged in paid employment. As a subject, industrial relations is ubiquitous (see Kaufman, 2004:1). As earlier stated, industrial relations was a direct logical product of the industrial revolution and other ancillary events. Notable among these was the misery that greeted the initial experiences of industrial life (Onyeonoro, 2005, Fashoyin, 1992). The early industrial participants were the first victims to the deplorable conditions, colossal injustice, frustrations and human sufferings that characterised work in the employment relationship. The arrogance of the employer, the commodification of labour left bitter tastes in the mouth of the new employees. Before long, the workplace became a contested terrain between unorganized workers, self conscious and aggrieved and the owners of capital. The conflicts that this generated, culminated into what is known as labour problem and created the need to provide a pathway of accommodation. This provided the raison d'être for the emergence of industrial relations. This became imperative more so with the persuasion of others who remain convinced that the extant situation could improve progressively by instituting measures that will be mutually beneficial to both labour and capital. This, according to Kaufman (2004:3), led to a new field of study and vocational area of practice in industry called industrial relations. Industrial relations encompass the study of all aspects of work and employment, thus spanning all industries, types of employment relationships, and topics and problems related to labour (Kaufman, 2004:4). It is also seen as the systematic study of all aspects of the employment relationship (Fajana, 2006). Industrial relations therefore embodies the checklist of rules and regulations, that govern conduct amongst employees, and, between employees and employers, (see Dunlop, 1958) and also the relationship between their respective associations and the state, as represented by the government. While it is conceded that employees and employers are the principal parties in industrial relations, it may be unduly restrictive not to give prominence to the pervasive if not overarching influence of the state and its agencies (see Kelly, 1998). It is therefore apposite to locate industrial relations within the ambit of the state, and how this has influenced the tenor of industrial relations.

THE LOGIC OF STATE INVOLVEMENT

In many cases in Africa, the state still plays a dominant role in driving industrial and economic development through institutional, state directed industrial relation systems (Horwitz, 2006:178). In order to understand industrial relations, it is important to consider the important influence of the state. The functions of the state in industrial relations have been neatly surmised by Williams and Adam-Smith (2006:30) to include:

a) Single largest employer of labour.
b) Make legislations in the area of employment relations
c) State policies also have important implications for industrial relations
d) Help mediate conflicts between the different parties in an industrial dispute by way of arbitration and conciliation.

In Nigeria the state’s role in industrial relations is not necessarily that of intervention but involvement. This is because the Nigerian state is not an onlooker, or an impartial umpire, distant bystander, neutral arbiter, but is neck deep in promoting the interests of capital. Nigeria has a history of significant and crucial involvement of the state in sustaining the skewed relationship between capital, and labour, and the disadvantages faced by the trade unions. Otobo (2005), Miliband (1973), Hyman (1975) observe that it is difficult comprehending the concept of industrial relations without putting in perspective the pervasive role played by the state. The attempt to periodise state involvement in Nigerian industrial relations (see Fajana 2006), is misleading against the gamut of evidence that points to the contrary. The state is usually seen from the prism of the exclusive control it
has over the instruments of violence, or the legitimate use of force within a given territory. It is a system of relationships which defines the territory and membership of a community, regulates its internal affairs, conducts relations with other states (by peaceful and by warlike means) and provides it with identity and cohesion (Jordan, 1985) cited in Williams and Adam-Smith, (2006:3).

The state’s prejudice and active support for the opponents of labour has a historical basis. The nature of the state that emerged in Africa has unique characteristics, owing to the peculiar circumstances of the colonial period. To stem resentment and hostility of the colonised, to maintain social order, the state deployed its enormous powers, characterised by absolutism and arbitrariness (see Ake, 1996). The chase for state power has therefore dominated Nigerian social and political life till date. The state was merely an instrument for domination and exploitation to serve the narrow interests of the imperialists. Even with political independence which essentially was cosmetic, the scenario regrettably has persisted. But this is not surprising as Ake (1996:4) incisively remarked “on the whole, political independence in Africa was rarely the heroic achievement it was made out to be, it was often a convenience of deradicalisation by accommodation, a mere racial integration of the political elite”. The tendency to use state power for primitive accumulation has continued unabated. The dynamics of colonial and neo-colonial Nigerian politics is governed by the overwhelming projection of state power by those who control it (Nnoli 2012:8). This power projection, Nnoli (2012:8) continues, is expressed in the form of “coercive unilateralism or policy making and implementation without consulting those to be affected. The power of the state feeds the confidence of state and government officials with the belief that they can get whatever they want, do what they wish and get away with it all. It drives their aggression, promotes their arrogance and fuels their intransigence”.

In the sphere of industrial relations, the involvement of the state encompasses “all the actions, direct or indirect, by means of which a government promotes, sustains or participates to influence or determine, the conditions of employment, and the relations between those directly involved in the employment contract – employers/managers on the one hand, and employees/Trade Unions on the other” (Yesufu 1984:32). Several reasons are usually identified by commentators as facilitating government involvement in industrial relations in Nigeria. First was an extension of their colonial roles which include implementation of labour policies which had been tried at home by colonial masters. Second, is the entry by the state into the industrial arena as the largest single employer of labour, employing about 70 percent of the wage earning population. Kerr, Dunlop, Harbison and Myres (1960) have properly highlighted the obvious implications of the strategic power of the state when they observed, that the position of government shall influence, in more ways than one, the underlying philosophy of the national labour policy and the practice of industrial relations in work environment. Third, is the exigency of the Nigerian civil war that compelled the state’s hands, although delightfully, to intervene more decisively in industrial relations culminating in Trade Disputes Prohibition Decree (1969) that sought a total ban on strikes and lockout. The state gave itself sweeping powers to decide who takes what, when, how, and even sought to abridge fundamental rights. The effects of this, have made industrial relations crisis prone. This shall be explored in greater detail. But suffice it at this stage to look at the other half of industrial relations – Trade Unions.

TRADE UNIONISM IN NIGERIA

The late development of industrial relations also had an adverse effect on the rise of trade unions. There is little debate about the exact time trade unions emerged in Nigeria, with most commentators giving credit to the Southern Nigerian Civil Service Union that emerged in 1912 as the first known trade union (see Ubeku, 1983, Ananaba 1969, Fashoyin, 1992, Fajana, 2006)

A trade union is defined in the Trade Union Act (1973) as any combination of workers or employers whether temporary or permanent, the purpose of which is to regulate the terms and conditions of employment of workers, whether the combination in question would or would not, apart from this Act be an unlawful combination by reason of any of its purposes
being in restraint of trade and whether its purposes do or do not include the provision of benefit for its members. Ogbeifun (2011) sees a trade union as a continuous association of members with an enduring legacy who come together with the overriding objective of improving the conditions of their working lives and the provision of welfare, security for their future retirement (P. 192). A trade union for the purpose of this paper is seen as an association of workers who depend on their wages for livelihood and who take collective actions in furtherance of their personal and group interests, whether in or out of the work place. This definition aligns with Yesufu (1984) who contended that while it is true that hitherto unions were formed for the primary purpose of obtaining improved wages and conditions of employment, particularly as regards hours of work, however, today, trade unions are concerned with the whole lifestyle as well as the standard of living of their members. Toyo (1966) also agrees on extra-industrial role of trade unions when he persuaded that it is true that trade unions are industrial organisations but there is nothing either in the nature of trade unions or the reality confronting them that limits them to purely industrial issues. Toyo argued that the history of early trade unions in Nigeria is a testament in view of the active roles played by these unions in Nigerian’s struggle for independence. Schilinger’s (2005) description of African Trade Unions as weak may not be telling the whole story. It is common knowledge that many of the benefits and rights that have been granted to the workers came through courageous engagement with the custodians of state power and their employer allies. We have highlighted in the preceding section how urbanisation, commercialisation and monetisation of the economy proved pivotal in attracting many agricultural hands (peasants) into the urban centres in search of wage employment. The fundamental change in social organisation and social relationships forced the rural dwellers to abandon their homestead, even on a temporary basis in search of greener pastures in the emerging urban areas. To their amazement however, urban life was not a bed of roses, as it was characterised by impersonality, insecurity and even poverty. It was in a bid to overcome these that workers, the new hands in public service combined to form their association in 1912. Yesufu (1962) gave a different account where he submitted that the formation of Civil Service Union was due to external factors – the result of similar development in Sierra Leone. Assuming without conceding that this was the motif force, it seems reasonable to suggest that the extent objective conditions of immiseration contributed significantly to the formation of the union. Tokunboh (1985:20) said that the union’s weakness lay in the fact that it was aristocratic to a fault, it abhorred strikes, did not even have the courage to declare one. The lull that attended the formation of the Southern Nigerian Civil Service Union owing partly to its ancestry, and more to its elitist origin gave way to a new activism in trade unionism in the late 1930s. A number of factors accounted for this and this is well documented in the literature (see Fashoyin, 1996 Ubeku 1983, Yesufu, 1984, Fajana, 2006, Tokunboh, 1985, Adewunmi 2007). This confluence of events included (a) the effects of the World War I 1914 – 1918; (b) the global depression of the late 1920s (c) the Trade Union Ordinance 1938. The combined effects of all these both in the elevation of requisite consciousness, awareness, and the mobilisation of the working masses were the formation of Nigerian Union of Teachers under Rev. Ransome Kuti, and E. Esua, and the Railway Workers Union under Michael Imoudu. 

According to Yesufu (1984:9) the reasons for the formation of the NUT include:

a) Unsatisfactory condition of service
b) Absence of pension and gratuities
c) Absence of security of tenure
d) Teachers wanted a say in planning curricula and education generally in Nigeria
e) To raise educational and professional standards of teachers in Nigeria.

For the Railway Workers Union, the philosophy behind its formation was markedly different. Militant in orientation and style, it did not lose time to register its presence in the annals of Nigerians Industrial Relations. In fact, it was the first trade union to be officially registered, in 1940, soon after the promulgation of Trade Union Ordinance in 1938. The Trade Union Ordinance, to all intents and purposes marked a significant watershed and a turning point in the history of trade unionism in Nigeria. As if unions were waiting in the womb to be delivered, the proliferation of unions that came on board from 1940 was simply amazing. The growth of Nigerian Trade unions from 1940 onwards was exponential. By
1940 there were only 14 registered Associations, by 1950 the number had increased to 140, while by 1970, it had risen astronomically to 725 (see Yesufu 1984, Fashoyin, 1996, Adewunmi, 2007). The mushrooming of trade unions may not necessarily be on account of the Trade Union Ordinance. Internal schisms, ethnic-politico consideration, leadership ineptitude and infiltration by agents of the state were some of the other reasons fingered by industrial relations commentators (see Ikeanyibe & Onyishi, 2011, Schilinger, 2005). In spite of these seemingly protracted divisions, efforts were made by the leaders of trade unions to form a common labour centre.

CENTRAL LABOUR ORGANISATIONS

The need to have a coordinated platform to speak for the disparate associations of workers led to the formation in the 1940s, and thenceforth, central labour organisations. The Trade Union Congress of Nigeria (TUCN) with lofty objectives was formed in 1942. Fashoyin (1992) opined that the TUCN was organised in response to wartime social and economic challenges. Soon after its formation, the TUCN started having problems mainly from leadership rivalry and the infiltration of agents of the emerging indigenous political elite. They were divided along the lines of ethnic identities that leveraged with the desires of the new political parties. It was not long before it split as ethnicity has started rearing its ugly head in the activities of the labour movement. The Nigerian National federation of Labour (NNFL) took the centre stage with its socialist learning, still buffeted by ideological, ethnic and leadership problems. However, in deference to the ugly fallout of the Coal Miners Strike in 1949, these differences were put aside, even if temporarily, for the formation of a new workers federation, the Nigerian Labour Congress (NLC). This also did not last. In fact, the transmutations of trade unions have been copiously documented that it does not bear repeating here. What is however instructive is that for reasons of ideological differences, ethnic cum religious divide, leadership squabbles, some of these also orchestrated and masterminded by the state, intra-class struggles, greed and corruption, the working class could not form its own central organisation until the wielding of the military stick. It was not until the promulgation of a Trade Unions (Central Labour Organisations) special provision Decree no 44 of 1976, that a sole Administrator was appointed, who now midwived the birth of a Central Labour Organisation – known as the Nigerian Labour Congress with Alhaji Hassan Sunmonu as the first National President. This has continued until 2005, when the Obasanjo presidency in its ill-fated march to a third term conspired to break the ranks of the working class movement by founding through an Act the Trade Union Congress ostensibly to cater for the interests of Senior Civil Servants. The extent to which the state has succeeded in demobilising workers shall be our next focus. But before this is done, let us have the benefit of theoretical insight.

THEORETICAL ORIENTATION

Amidst the array of theories in industrial relations, the radical perspective seems quite apposite in explaining the dialectical undertones that are crucial in understanding the nexus between State and Trade Unions. The radical perspective recognises the contending or contradictory interests in a work place and thus dwells on the emerging inequalities and power differentials that are symptomatic of industrial capitalist society. It looks at the structure of power or more appropriately the distribution of authority position as being the explanatory variable in the occurrence of trade disputes. The radical perspective revolves around the broader theory of conflict, or more precisely, the political economy approach. Political economy explicitly states that societal resources are distributed not on the righteousness of positions, or needs, but according to power (O, Connor 1976). Therefore the behaviour and dynamics of the stakeholders – labour, employers, and government can only be understood in terms of their power and class position in the larger social system. Given the strength of the opponents of the working masses in the capitalist relations of production, the workers need to come to terms with the reality of their “common interests derived from the fact of common deprivation imposed by the Predatory Capitalist System and a common enemy represented by the employer who enjoys the massive backing of the state (Adewunmi, 2007:062). Political economy approach directs our attention to the way power is used in society where, more often than not, successive governments in Nigeria
have come up with unilateral decisions, which they attempt to impose on the unsuspecting workers. The theory also places premium on unravelling the importance of class relationships in shaping the life chances of groups where class refers not only to income but to the position of persons within the social relations of production. The theory further appreciates that even among workers; there are divisions, such as between those who earn heavily and occupy lucrative positions enjoying special welfare packages, and those with little or no benefits at all. The radical theorists take as the cornerstone of their analyses the relationship between capital and labour as the major determinant of social relations (Muller, Wallace and McDonald, 1995). Following this, Dahrendorf (1959) thesis that coherence and order is maintained not by a general agreement of values, but rather, by force and constraint, and also, by the domination of some, and the subjugation of others remains valid and instructive. The radical perspective therefore exposes the character of the state and its consequent partisan role in preserving the economic, political and social conditions necessary for capital accumulation (see Hyman 1975, Miliband, 1969). In capitalist economies, even in dependent capitalist societies, the state is always on the side of the employer in an apparent effort to protect the interest of the bourgeoise, or its pretenders or imitators as in the Nigerian case. The state's interaction with labour in Nigeria, should be viewed from this premise. The pattern of relationship that has subsisted between the state and trade union shall be the next focus.

THE INTERFACE BETWEEN STATE AND LABOUR

In the preceding section, we have tried to demonstrate that the nature of the state to a great extent determines its relationship with labour and the wider civil society. State's involvement, not interference, in labour relations predates Nigeria's independence. Although Nigerian industrial relations practice claimed to have taken off from the British Voluntarist tradition (Fashoyin, 1992), where the employers and employees voluntarily dictate the conditions of service or the terms of contract, but this sadly was not the case. The evidence suggests that quite con-trarily, the state was an active participant in Nigeria's industrial relations (see Ikeanyihe & Onyishi, 2011, Adewunmi, 2007). The point being made was that the voluntarist philosophy which has been eulogised by several commentators (see Yesufu, 2000, Ubeku 1984) was merely mythical or illusory. Aside from the state's promulgation of several laws, (Ikeanyihe & Onyishi, 2011) the state's creation of ad hoc wage Commission, rather than following the tenets of collective bargaining as anticipated by voluntarism helped in demonstrating that the state had more than a passing interest and were committed to ensuring the hegemony of capital, by not allowing unions to pose any threat to colonial interests (see Fashoyin 1992). The handling of the coal miners' strike in 1949 left a bitter taste as 21 miners were killed in cold blood by agents of the colonial state. The alienation, mistrust that this bred continued even after independence.

The military takeover in 1966, closely followed by the Nigerian-Biafra civil war helped to intensify the involvement of the state in industrial relations. Remarkably, the Trade Disputes (Emergency Provisions) Decree of 1968 effectively banned strikes and lock outs in response to the war time exigencies. Even the subsequent dissolution, or reorganisation of labour unions, and the forced imposition by the military regime of Olusegun Obasanjo of one Central Labour Organisation, the Nigerian Labour Congress is illustrative of what Iyayi (2009) rightfully terms Environmental Hostility. Environmental hostility is seen as "the existence of a set of subjective and objective barrier conditions that are consciously erected and sustained by the capitalist state, its agents, or agents of capital, which seeks to limit labours self conscious and self liberating understanding and actions" (Iyayi, 2009:80). Depending on the character of the state, or its disposition, "environmental hostility could be further differentiated into mildly hostile, hostile and deeply hostile (Iyayi, 2009:82).

The militarisation of the polity came with increasing subjugation and repression of workers' rights. Several anti-working class policies were instituted by the military ranging from non-payment of wages and salaries, to forced redundancy, mass retrenchment of workers, ban on employment and a total ban on strikes, forced labour as seen in most states during monthly sanitation (see Nnoli, 2012), and total disregard to collective agreements. The matter became worse with the embracing of Structural Adjustment Programme (SAP) by the
military regime of Ibrahim Babangida. The neo-liberal policies as dictated by International Capital revolved around deregulation, commercialisation, privatisation, removal of subsidies, currency devaluation, shrinking of the state, promotion of private capital, arrest and detention of Trade Union leaders including proscription of Unions. The consequences of these were manifold, namely rising inflation, absence of essential commodities, unemployment and under employment, drop in real wages and low purchasing power (Schillinger, 2005), increased agitations, strikes and other forms of discontent etc. 

Sani Abacha’s military government that hastily sent packing the puppet government of Ernest Shonekan was even more audacious and daring in his handling of labour problems. Sacking all democratic institutions, he wasted no effort in clamping down on all prodemocracy individuals, their organisations and Trade Union leaders. Prominent among these union leaders were Frank Kokori and Milton Dabibi who were detained from 1994 until their release in 1998, following the death of Abacha. Several other union leaders had similar tales to tell (see Imhonopi and Urim, 2011). Even under democracy, starting with the Obasanjo, to the Jonathan presidency, the involvement of the state has continued unabated. The unilateral declaration of minimum wage, irrespective of fiscal federalism removal of fuel subsidy, the balkanisation of the Nigerian labour congress to form the trade union congress, the use of soldiers to disperse workers and their allies on peaceful protest marches, the illegal enforcement of bans on peaceful assembly etc are some of the multiple ways used by the state in harassing and intimidating workers, and also witling down the power of unions (see Adefolaju, 2012).

These measures used by the state to rein in unions have been eloquently described as barriers by Iyayi (2009). These barriers are listed as (a) economic, (b) political – legal, (c) social and, (d) ideological. According to Iyayi (2009: 88 – 81) Economic barrier conditions indicate the range of economic policies, decision and regulations enacted by the state which seek to limit the freedom of action and hence, power of trade unions... maintenance of low wage regime, non payment of wages and salaries, wage cuts and wage freeze, privatisation of public enterprise (b) political legal barriers include the policies and regulation enacted to limit the power of trade union from acting, organising as an independent political force, (c) social barrier conditions like cuts in social or public spending which affect jobs and standard of living of workers, and the subjective ideological barrier that seeks to obfuscate, mystify the deplorable conditions of workers, and imbuing them with false consciousness. Even with these epidemic of roadblocks, the trade unions have been resilient, even vociferous, in engaging the state and other employers of labour towards ameliorating and improving the conditions of the working masses. It is in this wise that the dialectics of the struggle between the state and trade union is situated and better appreciated. The declaration of national strikes by the unions, and other forms of agitation that may even be more harmful to the interests of the state and work organisations, their refusal to be cowed and silenced in the face of awesome powers of the state, their ability to restrain the rampaging state, demonstrate quite vividly that Nigerian trade unions in spite of internal contradictions have come of age.

CONCLUSION

The history of industrial relations in Nigeria reveal that the state and trade unions represent two opposing sides with clearly different interests. It is these opposing roles, interests and tendencies that form the core of Nigerian industrial relations. These tendencies are likely to persist and be replicated for a long time to come. It is very likely that with the “ongoing process of consolidating democracy” in Nigeria, the state will continue to play even more prominent roles in Nigeria’s industrial relations, and expectedly trade unions promise to be even more vibrant. The stage is thus set for renewed struggles between state and trade unions in industrial relations in Nigeria.

REFERENCES


Kelly, J. (1958) Rethinking Industrial Relations


Nnoli, O (2012) Democracy and National Security in Nigeria – paper presented during the 1st Zik Lecture Series organised by the Faculty of Social Sciences, Nnamdi Azikiwe University. 21st Nov


