



LABOUR POLICY AND INDUSTRIAL RELATION; A STUDY OF TRADE UNION SERVICES AND INDUSTRIAL RELATIONS (TUSIR) DEPARTMENT

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ABSTRACT

It can therefore be seen that from 1968, the Nigerian government has progressively moved from the principle of voluntarism in industrial relations practice to that of interventionism. The Nigerian industrial relations laws since 1968 recognize that industrial relations based on a philosophy of trial of strength is not a health one for sustained industrial peace and national tranquility are necessary for a country to have and hold. This paper use content analysis and situate industrial relations policy within the trade union services and industrial relations Department of the federal ministry of labour and productivity of Nigeria. With theoretical framework being reviewed, the study adopted the political economy approach as the best in analyzing the industrial climate in Nigeria. The study revealed that labour legislations could positively or negatively affect industrial relations. The study further recommends that collective bargaining in its pure form, one without the intervention of government beyond the provision of necessary guideline.

Keywords: *Labour Policy, Industrial Relation, Voluntarism, Interventionism, Collective Bargaining, TUSIR*

INTRODUCTION

Labour policy and industrial relations has developed its unique features over time. Again, discrepancies occur between developed and developing world. Indeed, Lexitan et al (1981) noted that in western industrial countries, Trade Unions are likely to be more independent of political leaders and place more emphasis on collective bargaining and economic gains for their members. The labour movements of the developing countries, however, face unique pressures. They have greater difficulty establishing collective bargaining relations with employers, partly because their leaders are likely to be intellectuals whose talents and interest incline

them toward political activities. Rather than collective bargaining in some countries for example, India, Ghana and Israel – the labour movements were used to establish political independence.

Collective bargaining also is impeded by the workers weak bargaining power, caused by labour surpluses and united skills. A major observation from the Nigerian workplace is opposition from political leaders who consider free collective bargaining to be incompatible with industrialization. The basic argument is that unions increase consumption at the expense of production, promote economic instability, and divert resources from capital formation. Reasoning along this line, it become pertinent to note that trade union as defined by Trade Unions Acts Cap. T14 and Trade Union (International Affiliation) Act CAP15 means.

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 benefits for its members.

It follows that the very essence of the growth and development of labour laws is for regulation of the term and conditions of employment. In this vein, it also includes the provision of benefits to its members. The law is not explicit on the conditions of “productionist” or “consumptionist” roles of labour unions. It is within this purview that Federal Ministry of labour and productivity through Trade Union Services and Industrial Relations (TUSIR) department is charged with the mandate of formulation and implementation of strategies that ensure industrial peace and harmony in the country (FMLP; 2014). To achieve these objectives, productivity consciousness among Nigerian workers both in the private and public sectors of the economy has to be raised to align with the policy of the Federal Government. However, in the course of management and workers relationship, disputes/conflicts do arise and in the recognition of these disputes/conflict that occur, Government has come up with trade unions extant labour laws to guide against indiscriminate breakdown of law and order in the workplaces as a result of strikes and lock-outs. Again,

of whose interest are these negotiations? (FMLP, 2014) rightly stated that to achieve the above mentioned objectives, the policies involve amongst other things; formulation of policies and trade organizations, jurisdictional disputes, settlement of inter and intra-unions disputes, mediation, conciliation and arbitration on issues/complaints from Trade Unions and Employers.

The department is also charged with the responsibility of workers' education, advocacy and sensitization as well as maintaining a data base on trade unions and their activities. The Department further ensures that employers and Trade Unions adopt effective social dialogue mechanism and promote collective bargaining, rather than confrontation in resolving industrial relations differences thereby increasing productivity and ensuring requisite security at workplaces which ultimately leads in the economic development of the country.

As it were, the industrial relations climate in Nigeria is fickle. This work is geared at looking at the legislative aspect of labour laws as it affect industrial strike, productivity and efficiency. It is within this ambit that it will be unjust to enforce the freedom of contract between parties who are not of substantially equal bargaining power, from the corollary of ideas it will be only equitable to protect workers in their right to organize and bargain collectively. To this extent, the aforesaid is what leads to the problem statement.

STATEMENT OF THE PROBLEM

One of the major economic objectives of the Federal Government of Nigeria is to be among the developed countries of the world. To achieve these objectives, productivity consciousness among Nigerian workers both in the private and public sectors of the economy has to be raised to align with policy of the Federal Government. These achievements must be tied to an astute labour policy. To understand unions and their impact, it is necessary to understand the interplay between unions and the law. Labour policy has gone through periods of strong encouragement of unions, to modified encouragement coupled with regulation, and finally to detailed regulation of internal union affairs. The legal environment seems to be moving toward increased encouragement of unions. Historically, the laws encouraging the union movement included;

1. The trade union ordinance, 1983
2. The trade dispute (Arbitrational inquiry) ordinance, 1914

3. The labour code ordinance 1945 and
4. The wages board ordinance, 1957

The first category of laws were colonial enactments. They were as such informed by the philosophy of voluntarism in industrial relations practice.

Others are;

- a. The trade disputes (emergency provisions) Decree No. 21 of 1968; amended in 1969 with further changes in 1970.
- b. The Trade Union Decree No. 31 of 1973
- c. The wages Boards and Industrial Council Decree No. 1 of 1973;
- d. The Trade Disputes Decree No. 7 of 1976
- e. The trade dispute (essential services) Decree No. 25 of 1976;
- f. The trade disputes (Amendment) Decree No. 54 of 1977; and
- g. The trade union central labour organizations (special provisions) Decree No. 44 of 1976.

The second provision of legal framework introduced the interventionist approach to industrial relation practice. It becomes pertinent to note that section 12: of the principal Act of Trade Union Act 1990 inserted subsection (3) there of the following new subsection, that is,

(4) Notwithstanding anything to the contrary in this Act, membership of a trade union by employees shall be voluntary and no employee shall be forced to join any trade union or be victimized for refusing to be a member of any trade union.

From the foregoing, voluntarism still exists in the interventionist model as practice in Nigeria. Again, the style of administration by the abolition of the fledging labour centres that were in existence at that time and the subsequent creation of central labour organization in 1978 known as the "Nigerian Labour Congress" (NLC). The misadventure of the central labour body into advocacy in political and economic issues other than industrial Relations matter, made NLC to lose focus on its primary domain of responsibility.

As a result of the foregoing the ultimate use of industrial relations weapon (strike) too often set them against the actualization of government reforms and this, the government wants to curtail by the TUSIR department

This study is saddle with the responsibility of a fundamental principle of social grouping and association in a democracy which will compel the unions to be creative, imaginative and responsive in their membership

drive and in designing programmes that would foster membership intention. To this end, significant studies on labour policy and industrial Relations in Nigeria by notable scholars such as Akpala, 1982, Fashoyin, 1980; Gbosi; 1998, Gingiri, 2002 has all rejected the interventionist approach and oriented to voluntarism. By the provision of Trade Union Act 1990 largely a creation of the military Regime which believed in the centralization of power, authority and absolute control. The current TUSIR model is based on voluntarism while the legal framework backing its operation in interventionism. How can an intervention provision provide an operational framework for voluntarism. This is the gap in knowledge which this study intend to fill.

Objectives of the Study

The general objective of the study is broadly to identify labour policy and industrial relations model in Nigeria as they influence policy making and implementation of TUSIR in Federal Ministry of Labour and productivity.

The specific objectives includes;

1. To decipher the rationale behind an industrial relations policy based on philosophy of trial of strength.
2. To marry the policy statement of TUSIR and its mandate to industrial policy implementation in Nigeria.
3. To explicate democratization of the industrial relations practice in Nigeria and offer option to workers to determine whether or not they want to belong to any unions.
4. To being to perspective those structural conditions which are crucial for understanding strike actions and work stoppages.

Research Questions

The following research questions will help guide the study.

1. What the rationale behind an industrial relation policy based on philosophy of strength?
2. To what extent will policy statement of TUSIR and its mandate to industrial policy implementation in Nigeria relate?
3. What are the reasons for democratization of the industrial relations practice in Nigeria and offer options to workers to determine whether or not they want to belong to any union?
4. What are the structural conditions which are crucial for understanding strike activities and work stoppages?

Significance of the Study

The significance of the study will be divided into two broad areas;

1. Theoretical significance
2. Practical significance

Theoretical Significance

The study reviewed the unitary perspective of industrial relations, the industrial conflict perspective, the system model and settles for the Marxist political economy approach. The political economy approach is a Marxist methodological (theoretical) framework based on dialectical materialism,... assumes that a society's social and political institutions grow out of its economic infrastructure or power base, and that it is from the dialectical conflict between social classes with opposed economic interest that social change takes place" Franham and Pimlott (1979:63) cited in Girigiri (2002:30). The implication of this to this study is that industrial relations analysts are encouraged to go beyond the façade of organizational ideals to specific interests of participants. It allows this study to take into consideration the wider network of factors and interest that impinge on the existing structure of relationship.

The Practical Significance

The study is intended to be beneficial to students of industrial relations, industrial sociologist/psychologist and other related field of study. It will be relevant to labour policy makers and ministry of labour and productivity.

Operational Definition of Concepts

For clarity the following concept should be operational understood as;

Labour Policy: This means the working and outcome of behavior of employers and employees of the general incentives of wages, profit, prices and other employment relationship both internal and external to working conditions.

Strike: This can be defined as period when no work is done because of disagreement over wages or other conditions of employment. Operationally, measure in three phases; (1) counting the number of strikes that occurred during a particular period. (2) Counting the number of workers that were directly involved in the strike. (3) Counting the number of mean-days lost due to strike activities. Industrial Relations: The operational definition is anchored on (Akpala 1982, Girigiri, 1999) definition. It means an interactional activities and their organizations, the

employees and their organizations, and the joint agents of these two, and the government, either as a party or an umpire or both in the regulation of employment relations. Trade Union Services and Industrial Relations (TUSIR): This is a Department in the ministry of labour and productivity charged with the mandate of formulation and implementation of strategies that ensure industrial peace and harmony in the country.

SCOPE OF THE STUDY

The study looks at labour policy and industrial strikes; the role of TUSIR in the ministry of labour and productivity in Nigeria. The choice of TUSIR is deliberate. The Department is charged with the policies involve amongst other things; formulation of policies and trade organizations, jurisdictional disputes, settlement of inter and intra-union disputes, mediation, conciliation and arbitration on issues/complaints from Trade Unions and employers. Thus, the study by way of content delimitation is specifically on TUSIR taking charge of registration of different trade unions, monitoring, auditing of Trade Union Accounts, ensuring the rendition of check-off dues by the unions to the federation of the Trade Unions' account and supervision of their activities to ensure compliance to the extant Trade Union Act. These are within the context of 'interventionism' as oppose 'voluntarism'.

EMPIRICAL REVIEW

To understand the empirical researches done by other scholars. The need for a conceptual model of labour policy and industrial relations must be taken into consideration. The argument adduced above, that is treating industrial relation issues, and aspects of human behavior and the environment in which they occur should be considered (Bain and Clegg, 1974), makes included in an industrial relations study a difficult one, because as argued by Heinemann (1969:4) "the basic problem may be traced to the complex nature of industrial relations with an almost limitless number of variables and interrelationships of variables". One way of coping with this problem is by conceiving industrial relations as being at different levels and, according to Wood et al (1975:298) it could be at National, industry, company or workplace level. In as much as this sort of distinction helps to limit the range of variables to be considered at a time, it helps to create a demarcation between internal and external environments regarding the industrial relation issues being treated.

For example, what can be regarded as external environment in a workplace system of industrial relations, can become parts of the internal

environment at a national level, and the effects and significance of that same environment will be different at each level. Because we are here focusing on industrial relations at National level the discussion that follows, regarding the nature and scope of the variables to be covered in the study of industrial relations will focus at the National level. One group of variables is "rules" and the problem is how to determine which rules are the relevant ones to be included in the study of industrial relations. Cox 1971:141-142) has argued that "the context of the decisions themselves are relevant to the study is so far as they throw light upon the power relations among the actors in an industrial relations system and upon how the system determines the allocation of rewards".

Drawing from the above; of particular relevance to this study is the distinction made by Dunlop (1958: 14) and Flanders (1966:11-12), between substantive and procedural rules. Flanders argued that substantive rules defined jobs and sanctions attached to them thereby indirectly regulating individual members of work organization, whereas procedural rules regulated the making and administration of the substantive rules. The distinction is eminent because our current study of TUSIR from the distinction focuses more on the procedural rules that make and administer substantive rules.

Case I

Empirical work by Alo (2004) showed that the institute of chartered personnel management tend to accept voluntarism as a principle for industrial relations. The research had the trade unions act of 1990 as a labour policy that needs evaluation and assessment of the amendments in terms of best practice and ultimate goals of industrial relations. Its objective was to strengthen labour and compliance with international labour organization requirements. The basic latent objectives includes

1. Neutralize the threats posed by NLC which had served as opposition political machinery.
2. To pave the way for the speedy execution of government reform initiation.
3. To have effective control of governance in the land.

Though the work examine labour policy and industrial relations in Nigeria, the study did not take the statistical survey of any area. It's methodology was limited by content analysis. For rigorous intellectual exercise such as dissertation, samples and its procedure must be taken

into consideration. This current study will tend to use inferential statistics and a case study approach.

Case II

Workers' Attitude to Industrial Relations. This study was carried out by Ahiauzu and Adoki in 1986.

The study focused on the African managers and workers' attitudes to industrial system of participation. The fieldwork for this study was carried out in four manufacturing firms in the south-eastern part of Nigeria. These firms were fairly matched for size and Technology, and each of them had a well-established trade union organization. A total of 480 workers (120 workers from each of the four firm) were involved in the study. We adopted a stratified quota-sampling method in picking the actual workers to be included in the study, and effort was made to ensure that the major sections of each workplace and the different categories of workers were well represented in the sample. The data collection method used was mainly personal interview, using structured, semi-structured and sometimes unstructured interview schedules. The field work lasted for four months.

The workers were asked questions to find out the decision-making systems they would prefer to be adopted in dealing with specific issues at workplace. They were also asked to state the actual system that was normally adopted in their respective workplaces, at the time of interview, in relation to issues. A five-point scheme stating "management matter", "consultation management decision", "negotiation-joint decision" and "trade union decision", was used. The results suggest that the workers would want more consultations and negotiations in the decision-making process, than they had at that time at the workplaces. The result also clearly show that the dominant rule-making method being adopted at the workplaces was "Managerial Regulation". This shows clearly that external factors could be responsible for procedural rules that make and administer substantive rules.

The Question on workers' personal interest in participation and at what levels of the enterprise had the following table.

	W₁ n=120	W² n=120%	W₃ n=120%	W₄ n=120%	Overall average %
More say-own job and conditions	66.67	50.00	58.33	41.67	54.17
More say Departmental level	25.00	16.67	16.67	25.00	22.92
More say-Company as a whole	8.33	25.00	25.00	33.33	22.91

Note: X² calculated with absolute figure is significant at $P \geq 0.05$.

The results of the finding did not use structured questionnaires and this could allow for distorted information. Again the sample size was relatively small to validate such findings.

CASE III

This is a study conducted by Girigiri, (2002) when he conducted a content analysis on Industrial Relations in Nigeria; issues in contemporary public sector crisis. The problem of the study is to x-ray and elucidate the industrial relations crisis that beset the public sector in Nigeria for the period spanning May 1992 and March 1993. Three hypotheses guided the study, one states that the crisis of industrial relations in the public sector in Nigeria is an indication of acute crisis point in the class struggle between labour and capital in Nigeria. This emanates from the exploitation of labour by capital in the latter's local and international ramification.

The secured and related hypothesis is that the Nigerian state, being a peripheral capitalist state (Alavi 1982: 289-306) is unavoidably implicated in the process of capitalist production and accumulation, and ipso facto also implicated in the exploitation of the working class in conjunction with imperialist institutions and powers. By being so implicated the state in Nigeria, especially with reference to the phenomenon under discussion, lost its autonomy and its executives were from all indications. A committee for managing the common affairs of the whole bourgeoisie (Marx and Engels, 1977: 34-38) against Nigerian workers. The third hypothesis is that the apparent benignity, generosity, accommodation and thus the relative weakness exhibited by the state while the crisis lasted, was a function of the attempt by the Nigerian state to compensate for its loss of legitimacy at home on the international front, especially in the eyes of western imperialist powers and institution.

From the data collated by the researcher the study indicate that the crisis in public sector industrial relations in Nigeria has correlation with the degree of levity with which the material well-being of the workers in that sector has been treated by government. The incessant complaints of non-payment of salaries and fringe benefits and non-implementation of duly negotiated agreements by government are testimonies of the nonchalance of government to that effect. In the second case, emphasis was placed much on workplace industrial relations. This narrowed down the effect of the study as extraneous variables were not taken into consideration.

Finally, in the third case, though critically analytical in its presentation, the same area of content analysis and area reliance on secondary data makes the study fall into the same quagmire as the first. Given the relevant data on strikes in Nigeria in the period of 1980-1998 shows that incidence of trade disputes and strikes in Nigerian labour market has been on the increase in recent years. A high incidence of strikes usually leads to disruption in the labour market. And above all, this will adversely affect effective utilization of human resources in the economy. The implication therefore is to show that TUSIR conceptual framework must be articulate to tackle the effect of strikes and work stoppages. Are the labour policies in place adequate to forestall industrial harmony in Nigeria industrial relations climate? These provide the gap in literature.

THEORETICAL REVIEW

Any attempt at a historiography or industrial relations theory in Britain and the United States of America, would most probably start from the work of Dunlop (1958) Ahaiuzu (1999). This because although earlier work in the fields of social sciences had shown interest in labour relations issues, their attention had mainly been directed towards trade unions. In the 1860s, Karl Marx wrote about trade unions, in which he linked the rise of unions with the development of industry and the purported miserable position of the proletarians vis a vis the bourgeoisie, Ju Britain, the Webb's (1896) and 1092) publications focused on the historical development and the analysis of the organization of British Trade Unions. Other writers among whom were commons (1925) Solekman (1949), Kaufman (1951), Galeuson (1952) Norgren (1914) Perlman (1928), Ross (1948) Kaufman (1951), Kerr (1948) and Harbison and Coleman (1951), the majority of whom were from the United States, applied their Economics and Political Science theories, in analyzing trade union organizations and wage determination, which was considered by

most of the writers as the primary function of the union. Following Strinhcombes (1986:15) simple definition of a 'theory' as a statement which says that "one class of phenomena will be connected in a way with another class of phenomena". These early writings only produced what Walker (1977:30) has called "partial theories" of Industrial Relations. This is because they were merely concerned with certain aspects of industrial relations only, and the approaches adopted in analyzing issues were based largely on the individual writer's original basic disciplines. Dunlop's work in which he applied systems thinking in developing an integrative conceptual model of industrial relations, was probably the first major contribution towards the development of a general theory in Industrial Relations.

The System Model

The development of the systems model of industrial relations is credited to John Dunlop. Dunlop is said to have been influenced by Parsonian systems theory-consists of parts interacting within a whole for the survival of not only the whole but the constituent parts. Hence as Dunlop has argued; An industrial relation system at any one time in its development is regarded as comprised of certain actors, certain contexts, an ideology which binds the industrial, relations system together, and a body of rules created to govern the actors at the work place and work community (quoted in Farnham and Pimlott cited in Girigiri (2002) from the above Dunlop isolated three sets of independent variables namely, the "actors", the "contexts", and the "ideology" of the system. By the actors is meant the participants in the system. By the context is meant the technology, monetary constraints within the system, and the distribution of power outside the industrial system which also affects the system, lastly, by Neology, Dunlop means the ideas governing the relationship existing within the industrial relations system, different from those of the order society, which however, must be congruent with the latter.

This model has the weakness of being concerned within the maintenance of the status quo. The criticisms centre around the conservative character of the perspectives, their neglect of inequality in industrial relations. The study cannot use this model.

The Industrial Conflict Perspective

This is otherwise called 'Oxford approach' Parker (1978). The industrial conflict perspective has become less violent because its existence has been accepted and its manifestations have been socially regulated. Darendorf

quoted in Farnham and Pinlott cited in Girigiri, 2002:26). As it stands, this perspective favors the maintenance of the status quo. It assumes away the satisfaction of the parties in industrial relations to remain under the existing politico-economic structures. This approach cannot be used in this study.

The Unitary Perspective

Team spirit and undivided management authority co-exist to the benefit of all Fox (quoted in Farnham and Pinlott (1979:53) cited in Girigiri (2002:25). Expectedly, employees are to remain loyal to the organization and its management. As could be seen, the unitary perspective is typically management oriented. Its theoretical inadequacy and empirical invalidity are apparent.

The Marxist Political Economy Approach

This approach as noted abinitio, is rooted in Marxist methodological framework based on dialectical materialism. The approach has three major characteristics. First, it gives primary to material conditions. Secondly, it emphasizes the relatedness of different elements of society (Ake 1981:1-8). Thus, in our context, special attention has to be given to the unequal economic statuses of the employers of labour and labour itself and the web of relationship between these Departments and Ministry of Labour and productivity. The political economic approach is a Marxist methodological (theoretical) framework based on dialectical materialism assumes that a society's social and political institutions grow out of its economic infrastructure or power house, and that it is from the dialectics conflict between social classes with opposed economic interest that social change take place "Farnham and Pinlot"

The implication of this is that for the study of any social phenomenon the economic structure of society should serve as point of departure. For not only does economic advantage tend to be reproduced in other aspects of social life. It encourages. "Think of the world in terms of continuity and relatedness and with a keen awareness that this continuity is essentially very complex and also problematic. Above all it treats the world as something which is full of movement and dynamism, the movement and dynamism being provided by the contradictions which pervades existence. Indeed it promotes dialectical thinking (Ake 1981:3). The implication of this is that industrial relations analysis are encouraged to go beyond the façade of organizational deals to specific interest of participants.

Central to this position in view of this study is that although industrial relation forms a field of study and practice of its own, it must not be treated in isolation from other aspects of the national social existence. Attention is equally drawn to the exigencies of the economy. This is the view of the fact that industrial relation is first and foremost economic.

Policy Statement

However, in this 1991 budget speech General Ibrahim Babangida again emphasized the need for the adoption of voluntarism in the nation's industrial relations. If nothing, this lends support to government since 1968 has not been of much help than the voluntaristic principle. It also corroborates his contention that an in depth analysis had not been made of the Nigerian industrial relations environment before the authorities resorted to the implementation of new policies. This apparent confusion at the policy level of Nigerian industrial relations tends to be aggravated by the yearning gap at the implementations level. Recently, Babangida in the budget speech cited earlier stated the commitment of his administration to the principle of collective bargaining. Yet, no sooner after, the Nigerian Labour Congress and even employers' associations were embarrassed by the unilateral manner by which the same government fixed the new national minimum wage, in spite of the agreements reached (Guardian Financial Weekly, Monday Jan, 7, 1991).

RECOMMENDATION

The determination of wages takes several ways. This may be done by customs, decrees or through the dynamics of market forces. Wages may also be determined by the process of collective bargaining.

The latter is a process by which the representatives of the parties in labour relations- workers' representatives and management-determine wages and other conditions of service through negotiation. The agreement reached in the process, is binding on workers and management. Such negotiations are usually done within the framework of the guidelines provided by the state. However, the negotiations which may be tedious is usually undertaken by the parties without the intervention of government. For this reason, collective bargaining, in its pure form, one without the intervention of government beyond the provision of necessary guidelines, is known as *voluntarism*.

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