

The State in Industrial Relations System: An Impartial or a Biased Party?

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Abstract

The point of departure for this paper is the meaning of state and the examination of theoretical positions which give explanation to the evolution of state institution. Given that productive activities are central to every society, the state has specific roles to play vis-à-vis industrial relationship involving employers and employees. The central argument of the paper is that the state actually performs these roles but only, largely, in the interest of either itself, as an employer of labour, or capitalist employers of labour whose interest is to maximize profit with little or no regard for the welfare and work conditions of workers.

Key words: state, corporatism, industrial relations and trade union.

Introduction

One of the social science concepts subject to contestations by social science scholars is state. There are varied conceptualizations and definitions of the concept by scholars, a situation occasioned by their diverse scholarly interests. But, the most widely accepted definition and conceptualization of state came from German scholar and philosopher, Max Weber. Weber (cited in Jary and Jary, 2008) defined state as “the community of people which successfully upholds a claim to the monopoly of legitimate use of violence within its territory. This definition presupposes that state is the apparatus of rule or government within a particular territory (Jary and Jary, 2000). Also, it connotes that state institution monopolizes clear priority in decision-making and claims paramountcy of the application of power of coercion required for decorous ordering of behaviour of individuals within a given territory (Fried, 1967). According to Jary and Jary (2000), the first states appeared around 5,000 years ago, in the Middle East and elsewhere, probably as the outcome of the *redistributive chiefdoms*, or of warfare which led to conquest and class domination.

It is deducible from the foregoing that the state must, as a matter of necessity, have media through which its wills are carried out. On the basis of Weber’s definition and conceptualization of state, it can be said to consist of the government or legislature which passes laws, the bureaucracy or civil service which implements governmental decisions, the police who are responsible for law enforcement and the armed forces whose job it is to protect against internal insurrection and external threats (Haralambos and Holborn, 2008). According to Haralambos and

Holborn (2008), “many Sociologists see the state as consisting of a wider set of institutions, and, in Britain, would include welfare services, and the education and health services. Many even go further and see nationalized industries as part of the state.” This all-compassing view of state provides the basis for x-raying the state within the context of industrial system and relations.

Human world is characterized by a web of needs to be met. Pivotal among the needs of humans is economic survival. Therefore, a process of social production is instituted for generating surplus required for subsistence. And, in the process of social production, man not only links up with nature but also fellow men. This is essentially the industrial system involving owners (employers) and non owners (employees) of means of production. The matrix of relationship between these parties and the state, and their agents, constitutes what is termed as industrial relations.

Theoretical Explanations of the Evolution of State

State as an institution and as a unit of social analysis has undergone different conceptions right from classical antiquity to the present (Okodudu, 1999). There are three major theoretical positions that have given account of how state institution came to existence and they are Hobbesianism, Marxian dialectical materialism and Functionalist perspective. Hobbesianism is a social contract theory put forward by English philosopher and historian, Thomas Hobbes. He sought to explain the nature of man and how state was forged to address the bestiality of man in the state of nature. His description of the state of nature is that one charged with chaos and brutality. The state thus became a necessity, and interventionist machinery for guiding and regulating the passions, emotions, behaviours of individuals, and standardizing human relationships (Okodudu, 2000).

The traditional Marxist perspective of the state is that it emerged as an appendage of the ruling class and its core concern is to foster the economic interests of the dominant social class within a stratified society (Sanderson, 1999). Scholars such as Morton Fried, Nico Poulantaz, and Ralph Miliband conceived state as a necessary evolution of the ruling class. Miliband (1969) argued that state refers to “a number of institutions which together constitute its reality. Miliband was of the opinion that the ruling elite and state elite share panoply of social interconnections that make for commonality of interests and protection of such interests. He conceived the institutions that make up state – government, the judiciary, the military, the police, and other statutory bodies – as instruments for harassing and repressing workers in form of trade unions. Hyman (1989) also saw state as a coercive instrument of the capitalist ruling class. The central theme of these Marxists is that state acts out the contradictions, a contradiction borne out of the dialectical relationship occasioned by the prevailing economic condition in such societies where they are found (Okodudu, 2000).

Lastly, functionalist perspective usually views phenomena largely in terms of the contribution they make to overall stability of any given system (Schaefer, 2005). Every society has basic needs that must be met if it will survive (Dowse and Hughes, 1972). So, drawing upon this tradition, functionalists such as Elman Service (cited in Sanderson, 1999) have a different view of state, especially different from Marxist standpoint. Service’s argument is that rather than see state as an instrument of oppression and exploitation by the ruling elite, it should be viewed in terms of the roles – organization and coordination of society for mutual benefits - it plays. According to Service, state performs three main functions: economic redistribution, provision of

new forms of war organization (which affords captives, booty, and tribute and thus enhances “national pride”) and provision of public works or utilities (Sanderson, 1999).

The State and Industrial Relations

It is incontestable that state performs specific functions in any industrial system, but the question is in whose interest are the functions performed? Functionalists and Marxists will certainly differ on this because of their peculiar ideological leanings. But for the purpose of analysis, a look at the roles of the state as itemized by Williams and Adam-Smith (2006) will be helpful. According to them, state performs the following functions in industrial relations:

- (a) It is the single largest employer of labour;
- (b) It makes legislations in the area employment relations;
- (c) It mediates conflicts between the different parties in an industrial dispute by way of arbitration and conciliation - for instance, by instituting industrial courts (emphasis added) and;
- (d) State policies also have implications for industrial relations.

These functions as itemized by Williams and Adam-Smith raise certain questions which will be examined in subsequent headings.

The Corporate State, Public Services and Trade Unions

According to Encyclopædia Britannica (2012), corporatism is “the theory and practice of organizing society into “corporations” subordinate to the state.” State is a key unit in industrial relations because, as argued by William and Adam-Smith, it is, in most societies, the largest employer of labour. It is important to note that state’s employment of labour is not limited to public corporations (profit-driven) alone but it involves public services (non-profit activities of government) also. For instance, David Farnham (1986) opined that Britain has three major public services which include the civil service, the National Health Service, and the local authority services, including the police services.

Whether it is a public corporation or public service that a state owns, it is unavoidable that manpower will be required to drive the goals predetermined by state. By implication, the state is now both an employer and the owner of the socio-legal environment within which industrial relations between workers, represented by trade unions, and the state are conducted. The question that arises from that is whether state’s relationship with its workers represented by trade unions is justifiably harmonious. In answering this poser, the pluralist perspective assumes that there is industrial harmony and each party recognizes that dispute is a normal occurrence in industrial system; hence, mutual resolution can easily be reached. Functionalists’ bias for function presupposes that parties in industrial system contribute their roles for its survival. For them, industrial dispute is a temporary abnormal condition which will naturally terminate. Cometa (2007) argued thus, “the industrial relations system necessitates unison, interdependency and equilibrium of the components. Even if the balance in the system is displaced, it would be re-established on condition that no major alteration would occur in the actors, contexts and shared ideology.”

For Marxists, that is hardly the case. The state is oppressive and has interests that are opposed to workers’ interests. This paper subscribes to this position because it has empirical basis in the Nigerian context where trade unions of government’s employees embark on long strike actions because of indifference of the Nigerian state to welfare issues and work conditions by state.

Historically, the trade unions have not fared well under the state in colonial and postcolonial Nigeria. In colonial Nigeria, force was used by the colonial government to crush the nascent trade unions and pressure was continually applied by the state to secure the conformity of organized interest groups (Otobo, 1987). Ananaba (1969) was of the opinion that colonial government in Nigeria disdained the principle of collective bargaining and applied incarceration and summary dismissal of union leaders like Imoudu of Nigerian Railway Workers' Union. The story has not changed in postcolonial Nigeria; strike actions are commonplace because of anti-labour policies of government and lack of good work conditions.

The State as Third Party in Industrial Relations

Economic activity is a core sphere of human life for which the state is keenly interested. In fact, most countries of the world reckon that productive activities are too important to be left in the hands of private individuals hence there is state regulation of industrial activities (Tevoedjre 1969). William and Adam-Smith earlier cited described the state as the regulator and provider of socio-legal environment within which industrial activities take place. It is thus the mediator in industrial disputes involving employer or his agents and employee or his agents (trade unions). This position will pass for credibility if subjected to pluralist and functionalist perspectives of industrial relations. However, Marxist thought will consider the state as a biased umpire whose interest is to advance the interests of owners of the means of production against the interests of workers. Badejo (2014) argued thus, "A government that is dedicated to the protection of private property and minimizing disruptions to production and seeking the elimination of threats to investments and investors, and ensures a buoyant economy cannot afford to be neutral in industrial matters." This standpoint is very empirical and obvious, especially when one examines the policy framework and implementation regarding employer-employee relationship. For instance, in Nigeria, there is casualization of workers and balkanization of trade unions in some work organizations. These go unchallenged by the government of the day as if it were a party to a grand conspiracy to muzzle workers. The implication is that workers have not only the employers to contend with but they also have to confront the state which backs the employers.

Conclusion

It is true that the state performs certain roles in industrial relations but the focus of this paper is the skewness of the roles in favour of either itself or members of the ruling class. The policies and laws guiding industrial relations are largely in support of the state as an employer of labour, and private capitalists whose main interest is to maximize profit. If the state must be seen to be unbiased to the employer of labour, its laws and institutions relevant to industrial system and relations must be overhauled and just for all parties.

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