

Assessment of factors responsible for incessant labour crisis in Nigeria: implications for universities stakeholders

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ABSTRACT

Labour crisis in education sector makes planning, organising, controlling, budgeting and implementation of academic and nonacademic activities to be very difficult to achieve. Labour crisis in education settings is a problem that has lingered on for too long, and yet nothing serious has been done about it. Management of labour crisis in Nigeria educational sector requires the attention of the government, educational managers, teaching and non-teaching staff, students, parents as well as other relevant stakeholders like the court of law to bring the desired peace that is void of incessant crises that characterised the Nigeria education system. Therefore, everyone must play his or her role by abiding to agreements of contract and other signed documents like memorandum of understanding among others. Educational managers faces the challenge of re-planning educational activities, re-organising educational inputs, re-coordinating process variables, re-preparing the school calendar, re-teaching lessons, re-assigning old task to new staff and not achieving certain long term goals due to the prolonged un-accomplishment as a result of the crisis. Labour crisis is an event that consumes and waste a lot of time and energy which implies that urgent attention is needed to solve this problem, hence, the need to assess the factors responsible for incessant labour crisis in Nigeria.

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1. INTRODUCTION

The human world is full of crises. Crises arise as a result of disagreements between two antagonising or conflicting groups. Crisis in this regard is a state of disharmony that could be brought about by differences of impulses, desires or tendencies (Canavan & Monahan, 2001). It is a form of disagreement between two or more parties (Abiodun, Dele & Abimbola, 2015). It could mean strife, controversy, discord of action, antagonism of interest (Abdu-Raheem, 2004). The contradiction can be in ideas and views of workers and managers since the goals of different stakeholders in an organisation often differ and are incompatible. Labour crisis is the inability of parties involved in employment relations such as employers and employees represented by their unions or groups to reach agreement on any issue connected with the object of employer-employee interactions (Fajana, 2000). Labour crisis could also be seen as a breakdown of cordial relationship between labour and management over the rights and interests in matter relating to organisation procedures. Labour crisis is thus, the result of an unpalatable, imbalanced and antagonistic relationship and interaction between and among parties involved in industrial relations. The importance of this is that labour crisis is an expression of not-so-good and hostile relationship between and among (inter and intra) industrial relations parties. That is, labour crisis can occur between labour and management, but also between labour and labour or between employers and employers. Hence, such crises are symptoms of industrial unrest in which both workers and management try to pressurise each other.

Labour crisis in the education sector with reference to developing country like Nigeria must be considered a cause for serious concern because of the great value attached to education. It is widely acknowledged that education has social, economical, political, and security benefits for an individual, for a society and for a country. Education is almost everywhere considered as the key to economic prosperity and a vital instrument for combating disease, tackling poverty, and supporting sustainable development. While labour crisis is bound to exist, its prevalence and re-occurrence, as in Nigeria context, express the existence of unhealthy relationship between key actors in any organisational setting (Wokoma, 2011; Ogunbameru & Oribabor, 2000).

Since the return of democratic system of governance in the country in 1999, labour crises have become endemic. It is apparent that Nigeria is under serious labour crisis with overwhelming evidences of series of conflicts in the education sector from primary education through secondary to tertiary education. The attendance of these conflicting unions in all the levels of education includes the Nigerian Union of Teachers (NUT), Academic Staff Union of Polytechnic (ASUP), Senior Staff Association of Nigerian Polytechnics (SSANIP), Colleges of Education Academic Staff Union (COEASU), Senior Staff Union of Colleges of Education of Nigeria (SSUCOEN), Senior Staff Association of Nigeria Universities (SSANU), Academic Staff Union of Universities (ASUU), Non-Academic Staff Union (NASU) and National Association of Technicians (NAT) among others are the most recognised union within the school system under a larger umbrella of Nigeria Labour Congress (NLC) and the Trade Union Congress (TUC). Obviously, strike becomes the only weapon to be employed by these workers to compel a recalcitrant employer especially the government who is there employer to recognise and bargain with the identified trade unions, to comply with the terms and conditions of an employment relationship.

The incessant crises by these unions are due to the non-fulfilment of one need or the other by the management which have disrupted the school calendar and academic excellence are fast paving way for mediocrity and academic backwardness. In Nigeria, there is hardly a full academic session that student and staff crises will not occur in one institution or the other especially in the areas of funding and welfare and the end result to loss of studies, delayed graduation for students and economic waste for students, parents and the country as a whole (Oyetakin, Alabi & Kayode, 2012). These problems have over the years been a subject of great concern to all stakeholders in the sector. The university as role models of innovation and agents of change (through relevant manpower training, the acquisition development and inculcation of proper values for the development of intellectual capability of individuals to understand and appreciate the local and external environments), like any other institutions of the world is not without potential negative features, incompatible behaviours and conflicts which might be counter-productive and give rise to inefficiency, ineffectiveness or dysfunctional consequences in the achievement of goals and

objectives (Adepoju & Sofowora, 2012; Uchendu, Anijaobi-Idem & Odigwe, 2013). Given that crisis is inevitable in any university is not an exception, the point of view is, how to react to, respond to and manage these issues so that positive changes will be realised and negative effects minimised. The above statement may be responsible for the continuous growing concern of all stakeholders in the education industry on relations that are likely to affect the education system, as well as the implications such relations will have on the management and administration of education. The preceding goals and objectives of education can only be achievable under a well supportive and conducive environment made possible by a good relationship from both the management and staff. This synergy between the management and staff will be engaged in the pursuit and accomplishment of educational goals. Staff are essential to the means of production, hence, they deserve to be treated with respect, this will in turn improve their sense of worth and belongingness, boost their self-esteem and act as a sort of motivation to drive them to have more passion for their job and increase their productivity.

1.1 Causes of Labour Crises

Several factors determine the cooperation of both the labour and management either to become harmonious and cooperative relationship or a strained and non-cooperative one. However, from time to time, politicians, academicians, administrators, educators, parents, students and opinion leaders either called for a rescue mission and intervention in the education sector or lamented what they consider as decline and decay in the education sector. Their lamentation is usually based on the standard and percentages of university graduates that are unemployable because of their poor quality and slow progress towards meeting the developmental needs of the country (Wokoma, 2011). The following are some of the identified factors why workers and their unions result to creating crisis; dissatisfaction with organisation policy which may be unpopular and harsh, poor funding, non-compliance to agreement, wrongful discharge or dismissal of workmen, withdrawal of any concession or privilege, hours of work and rest intervals, dispute connected with minimum wages, refusal of union recognition, political views on conflicts between the working class and their employers, introduction of new technology which affect the traditional ways of doing work among others. Tensions created by labour crisis in the country have become alarming. This would prompt a discerning mind to enquire for an understanding as to the reasons and causes of labour crises. Though there may be ready answers to this, the crises of education in Nigeria have different dimensions and manifestations but efforts in this study were based on internal and external factors as discussed below.

Poor funding: Amadi and Urho (2015) noted that the annual budget on education is low compared to the budget made for other things in the state. For example, budget for elections and numerous huge amount of money mismanaged could be responsible for the existing poor teaching and learning facilities in our universities and poor quality graduates produced. The United Nations in an attempt to improve education in Nigeria recommended that 26 percent of the Nation's budget should be channeled into the education sector. It has been noticed that Nigeria Government has never met such conditions, this further results in many institutions of learning being underfunded with the recurrent national single budget digit for education that often characterise with poor infrastructural supplies, poor payment of salaries and poor maintenance of existing school plants which often makes various educational bodies to get upset with the poor work flow and poor remuneration pattern. The above scenario account for the labour crises that occurred on 20th of May, 1980, when a trade disputes was declared with the Governing Councils of Universities in Nigeria, which demanded improved funding of the universities, academic freedom, autonomy as well as the setting up of a special body to review the conditions of service of the universities' staff (Owoeye, 1991). Also, in 1992, members of Academic Staff Union of Universities (ASUU) declared an industrial dispute, over gross underfunding of universities in Nigeria, poor conditions of service of the academic staff, university autonomy, as well as the need for academic freedom. The strike lasted for about nine months nationwide and a separate Salary Scale tagged 'University Academic Staff Salary (UASS) was approved by government. This further triggered another strike by the Non

Academic Staff Union (NASU) members, which sought parity in salary with the Academic Staff Union (ASUU).

In February, 1993, the University Academic Salary Scale (UASS), earlier approved for ASUU members, was cancelled and replaced with an Elongated University Salary Structure (EUSS). This made ASUU to declare another strike action on the 3rd of May, 1993, to challenge the cancellation of the previously approved UASS. Though the strike lasted for about five months and the resultant effect led to the cancellation of the 1993/94 academic session in most universities. Furthermore, in November 2016, ASUU went on a one-week warning strike. That strike was a culmination of the persistent call on the Federal Government to address issues bordering on how to re-position the Nigerian university system, based on the desire to deal with the rot and decay in the system. An understanding was reached on the issues leading to the warning strike, but government again did nothing immediately the strike action was suspended. Till today, the stories have not change as various public educational institutions still engage government on same issues at every given time. Elsewhere, in country like United State of America on the issue of poor funding of education system, Cortes V. Mujica ELC successfully challenged a decision by New York State's Director of Budget to withhold grant funds appropriated by the Legislature to improve school performance, resulting in the release of \$69 million dollars in transformation grants to nine schools. Also NYSER V. State ELC joined Michael Rebell and Morgan Lewis and Bockius in the NYSER lawsuit to compel New York State to fulfill its constitutional obligation to adequately fund the public schools in the wake of the landmark campaign for fiscal equity rulings. The case alleges that chronic underfunding has deprived students of essential education resources, including teachers, reasonable class size, tutoring, social workers, and interventions for at-risk individuals.

Non-compliance to agreement: Workers and employers usually reach agreements after negotiations but in some cases one party may refuse to honour the agreements. For example, Since December 2002 ASUU has been on total strike following Federal Government failure to honour the agreements it reached with ASUU in 2001 over proper funding. Again, on 22nd of June, 2009, the national bodies of ASUU declared a total and indefinite strike, to compel Federal Government of Nigeria to sign the agreement reached with ASUU on the re-negotiation of June, 2001 FGN-ASUU Agreement. A report by Odim, Annastashia and Solomon (2018) also indicated that all the tertiary institutions in Kwara State embarked on a strike, demanding for one hundred percent implementation of the Consolidated Polytechnics and Colleges of Education Salary Structure (CONPCASS) and the Consolidated Tertiary Institutions Salary Structure (CONTEDISS), effective from January, 2009.

Also, in October, 2010, all the Universities in the Southeast zone of Nigeria embarked on an indefinite strike, where they demanded for the implementation of the agreements signed with ASUU, particularly on salary and allowances. The August 14, 2017 ASUU crises occurred due to Government failure to comply with already signed agreements in 2009 and memorandum of understanding (MoU) endorsed by both parties in 2012. The strike lasted for over a month and was temporarily called-off on the 17th of September, 2017 pending when the government will implement the new agreement. Areas of the new agreement included funding for revitalization of public universities and the issue of earn academic allowances, the issue of university staff schools and the implementation of the judgment of the national industrial court, national universities pension management company and guidelines for pension matters for professors. It is amazing that majority of this agreement is yet to be fulfilled as the national executives of ASUU are threatening to embark on another school lock out as at the beginning of September, 2021.

Refusal of union recognition: workers often resort to crises so that the employer would recognise them as a union and thus, make them parties in collective bargaining. For example, in Osun state university there was a faceoff between university workers and the management on various issues. The most recent was the arbitrary termination of academic staff of this university by the management based on the recommendation of the government that majority of the affected staff refuse to upgrade on their job. The allegations levied against the affected workers were their inability to update their credentials, refusal to attend seminars and low publications in local

and international journals. This led to faceoff between both parties and the joint labour union members of Nigeria Labour Congress (NLC) take the matter up for redress. All these acts of arbitrariness dictatorship have put the three labour unions; ASUU, SSANU and NASU on collision with the management of many universities. The blatant refusal of university management to allow for participatory decision-making has also caused some problems. The contention has always been that all segments of the university, namely academic and non-academic staff; students and public at large must be involved in the administration of the system.

Also, in the month of May, 2021, Kaduna state government take a drastic action to reduce the number of workers under Kaduna state payroll due to monthly allocation which seems not enough to maintain workers and deliver social amenities as promised by Governor Nasir El Rufai led government to the citizens. Earlier the same government also retrenched workers in the teaching service commission on issues relating to incompetence. However, this decision meant a total rejection by the state leadership of Nigeria Labour Congress led by Comrade Ayuba Magaji Sulaiman that the government cannot just wake up and decide to sack over 7000 workers, without any notice or severance payment for the affected workers (Vanguard, 2021). Together with other labour unions within the state and national levels were of the belief that these workers are human beings with families as dependants; hence the decision was seen as a bad one and it calls for a plan to shut down the state for five days as a warning strike. Here too, the negligence of Kaduna state government to allow for participatory decision-making with concerned labour unions on the need for such decisions and possible way forward has also caused the labour crises that nearly ground social and economic activities within the state. Olorode (2001) insists that the inability to effectively manage the school resources available was due to the fact that people according to their whims and caprices have acquired almost unlimited power to manipulate school resources. In his opinion, the high rate of ineffectiveness, arbitrariness and high handedness arises from the absence of democratic control of the school system often caused a lot of crises.

Poor and uncondusive conditions of service: it is another reason why labour crisis surfaced. Uncondusive working environment, inadequate pay packages, poor welfare services, etc, are some plights of the workers that spur them to strike. Teachers are not offered additional incentives and working conditions as their counterparts. For example, those in health and other sectors receive extra payment for hazards in their jobs but such cannot be heard of in education even though there are also hazards in discharging teaching duties. According to Amadi and Urho (2015), this condition of service or employment include features such working conditions like working environment, hours or work, over time shift work, flexible working hours; fringe benefits like sick pay, subsidised meals, pension scheme, organisation goods at a discount, organisation cars; and application of fair judicial procedures. It is pitiable that such conditions of employment in some organisation are seen as a private interest. For instance, is the case of Bkadir Ajasa Apampa v. The State (1981), with Suit No.: SC97/1981; LN-e-LR/1982/9(SC) where Bkadir Ajasa Apampa was charged with acquiring a private interest in a contract of purchase on account of the public service. Other court cases in this regard include; a case between Federal Polytechnic Bauchi and Anor V. Abdulfattah, Aboaba and Anor (2013) on illegal termination of employment with Suit No.: CA/J/230/2006; LN-C-LR/2013/64. Also, Adeniyi V. Governing Council of Yaba College of Technology (1993) on compulsory retirement from service with Suit No.: SC.197/1990; 3PLR/1993/7(SC); NWLR (pt.300) p.426. Another related case, was between Dr. Obo V. Commissioner for Education Bendel State (2001) on termination of appointment as a civil servant in the civil service of the Bendel State of Nigeria with Suit No.: SC./81/93; 3PLR/2001/109(SC); 2NWLR (pt.698) p.625. University staff could demand for the immediate reinstatement of their colleagues who have been unfairly dismissed or punished by government while acting on their behalf, failure of which might result in crises.

For instance, at the University of Abuja, the management unilaterally sacked thirty-five teachers, dissolved senate, created programmes and altered the academic structure of the university. In addition, the management was intolerant to the existence of alternative views and labour unions. The management would

ultimately declare that there was the "Law". The management was said to have displayed extreme autocratic tendencies contrary to the expectations of the management social and academic status. The school was run like chiefdom and with unbelievable brutality (Egbokhare, 2000).

Poor and inconsistent payment of salaries and other emoluments: When there is a delay in payment of salaries without a justifiable reason for such delay, labour crisis may erupt for such salaries to be paid. Ezeagba, (2014), noted that in Nigeria many organisations always delay or refuse to pay their workers' salaries and other emoluments even when the organisation concerned have sufficient funds to pay. For example, secondary schools in Anambra state were on strike for over a year for non-payment of salary (Odim, Annastashia & Solomon, 2018). University workers are often underpaid and most times the Government pays part salaries to lecturers. For example, in year 2020, ASUU still embarked on an indefinite strike on the anomalies and disparities observed in the usage of the newly introduced Integrated Payroll and Personnel Information System (IPPIS) platform by Federal Government in the payment of workers' salaries, though the strike was later called off towards the tail end of the year but the persistent issue for the call is yet to be addressed. Lecturers are not happy due to the fact that many politicians go home with huge sum of money even when such politicians are not as educated as they are. According to Amadi and Urho (2015), the underpayment of university staff vis-à-vis their counterparts in other economic sectors and the discriminating salary structure between the Academic Staff Union of Universities (ASUU) and the Non-Academic Staff Union of Universities (NASU) have been a major cause of their dissatisfaction.

Failure of collective bargaining: this is another major reason for labour crises. Okene (2008) avers that "the main justification for industrial action is the failure of collective bargaining". When workers and employers engage in collective bargaining, there is no guarantee that it will be successful. Even when successful, there is no guarantee that it will be honoured. Consequently, unsuccessful bargaining and failure to adhere to agreed terms naturally lead to labour crises and dislocation of industrial harmony and peace. For example, the industrial imbroglio between ASUU and South-East governments stem from the inability of the state governments in the South-East to honour and implement the FG-ASUU 2007 agreement. This FG-ASUU 2007 agreement at different occasion led to work boycott in many Federal universities and symptoms has begin to manifest in other government owned institutions. Such manifestation is the ongoing strike of Academic Staff Union of Polytechnic (ASUP). The above instance and many related cases makes unions especially educational unions to be adjudged as a group of greedy, egoistic folks who are only after their selfish interest, owing to their frequent and often protracted crises. On the other hand, due to the fact that some university management became much too sensitive to criticism and did not necessarily see themselves as accountable to anyone in the university, they effectively transformed into feudal lords within an environment designed to promote tolerance and freedom (Belo, 1998). Thus, employers, the government, have been labelled a bunch of insensitive lots. It becomes obvious from the above background and analysis that strikes serve as a constraint towards economical, social and educational development of Nigeria.

Political interference in education: Many times the university has no autonomy to operate as an entity without the leaders in political offices trying to use their positions to influence activities. Schools are not allowed to make educational decisions without such interference. This creates problems when educational administrators refuse to buy into the idea of such leaders. Amadi and Urho (2015) noted that, the seats of Vice-Chancellor and Registrar of universities are keenly contested for. It was noted that one of the reasons why people leave universities is because there is a lot of interference in academic freedom. Sometimes, however, government intervention is inevitable where there is an ongoing rift among university staff.

Unpopular and harsh public policies: unfriendly and harsh policies by governments and employers are veritable factors that have caused many severe labour crises. Most public policies made by government have met stiff opposition by the labour. Workers and their unions usually resort to crises to express their displeasures on such

perceived anti-labour policies, decisions and/or legislations. In Nigeria, a number of public policies have stirred series of labour crises. Notably, among such policies, was the incessant fuel price hike that was the mainstay during President Olusegun Obasanjo's (1999 to 2007) and Goodluck Jonathan (2010 to 2015) civilian administration. During this time, Nigeria witnessed frequent and regular series of crises called by the central labour organisation, NLC, led by Comrade Adams Oshiomohle and Comrade Ayuba Waaba respectively continued to linger on till today. Recently, in the administration of President Muhammadu Buhari (2015 till date) there is also a repeat of such action this year where work boycott was called by NLC. These actions cutting across different administrations were as a result of labour's disapproval and total rejection of fuel price hikes. Elsewhere, in country like France in 2010, witnessed a damaging strike action and protest against government's decision to review upward the retirement age of workers.

So also, in Obafemi Awolowo University there was a showdown between labour unions and management on various issues. For example, following the action of the management refusal to pay the long awaited over thirty month arrears of various allowances ranging from hazard allowance, leave bonus among others to the non-academic staff that cut across NASU, SSANU and NAT in July 2015 led to the blockage of roads by the protesting workers and the consequent effect was disruption of school activities where all offices were locked preventing entry or exit of other personnel who are non-member of their union. This problem led to the usage of the then Ooni of Ife (Late Oba Okunade Sijuwade) as a mediator between the concern parties. However, this measure proves abortive and finally the issue was taken to court for redress. In the same vein, the labour crises that occurred in Obafemi Awolowo University in March 2016 was as a result of loggerhead between the labour unions and management which was based on the modalities for the selection of candidate to fill the vacant position of the office of the vice chancellor. The labour union was of the belief that the management was planning to jump justice and resolve to manipulation of criteria to be used for candidacy selection; majorly the law backing the selection process and the whole process was brought to a standstill with no progress. However, this particular issue was also placed before a high court situated in the state capital for redress.

Also, in 1996, at the then Ogun State University (now Olabisi Onabanjo University), Ago-Iwoye, over one hundred academic staff were unilaterally sacked by the management for their refusal to "sign back" during a nationwide strike called by the national body of ASUU. A court case in this regard was between Badajo V. Federal Ministry of Education (1996) on fundamental human right to freedom from discrimination with Suit No.: SC/96/1990; 3PLR/1996/29(SC); 8NWLR (pt.464) p.15. Therefore, to achieve redress on any form of crises that broke out in the education system, the Industrial Arbitration Panel (IAP) and National Industrial Court (NIC) are the institutions created by the Nigeria government to cope with the management of trade disputes and to ensure their expeditious settlement. From the foregoing, it can be seen that industrial unionism in the education sector has brought about innovations and healthy developments to educational relations scene in Nigeria. Besides, the role of the parties involved, the educational system have been increasing and changing through institutionalization, legalization and professionalization on continuous basis (Omolayole, 1977; Ewing, 2005).

2. CONCLUSION

It can be concluded that the identified factors why workers and their unions result to creating crisis include: poor funding of the university education; non-compliance to reached agreements after negotiations; refusal of union recognition in major decision making that concerns their welfare, poor conditions of service such as uncondusive working environment, inadequate pay packages, poor welfare services, among others; poor and inconsistent payment of salaries and other emoluments such as delay in payment of salaries without a justifiable reason for such delay; failure to collective bargaining; political interference; as well as unpopular and harsh public policies. Therefore, labour crises in Nigeria education system need to be urgently addressed and checkmated, hence, collective bargaining has to be embedded within the concept of dialogue and all types of negotiation, consultation between, or among,

representatives of government, employers and workers on issues of common interest relating to economic and social policy.

3. RECOMMENDATIONS

In view of the identified effects of labour crises, the following measures, amongst other things, are recommended as ways of reducing labour crises and effects. Educational managers at all levels especially those managing universities should ensure that proper remuneration and motivation techniques are used to boost the morale of other staff. Employee morale should be boosted by all means possible. Employers should recognise that human resources are the soul of the business and not the sole to be trampled on. Employers in the education sector should arm the workers with necessary morale boosters, respect and recognition to ensure industrial peace and harmony. This will go a long way in aiding both parties achieve both individual and collective interests and objectives within a world of intense interconnectivity and integration. The government should respect every agreement entered in to and maintain consistently, their terms of agreement. More funds should be allocated and channeled into education sector from the national budget in every fiscal year and the government should provide all relevant materials, facilities, equipment and other school plant necessary for the smooth running and management of universities in Nigeria. All relevant trade unions related to education should ensure that proper communication between them and the Government is established and make efforts to resolve issues using other techniques such as dialogue rather than embark on strike all time. During crisis and strike periods, the staff should ensure that all the purposes for which they struck are met before thinking of calling off the strike. This will help reduce the frequency of strike occurring and re-occurring. Finally, there should be the need for a legislation which will give legal backing to collective agreement. Such legislation would give statutory recognition to collective agreement and make it enforceable within a legal framework. This will go a long way in containing the propensity to default in honouring collective agreement.

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