

Collective Bargaining: An Evaluation of Conflict Management Strategies in the University of Lagos, Nigeria

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Abstract

This study investigates the use of collective bargaining as an effective instrument for management of conflict in educational institutions. The study setting was the University of Lagos (UNILAG) using the Academic Staff Union of Nigerian Universities (ASUU) and Non Academic Staff Union (NASU), UNILAG Chapter. Stratified random probability sampling method was used to select 120 respondents. Data was collected via the questionnaire, interviews, and literature search. Data were analyzed using descriptive statistics; frequencies and simple percentages with the aid of statistical package for social science (SPSS) version 15.0. The study reveals that: effective collective bargaining positively affects productivity; there exists an established procedure for conflict resolution in the universities; and that collective bargaining is a veritable instrument for the management of conflict in the universities. The paper recommended that the University should adopt conflict acceptance strategy and focus on its effective resolution strategies to convert the manifestation of conflict into benefits for the university.

Keywords: industrial relations, collective bargaining, employee, trade unions, productivity

INTRODUCTION

This study is based on traditional theory of conflict-Pluralism, proposed by Fox (1966) in Martin (2005), which states that organizations are like family unit with different people of different goals and interest. These different goals and interests are in perpetual conflict with each other. The result of the constant conflict is the breakdown of peace and order in organizations. To avoid these conflicts and to bring peace and harmony in organisations, collective bargaining is a great tool needed by both the employers and the employees.

The Nigerian industrial relations system has been overwhelmed by the incessant industrial conflicts which have manifested in strike actions by workers in different sectors of the economy. The relationship between employers and employees is inherently conflictual and as such cannot be overlooked by the social partners in industrial relations. To show that conflict cannot be avoided by any management either in public or private sector, Fasan (2011) explained that workers at all times will seek for what is commensurate to their input to their organizations in terms of labour and time while employers on their part will seek for the talent, skills and potentials of workers and in return reciprocate the workers efforts monetarily to such extent that could not affect their profit margins. These relationships between the employers and employees are naturally conflictual because what is gain to the workers in terms of wages are seen as cost by the employers, therefore making

conflict between the workers and their employers inevitable in any organisations.

It has been rightly observed by Okuwa and Cambell (2011) and Alyu (2011) in Uma, Obidike, Eboh and Ogbonna (2013) that the most frequent problem in Nigeria in recent times is the incessant industrial action. They further observed that strike has permeated the fabrics of the society. According to them:

If it is not the National Union of Teachers (NUT), Academic Staff Union of Universities (ASUU), it will be health workers or other important sectors' union. In 2000, 2001, 2002, 2003, and 2009, the Academic Staff Union and other government establishments embarked on industrial disputes for increase in salary, implementation of agreement, adequate funding, reduction in cost of living, amongst others.

Industrial conflict expressed in whatever form according to Armstrong (1999), poses cost to all industrial relations actors, which is why certain mechanisms and approach have to be used to reduce the effects of conflict in industry and to prevent the deployment of all forms of costly expressions. Sharing the same line of thought, Nwachukwu (2004) explained that the workers and their employers must always reach an agreement when bargaining to avoid the industrial conflict especially when the issue has to do with hours of work, salary and wages, annual

leave, allowances, maternity leaves, retrenchment among others.

Anyim, Chidi and Ogunyomi (2012), while supporting Armstrong (1999), argued that industrial conflicts or trade disputes have both costs and benefits on the three social partners in industrial relations; government, labour and management and even the society at large, especially as it has to do with the employment or non-employment of any person; as well as with the terms of employment or physical conditions of work of any person. Imberman (1979) in Anyim et al (2012), noted that the cost of industrial disputes be it strike or otherwise will always outweighed the benefits, and have a great bearing on the smooth and orderly development of a country's economy and the maintenance of law and order in the society.

The use of the strike weapon by workers constitutes part of the collective bargaining process. To drive home the importance of strike as a collective bargaining strategy, Sharma and Kumur (2014) explained that the right to strike is labors' ultimate weapon and in the course of the century, it has emerged as the inherent right of every worker and that it is an element, which is of the very essence of the principle of collective bargaining. They further opined that this method is used by labour to bring the employer to see and meet their point of view over the dispute between them. According to them, the cessation or stoppage of works whether by the employee or the employer is detrimental to the production and economic well-being of the society as a whole. In their view, it is for this reason that the labour legislation while not denying the right of workmen to strike, has tried to regulate it along with the right of the employer to lock-out and has also provided machinery for peaceful investigation, settlement, arbitration, adjudication of the disputes between them.

Anyim, Elegbede and Gbajumo-Sheriff, (2011b) went on to argue that collective bargaining is the main machinery that workers' representatives and their employers use to not only consider the demands of workers but also to resolve conflict, so as to achieve organization goals and objectives.

The relevance of collective bargaining has been discussed by various writers. For instance, Otobo (2005), stated that collective bargaining as a term was used by Sidney and Beatrice Webb to cover negotiations between workers group and employers as against individual bargaining. It is on similar note that Chamberlain and Kuhn (1965), opined that collective bargaining performs three functions; as a means of contracting for sale of labour (marketing concept); as a form of industrial government (governmental theory); and a method of management

(industrial management concept). They further explained that collective bargaining is a means of buying labour in the labour market with the use of employment contract, having rule making process that governs trade unions and management relationship especially in the areas of reaching decision on matters of interest to all social partners.

While Anyim, Ikemuefuna and Ogunyomi (2011a), on their part opined that in all industrial relations systems there are disagreements and disputes among various contending interests and collective bargaining democratic principles are required to resolve the disagreement and disputes as to have industrial harmony and peace. Fajana (2000) in Anyim et al (2011a), saw collective bargaining as the process of resolving industrial conflicts in every industrial relations system.

In the views of (Yesufu, 1982; Ubeku, 1983; Fajana, 2000; Henry, 2004; Onah, 2008), to avoid industrial conflict, collective bargaining is used in determining the working conditions and terms of employment between the employer(s) and workers' representative. In other word collective bargaining plays the major role of resolving industrial conflicts by permitting decisions on salaries, hours and working conditions to be made jointly between employee and employer representatives through collective agreement.

Lemay (2002), Okanachi (2003), Bamiduro (2008), in their own view saw collective bargaining as the mechanism that furthers basic union purpose on behalf of workers of protecting the workers as opposed to an individual worker representing him or herself. As far as they are concerned, collective bargaining de-emphasises individualism but encourages collectivism between employers and their employees. The International Labour Organization, ILO (1960), made it clearer when it insisted that collective bargaining is negotiation of working conditions and terms of employment between employers, a group of employers or one or more employers' organizations on one hand; and one or more representatives of workers' organizations on the other with a view of reaching agreement on working conditions and terms of employment and or regulating relations between employers and workers, and or regulating relations between employers or their organizations and a workers' organisation or workers' organisations". As far as the International Labour Organisation (ILO) is concerned collective bargaining is the core value that is linked to the freedom of association and the right to strike.

In support of the ILO Conventions, Rose (2008) insists that in collective bargaining, the representatives of employers and employees must jointly determine and regulate decisions pertaining to both substantive and procedural matters within the

employment relationship through collective agreement. For Appah and Emeh (2012), collective bargaining establishes the set rules guiding relationship between parties during the life of a collective agreement, and also gives method of settling grievances that will occur from time to time. Fajana (2002), stated that through collective bargaining, workers gather a great weight of influence to protect several heterogeneous interests in organisations. Various researchers (Hyginus 2010; Anyim, et al., 2011b; Okeye and Chukwuemeka, 2012; Onabanjo, 2013) opined that collective bargaining is a form of industrial jurisprudence and industrial democracy because it is used to resolve workplace conflict between labour and management and allow workers participate in the decision making process of the organisations.

All over the world as noted by (Anyim et al 2011b), industrial relations practice and collective bargaining emanated from the private sector and then moved into the public sector. The opposite is the case in Nigeria as collective bargaining practice started in the public sector due to the absence of private sector at the turn of the century. Despite this pioneering effort by the public sector, they (Anyim et al 2011b) questioned the effectiveness of collective bargaining in the Nigerian public sector. This is because, according to them, collective bargaining in the public sector in Nigeria which started with Hunt Commission of 1934 merely modified bargaining relationship, the structure and scope of collective bargaining. The government pays lip-service to the use of collective bargaining machinery, because at all levels, they have continued to set aside the use of collective bargaining in favour of wage commissions in granting wage awards. Wages in Nigeria public sector are determined by fiat, there by offering little opportunity for workers' contribution in the determination of terms and conditions of employment. Therefore, the use of fiat in Nigeria public sector is a mockery to collective bargaining machinery and hence not in line with the ILO Convention (1960).

It is the view of (Chidi, 2010; Anyim et al, 2011b), the use of ad-hoc commissions in addressing workers' demands such as wage determination and other terms and conditions is unilateral and undemocratic as it negates good industrial democratic principles. The fixing of minimum wages in Nigeria, has always been carried out without any effective tripartite collective bargaining, the latest being the #18,000 National Minimum Wage. This does not only undermine the relevance of collective bargaining in Nigeria public sector, but has also made it antithetical to democratic values. The consequences of these actions are the serious industrial conflicts we witness frequently in almost all sectors of Nigeria economy. The above supports Kester (2006), who opined that having no definite and effective wage

determination policy results in spates of industrial unrest.

An effective collective bargaining may be a source of competitive advantage when applied to the resolution of any form of industrial conflict in organisations. Organisations with well-developed industrial relations systems that recognize unions for collective bargaining as a company policy are always able to manage their workplace effectively and hence maintain a reasonable level of stable relationship with the workforce. Effective collective bargaining system enables free flow of communication among all industrial actors and this brings about better performance from them and thus enhances the achievement of overall organisational goal.

It is in the light of the above that this paper sought to answer the following research questions to see how well collective bargaining can be used as an instrument for conflict resolution and management.

RESEARCH QUESTIONS

- Does University of Lagos have an established procedure for conflict management?
- How does collective bargaining procedure used in the school affect the productivity of the University of Lagos employees?
- What other method outside collective bargaining as an instrument of conflict settlement does the University of Lagos use?

HISTORY OF UNIVERSITY OF LAGOS

In a bid to beef up the workforce for a newly independent Nigeria for rapid industrial and economic development, the Federal Government in May 1959 set up the *Eric Ashby Commission on Post School Certificate and Higher Education in Nigeria*. The Ashby Commission's report, titled *Investment in Education*, recommended the establishment of a new university in Lagos (University of Lagos), the then Federal Capital, to offer courses in Commerce, Business Administration, Economics and Higher Management Studies to intensify the training of a professional workforce. The University of Lagos was established on 22nd October 1962 on the authority of the University of Lagos Act of 1962, two years after Nigeria independence on October 1, 1960.

The Act provided for an eleven-member Provisional Council for the University, a Senate to preside over academic affairs, and a separate Council for the Medical School. The University consisted of two separate institutions—the main University and an autonomous Medical School. The first academic session in the university commenced in 1962/63 with a student population of 72 in the three pioneer faculties: Commerce and Business Administration, Law and Medicine. In 1967, the government promulgated the University of Lagos Decree (Decree

No. 3 of 1967) that established a single Council for the whole university. The University currently has a School of Postgraduate Studies, a Distance Learning Institute (DLI) and twelve faculties: with 12,581 postgraduate students and 41, 615 undergraduate student enrolment as at 2012/2013 session.

The staff strength of the university as at the end of 2012/2013 session was 3,747 made up of 2,344 male and 1,403 female organised by four trade unions. The unions are: Academic Staff Union of Universities (ASUU), Non Academic Staff Union (NASU), Senior Staff Association of Nigerian Universities (SSANU) and National Association of Academic Technology Employees (NAATE)

RESEARCH METHODOLOGY

The setting of this research is the Nigerian federal government funded University of Lagos. A cross-sectional descriptive survey research design is adopted for this study. The population of the study is made up of the members of the Academic Staff Union of Universities (ASUU) and the Senior Staff Association of Nigerian University (SSANU), University of Lagos Chapter both male and female with similar job nature and levels of work. Data was collected via the questionnaire, interviews, and secondary source. A sample size of 120 of the total population was selected through the stratified random probability sampling method. Data were analyzed using descriptive statistics such as frequencies and percentages with the aid of Statistical Package for Social Science (SPSS) version 15.0.

DATA ANALYSIS

Table1

QUESTION	RESPONSE	FREQUENCY	PERCENTAGE (%)	CUMULATIVE PERCENTAGE (%)
Sex	Male	75	62.5	62.5
	Female	45	37.5	100.0
	Total	120	100.0	
Age	18-25	35	29.2	29.2
	26-35	41	34.2	63.4
	36-45	25	20.8	84.2
	46 and above	19	15.8	100.0
	Total	120	100.0	
Marital Status	Single	33	27.5	27.5
	Married	84	70.0	97.5
	Divorced	3	2.5	100.0
	Total	120	100.0	
Work Experience	Below four years	25	20.8	20.8
	Four – six years	25	20.8	41.6
	Six – Eight years	50	41.7	83.3
	Eight years and above	20	16.7	100.0
	Total	120	100.0	
Educational Qualification	BS.C/HND	35	29.2	29.2
	M.SC/MBA	55	45.83	75.0
	Ph.D.	30	25	100.0
	Total	120	100.0	

Source: field survey, 2014

Table 1 indicates that the respondents is male dominated (with 62.5% as regards gender classification of the respondents. As regards age classification, respondents between the age 26 to 35years dominated the sample with 34.2% of age distribution. This directly implies that the respondents are mature and should be capable of providing objective responses. The population of the respondents is also dominated by married people representing 70% of the total respondents. The population is equally made up of well-experienced individuals with years of experience ranging from six to eight years, with 41.7% of the total population. The population is as well dominated with well-educated and enlightened respondents with M.SC/MBA certification, representing 37.5 % of total population.

The implication of the above analysis is that there is high possibility of obtaining objective responses from respondents due to their level of maturity, experience and educational standards. This is justifiable basically due to the educational background and standards as well as experience of the larger respondents which depicts their relative exposure to the importance of this research study to organisational effectiveness. Simply put, the educational qualifications of the respondents will enable them appreciate the relevance of this research to their organisational effectiveness and thus made them provide unbiased responses to the questions contained in the questionnaire.

Table 2

QUESTION	RESPONSE	FREQUENCY	PERCENTAGE (%)	CUMULATIVE PERCENTAGE (%)
The existence of conflict is unavoidable in university of Lagos and its manifestation has effect on organizational performance.	SA	67	55.83	55.83
	A	52	43.3	99.13
	INDF.	1	0.83	100.0
	SD	-		
	D	-		
	Total	120		
Conflict is a necessary determinant factor of employees' productivity	SA	56	46.67	46.67
	A	54	45.0	91.67
	INDF.	10	8.333	100.0
	SD	-		
	D	-		
	Total	120		
Conflict basically affect employees' and organizational productivity	SA	25	20.83	20.83
	A	74	61.67	82.5
	INDF.	21	17.5	100.0
	SD	-		
	D	-		
	Total	120		
Conflict and conflict management are useful areas of focus in order to better understand organizational performance.	SA	55	45.83	45.83
	A	65	54.17	100
	INDF.	-		
	SD	-		
	D	-		
	Total	120		
Conflict in the university is influenced by several factors	SA	30	25.0	25.0
	A	85	70.83	95.83
	INDF.	5	4.17	100
	SD	-		
	D	-		
	Total	120		
Conflict can be managed in all universities especially in your university	SA	54	45.0	45.0
	A	45	37.5	82.5
	INDF.	21	17.7	100
	SD	-		
	D	-		
	Total	120		
Universities must also pay close and special attention to how conflict should be resolved and managed	SA	34	28.33	28.33
	A	65	54.167	82.497
	INDF.	21	17.7	100
	SD	-		
	D	-		
	Total	120		
Collective bargaining is one of the established procedure or tools through which conflicts arising from work environment could be resolved in the university	SA	65	54.167	54.167
	A	54	45.0	99.167
	INDF.	1	0.833	100
	SD	-		
	D	-		
	Total	120		
The University has other strategies for settlement of dispute between management and unions	SA	52	43.33	43.33
	A	66	55	93.33
	INDF.	2	1.667	100.0
	SD	-		
	D	-		
	Total	120		
Collective bargaining is a Strategic /veritable instrument for effective resolution of industrial conflict and positively affects university employees' productivity.	SA	54	45.0	45.0
	A	66	55.0	100
	INDF.	-		
	SD	-		
	D	-		
	Total	120		
Collective bargaining replaces weak individual attempt by workers and management to manage industrial conflict	SA	44	36.67	36.67
	A	65	54.167	90.837
	INDF.	11	9.167	100
	SD	-		
	D	-		
	Total	120		
There is prospect for collective bargaining in the university	SA	63	52.5	52.5
	A	57	47.5	100.0
	INDF.	-		
	SD	-		
	D	-		

	Total	120		
Collective bargaining evolved as a means of introducing democratic principles into employer – employee relationship	SA	38	31.67	31.67
	A	65	54.167	85.837
	INDF.	17	14.167	100
	SD	-		
	D	-		
	Total	120		
Management greatly interfere in the affairs of the unions in the university	SA	18	15.0	15.0
	A	22	18.33	33.33
	INDF.	39	32.5	65.83
	SD	11	9.167	74.997
	D	30	25	100.0
	Total	120		
The interference of management in union affairs affects union activities	SA	18	15.0	15.0
	A	22	18.33	33.33
	INDF.	39	32.5	65.83
	SD	11	9.167	74.997
	D	30	25	100.0
	Total	120		

Source: field survey, 2014

The analysis on the above table shows that 99.13% of the respondents agreed to the proposition that the existence of conflict is unavoidable in all organisations and it poses either positive or negative effect on organizational performance. According to Fashoyin (1992), conflict is inevitable in organisations as a result of the inherent opposing interests of employers and employees in work relations

Item two reveals that 91.67% agreed that conflict is a necessary determinant factor of organizational productivity, and 8.33% are of the opinion that it is indifferent.

In item three of the table above, conflict basically affect organizational productivity gains 82.5% responses from the respondents who agreed to the proposition, and the 17.5% responses was shown to be indifferent.

Item four of the questionnaire analysis shows that conflict and its management are useful areas of focus in order to better understand organizational performance owing to 100% agreement recorded from the respondents' responses.

Item five in the analysis pointed out that conflict in the public sector is influenced by several factors as 95.83% of the respondents agreed to the proposition, while 4.17% respondents' views were indifferent.

The sixth item proposed that conflict can be managed in all public sectors especially universities as shown in the table recorded 85.2% of the respondents who agreed that it can be managed, and 17.7% responses were indifferent.

The seventh item of the questionnaire analysis reveals that organisations must also pay close and special attention to how conflict should be resolved and managed, following the high percentage

recording of 82.4% as agreed by the respondents, and 17.7% responses were indifferent.

Item eight of the table shows that 99.1% of the respondents agreed to the proposition which states that collective bargaining is one of the tools through which conflict arising from work could be resolved while 0.83% was recorded as indifferent. This is in line with the views of (Ubeku, 1983; Fajana 2000; Anyim et al 2011) that collective bargaining is used in resolving industrial conflicts and that is why industrial relations is viewed as simply the process of conflict resolution.

Item nine reveals that all respondents agreed that the university has other formats for settlement of dispute between management and unions as 93.33% was recorded while 1.66% is shown to represent indifferent position by respondents.

Item ten reveals that all respondents agreed that collective bargaining is a veritable instrument for effective resolution of industrial conflict which positively affects the productivity of university employees'. This is a further confirmation of the conclusion drawn using item eight above.

Item eleven of the analysis reveals that 90.83% agreed that collective bargaining replaces weak individual attempt by workers and management to manage industrial conflict. This finding supports the age long view of the Webbs (Sidney & Beatrice Webb), that collective bargaining was simply the alternative to individual bargaining (Otobo, 2005, p.129).

Another interesting item is the item twelve of the analysis, which shows that all respondents agreed to the proposition that there is prospect for collective bargaining in the public sector. It is true that collective bargaining is undermined in the process of public sector wages determination, but in the area of conflict resolution, the prospect of collective bargaining is high as can be observed from the 2013

ASUU strike which was resolved through the instrument of collective negotiation.

Item thirteen shows that collective bargaining evolved as a means of introducing democratic principles into employer-employee relationship as 85.83% responses agreed and 14.16% of the responses were indifferent. According to Chamberlain and Kuhn (1965), collective bargaining as a system of industrial management affords the workers through their unions the opportunity to partake in those matters viewed as exclusive right to the management otherwise known as management prerogatives.

Item fourteen and fifteen show that 34.16% disagreed to the proposition, 33.33% agreed and 32.5% were undecided remaining indifferent to both the proposition that management greatly interfere in the affairs of the unions in the university and that the interference of management in union affairs affects union activities. This implies that there is no consensus in the opinion that management does not greatly interfere in the affairs of the unions in the university, and its interference in union affairs does not affects union activities, if any. The reason for this position may be that the interference may not be open but in a subtle way. In our discussion with some ASUU members, it is observed that the delegation of the administration usually attend Union Congress on the days critical motions are to be voted on by members. However, the effect such visits has on the outcome of such votes remained an area for empirical investigation.

In all, the interpretation of the table shows the following:

- It reveals that effective collective bargaining positively affects productivity.
- It shows that there exists an established procedure for conflict resolution in the universities.
- That collective bargaining is a veritable instrument for the management of conflict in the public sector.
- There is a lot of prospect for collective bargaining in the university.

CONCLUSION

Universities or any other government and private institutions with an open, sound, qualitative and effective collective bargaining system, has a strong cornerstone of activities and vital strategic practice that will facilitate genuine relationships among its' industrial actors which in essence is appropriate for the achievement of organizational goal and gaining of organizational competitive advantage. This study shows that effective collective bargaining as an instrument for the management and resolution of conflict enhances university effectiveness in

managing conflict, which in turn brings about stable relationship among actors in the university and thus enhance employees' and organizational productivity. Universities and other institutions should therefore adopt conflict acceptance strategy and focus on its effective resolution strategies to convert the manifestation of conflict into benefits for their organizations. Above all, universities should give priority to collective bargaining technique and process in the organization to ensure a quality negotiation system which is capable of building positive relationship between them and their workforce and therefore bring about greater chance of achieving organizational goal. Universities should be proactive in recognizing certain barriers that may pose threat to collective bargaining processes and strive to eliminate such barriers in order to facilitate genuine negotiation among their members in the workplace irrespective of positions, interests, and preferences. Consequently, because effective collective bargaining is an important phenomenon to proper functioning of the university, management and unions are to maintain and promote quality practices in this area, if they want to bring about sustainable development in their school.

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