

Right to Collective Bargaining in Nigeria: Lessons from South Africa And the United Kingdom

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Abstract

The right to collective bargaining constitutes a fundamental mechanism for regulating employment relations, promoting industrial democracy, and maintaining industrial peace. The paper adopted doctrinal research method, by way of examination and analysis of primary and secondary authorities. The paper also undertook a critical examination of the collective bargaining regimes of South Africa and the United Kingdom. The paper found that Nigeria possesses an appreciable legal and institutional framework for collective bargaining, but that the framework does not sufficiently guarantee its effective implementation and enforcement. The paper further found that the absence of an express constitutional guarantee of collective bargaining, weaknesses in statutory provisions, inadequate enforcement of collective agreements, government interference, employer resistance, casualisation and outsourcing, among other forms of precarious employment, constitute significant impediments to effective collective bargaining. The paper concluded that these challenges have contributed to recurrent industrial disputes and prolonged implementation of negotiated agreements, with adverse consequences for workers' welfare and industrial stability. The paper recommended constitutional and legislative strengthening of the right to collective bargaining. It also recommended for the establishment of clear and effective institutional mechanisms for monitoring compliance with collective agreements and their enforcement.

Keywords: Analysis, bargaining, right, collective, lesson, critical

1. Introduction

The right to collective bargaining is one of the fundamental principles of modern labour law and industrial relations. Collective bargaining enables workers, through their representatives, negotiate with employers on matters relating to wages, working conditions, employment security, workplace safety and other terms of employment. This is so because workers contribute tremendously to national growth and development as well as the general wellbeing of the people in the society. Historically, the emergence of collective bargaining was a response to the adverse effects of the Industrial Revolution, which exposed workers to poor working conditions, low wages, excessive working hours, and exploitation by employers. As workers began to organize themselves into trade unions, collective bargaining evolved as a means of protecting workers' interests and promoting harmonious industrial relations. Over time, the right to collective bargaining became recognized internationally as a fundamental

labour right and a key component of social justice and economic development. Collective bargaining is seen as a vital mechanism for preventing and resolving industrial disputes¹. The international legal framework for collective bargaining is principally established by the International Labour Organization (ILO). The ILO recognises collective bargaining as a fundamental labour right through several conventions and recommendations². Nigeria, as a member of the ILO, has ratified both Convention No. 87 and Convention No. 98. Consequently, the country is under an international obligation to respect, protect, and promote the right of workers to organize and engage in collective bargaining. However, despite these international commitments, the practical implementation and enforcement of collective bargaining rights in Nigeria continue to face significant challenges.

The legal foundation of collective bargaining in Nigeria is derived from both constitutional and statutory provisions³, which guarantees the freedom of association. This constitutional provision forms the basis for workers' rights to establish and join trade unions, which is a prerequisite for effective collective bargaining. Bargaining collectively gives workers equal voice in negotiations, which usually results in fair and balanced bargain, otherwise referred to as collective agreement. Collective agreement is the term identified with the end product of collective bargaining, although the scope of the agreement is limited by the provisions of the law, hence, collective bargaining cannot contractually accomplish what the law prohibits. Collective agreement is the means through which efficiency and equity can be achieved in the workplace, and by that, both the interests of the employee and that of the employer are protected and guaranteed respectively. Accordingly, wages and other terms and conditions of employment are settled through collective bargaining. In the free-market economy employers seemed to have enjoyed unrestrained right to hire and fire, because of the imbalance of power between them, and their employees. These employers naturally prefer to settle terms and conditions of employment as against statutory regulation unless such is to their advantage. It is this tendency that brought to the fore the potentialities of bargaining collectively.⁴ The only way out of this perceived anomaly is to eradicate the suppression of one class (employers/management) over the other (employees). Despite these statutory protections, collective bargaining in Nigeria faces numerous challenges. One major challenge is the absence of a comprehensive legal obligation compelling employers to recognize trade unions for collective bargaining purposes. While trade unions may be registered and legally recognized, employers are not always under a clear statutory duty to negotiate collective agreements with them. Consequently, many collective agreements remain unenforceable as ordinary contracts rather than legally binding instruments.

2.0 A Critical Analysis of The Right to Collective Bargaining in Nigeria

Collective Bargaining is said to have been a product of government's interventionist actions since independence.⁵ There appears to be a common ground among scholars that collective bargaining in Nigeria began with the public sector as against so many other parts of the world where it started with the private sector. According to Fashoyin, this is probably because of the agrarian nature of Nigeria's economy at the wake of the 20th Century, and the almost total

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¹ Trade Disputes Act, Cap T8, LFN 2004, s 4.

² ILO Convention on Freedom of Association and Protection of the Right to Organize, 1948 (No. 87).

³ Constitution of the Federal Republic of Nigeria 1999 Cap C23, LFN 2004 as amended, s 40.

⁴ ILO Convention on the Right to Organize and Collective Bargaining, 1949, (No. 98), art 1; S C Srivastava, *Industrial Relations and Labour Law* (4th edn., Vikas Publishing House PVT Ltd, 2000) 115.

⁵ M. O. Robinson and S. Udeorah 'The Principle of Collective Bargaining in Nigeria and the International labour Organization (ILO) Standard' [218] (1) (IV) *International Journal of Research and Innovation in Social Sciences*.

absence of the private sector and the dominance of government as employer of labour. Prior to independence, collective bargaining was characterized by reliance on the principles of the British Voluntarist labour practice. At these times, bargaining was said to be done with available power of emulation, arbitration, lock outs, persuasion, strikes or other advisory procedure⁶. Regrettably, the outcome of such bargain was not legally appreciated by parties. Furthermore, there was lack of formerly recognized single body of the employers and thus, the employers chose to revert to individually and autonomy while bargaining with employees, before the creation of the Nigerian Employers' Consultative Association (NECA) in 1957. When trade unions eventually started springing up, employers were said to wield enormous influence on the unions. Special commissions or administrative agencies were set up with the mandate to oversee labour issues. The ILO which provides the major human rights instruments that guarantees and advances the right to collective bargaining throughout the world is also the pre-eminent authority on international labour standards. The role of the ILO in the promotion of collective bargaining was acknowledged in the 1944 Philadelphia Declaration which now forms the constitution of the body. Solemn obligation of the International Labour organization to further; among the nations of the world programmes which will achieve the effective recognition of the right of collective bargaining was affirmed. The main source of workers right to collective bargaining is the ILO Convention No. 98 of 1949. It is apart, there are still other ILO conventions and recommendations which promote collective bargaining between employers and workers. Some of those conventions are Convention No 154, Collective Bargaining Convention of 1981, Convention No 135 Workers' Representative. Convention 1971, and Convention No 151 on the Right of Public Employees to organize.⁷ The Freedom of Association and Right to organize Convention and the Right to Organize and collective Bargaining Convention are among the core rights that are at the heart of ILO mission. Aside from these, the significance of the right to collective bargaining has been acknowledged often times by ILO main committees. The Governing Body's Committee on Freedom of Association has once stated that; 'the right to bargain freely with employees with respect to conditions of work constitutes an essential element in freedom of association, and trade unions should have the right, through collective bargaining, or other lawful means; to seek to improve the living and working conditions of those whom the trade unions represent and public authorities should refrain from any interference, which would restrict this right or impede the lawful thereof...'⁸

More recently, in 1998, the Declaration on Fundamental Principles and Rights at Work was adopted by the International Labour Organization which embodies the principles of eight fundamental conventions. All member states were required to observe these principles regardless of ratification, as a condition of membership. In the Declaration, it was stated that; 'all members, even if they have not ratified the (fundamental) Conventions, have an obligation, arising from the very fact of membership in the organization, to respect, to promote and to realize, in good faith and in accordance with the constitution, the principles concerning the fundamental rights which are the subjects of those (fundamental) conventions'.⁹

The principles referred to in the Declaration include (1) Freedom of Association and Effective Recognition of the right to Collective Bargaining (2) the Elimination of Forced and

⁶ T. Itobo, *Foreign Interest and Nigerian Trade Union* (Hamund's Work: Pengium Books Ltd, 1987) 121.

⁷ Recommendation 91 Collective Agreement Recommendation 1951, Recommendation 92, Voluntary Conciliation and Arbitration Recommendation 1951, Recommendation 94, Cooperation at the Level of the Undertaking Recommendation 1952, etc.

⁸ ILO Report No 44, Case No 202, para 137 (1960).

⁹ ILO 1999a *Freedom of Association: An Annotated Bibliography* (Geneva 1999) 51.

compulsory Labour (3) the Effective abolition of child-labour (4) Equal remuneration (5) the Elimination of Discrimination in occupation and employment. No doubt, the ILO has demonstrated its support for collective bargaining as a means through which the protection of the economic and social interest of workers can be achieved. The right to collective bargaining appears to embody the right to strike as shown in the long tradition of ILO jurisprudence even though not specifically mentioned in its major conventions (Conventions 87 and 98).

3.0 Governing Principles of Collective Bargaining

(a) The Principle of Free and Voluntary Negotiation

According to the Committee on Freedom of Association, the voluntary nature of collective bargaining is clearly laid down in Article 4 of Convention No 98, and it is a fundamental aspect of the principles of freedom of association.¹⁰ Therefore, recourse to measures of compulsion is completely excluded from the obligation to promote collective bargaining. At the preparatory work for the adoption of Convention No 154. It was the belief of the committee on Collective Bargaining that an interpretation of the term “promotion of Collective bargaining” in the sense that it should not be capable of being interpreted in a manner suggesting an obligation for the state to intervene to impose collective bargaining”, thereby removing the fear expressed by the convention, could imply the obligation for the state to take compulsory measures.¹¹ Flowing from this reasoning, the committee on Freedom of Association has stated that nothing in Article 4 of Convention No 98 places a duty on a government to enforce collective bargaining with a given organization by compulsory means, and that such an intervention by any government would clearly alter the nature of collective bargaining.¹² No assumption therefore, can be made that from the conventions on collective bargaining, there exist a formal obligation to negotiate or to achieve a result or an agreement. Yet ILO supervisory bodies have considered that the criteria established by law should enable the most representative organizations to take part in collective bargaining,¹³ which only or merely shows the recognition or duty to recognize such organization. More importantly, the committee of Experts has not antagonized the prohibition of certain unfair labour practices in the process of negotiation likely to hinder the development of collective bargaining when examining the application of Convention, No 98.¹⁴ In the same way, ILO supervisory bodies have emphasized that the machineries which support collective bargaining (i.e the provision of information, consultation, mediation and of course, arbitration) should be of voluntary nature, in spite of which many national legislation’s oblige the parties to follow fixed procedures, setting out all the stages and the different phases of the negotiation process, under which there are frequent and compulsory interventions by administrative authorities with pre-determined time limits. What happens in practice however, is that the supervisory bodies have accepted the imposition of certain sanctions in the event of conduct which is contrary to good faith or which constitutes unfair labour practices, in the course of bargaining, if it is

¹⁰ ILO, 1996, para 844.

¹¹ ILO, 1981, para 22/6.

¹² (n 14) para 846.

¹³ ILO, 1994, para 245.

¹⁴ *ibid.*, para 246.

found that such sanction are not disproportionate,¹⁵ and have admitted conciliation and mediation imposed by law within reasonable limits.¹⁶

There is no doubt that the above criteria had taken into account the objective of promoting collective bargaining in situations the trade union movement is not sufficiently developed. Also taken into account is the under lying concern in many legislations to avoid unnecessary strikes and precarious and tense situations that result from the failure to renew collective agreements, especially when they cover a wide category of workers.

(b) The Principle of Good Faith

At the preparatory work for the adoption of Convention No 154, it was recognized that collective bargaining could only function effectively if it was conducted in good faith by both parties. Good faith however, cannot be imposed by law, for it can only be achieved as a result of voluntary and persistent efforts of both parties to the bargain.¹⁷

In addition to drawing up attention to the importance that it attaches to the obligation to negotiate in good faith, the Committee on Freedom of Association has stated that the principle of good faith implies making every effort to reach an agreement, conducting genuine and constructive negotiations, avoiding unjustified delays, complying with the agreements which are concluded and to apply them in good faith, to which we may add the recognition of representative trade union organizations.¹⁸ The principle of mutual respect for commitments entered into in collective agreements is clearly recognized in Recommendation No 91, which provides that collective agreements should bind the signatories thereto and those on whose behalf the agreement is concluded.¹⁹ The Committee of Experts, in this regard stated that: 'in several countries, legislation make the employer liable to sanctions if he refuses to recognize the representative trade union which is an attitude that is sometimes considered as an unfair labour practice. The Committee recalls in this connection the importance which it attaches to the principle that employers and trade unions should negotiate in good faith and endeavour to reach an agreement, more so in the public section or essential services where trade unions are not allowed strike action'.²⁰

(c) Free Choice of Bargaining Level

Under Recommendation No. 163, it is provided that; 'measures adapted to national conditions should be taken, if necessary, so that collective bargaining is possible at any level whatsoever, including that of the establishment, undertaking, the branch of activity, the industry, or the regional or national levels.'²¹ Furthermore, after recalling that the right to bargain collectively should well be granted to federations and confederations, and rejecting any prohibitions of the exercise of this right, the committee of Experts stated that; 'Legislation which makes it compulsory for collective bargaining to take place at a higher level (i.e. sector, branch of activity, etc) also arises problems of compatibility with Convention No. 98. The choice should normally be made by the partners themselves, since

¹⁵ For example, when examining the Panamanian legislation and noting that the employer was obliged to pay the workers for days when they had been on strike, in cases where the strike had occurred because the employer had not replied to the demands which had been made and because conciliation has been abandoned. Committee on Freedom of Association considered that the sanctions were disproportionate as in ILO: 1999 Case No. 1931, 252-253.

¹⁶ See for example, ILO 1997b, Case No. 1898 (Guatemala) para 324.

¹⁷ ILO, 1981, p 22/11.

¹⁸ ILO, 1996, paras 814-818.

¹⁹ *ibid* para 657, para 3.

²⁰ ILO, 1994, para 243.

²¹ ILO, 1996, 97-98, para 4.

they are in the best position to decide the most appropriate bargaining level, including, if they so wish, by adopting a mixed system of framework agreement supplemented by local or enterprise - level agreements.²²

Developing this point further, the Committee on Freedom of Association still pointed along the following lines that; ‘according to the principle of free and voluntary collective bargaining embodied in Article 4 of Convention No. 98, the determination of the bargaining level is essentially a matter to be left to the discretion of the parties and, consequently, the level of negotiation should not be imposed by law, by decision of the administrative authority or by the case-law of the administrative labour authority.’²³ Thus, the committee does not consider the refusal by employers to bargain at a particular level as an infringement of freedom of association, legislation should not constitute an obstacle to collective bargaining at the industry level.²⁴ Thus, the committee considers that the requirement of majority of not only the number of workers but also of the enterprises; in order to conclude a collective agreement, the branch or occupational level could raise problems with regard to the application of Convention No. 98²⁵. The Committee of Experts also shares this view.²⁶ Furthermore, it should be sufficient for the trade union at the branch level to establish that it is sufficiently representative at the enterprise level.²⁷ On the question whether the parties involved should decide by mutual agreement the level at which bargaining should take place, the committee has noted that, in many countries, this question is determined by a body that is independent of the parties themselves. It is however, the wish of the committee that in such cases, the body concerned should be truly independent.²⁸

The criteria concerning the relationship between collective agreements at the different levels is yet to be established by the supervisory bodies of ILO. Such criteria may also address the economy in general, a sector or industry, an enterprise or group of enterprises, or an establishment or factory. This may also, according to the individual case, have a different geographical scope, and it would, in any case, depend on the wishes of the parties. Incidentally, supervisory bodies accept systems in which it is left to collective agreements to determine how they are to be coordinated, for example, by establishing that a problem resolved in one agreement cannot be decided upon at other levels. Also, systems in which legal provisions distribute subjects between collective agreements, give primacy to a specific level, adopt the criteria of the standards which are the most favourable to the workers, or which do not establish criteria and leave these questions to practical application. In paragraph 4, of Recommendation 163, it is indicated that in countries where collective bargaining takes place at several levels, the parties to the negotiations should seek to ensure that there is coordination among these levels.²⁹

4.0 The Nigerian Position on The Free Choice of Bargaining Level

The position in Nigeria is that collective bargaining is usually done at different levels, national or industry or enterprise or plant. What happens in practice is that if the issue to be negotiated is one that affects all workers in the industry, the negotiation may take place at the national level. But if the matter to be negotiated is one that affects only workers at the branch or at a plant, then negotiation would be done at the branch or at the plant.

²² (n 24) para 249.

²³ ILO, 1998, Case No. 1887 (Argentina), para 103.

²⁴ ILO, 1996 paras, 851-853.

²⁵ *ibid* para 854.

²⁶ *ibid* para 215.

²⁷ *ibid* Case No. 1845 para 516.

²⁸ *ibid* para 855.

²⁹ ILO, 1996, 98.

The case of the Academic Staff Union of Universities (ASUU) is a good example. When ASUU negotiated for wage increase some years ago, the negotiations took place at the national level because it was envisaged that such wage increase as was being negotiated would affect every worker in the university system across the country.

However, the Federal Government of Nigeria conceded to ASUU's demand and partially implemented the agreement, but state-owned universities failed or refused to implement the same for its workers in state owned universities. The ASUU branches at the state-owned universities had to explore means of negotiating with their state governments, being the proprietors of state-owned universities. For the branches, the subsequent negotiations were done at the branch or enterprise levels.

But, at a point during the negotiations, it might be necessary for the national ASUU to take over such state matter and make it a national issue, in which case the matter becomes a national issue and even though the negotiations may not be at the national level, but the national executive of the union (NEC), may have occasion to put pressure on the state government as proprietors of state universities to implement and respect the agreement reached at the national level for all workers in the university system. For privately owned universities, they are completely out of such negotiations, since the issues involved appear to touch their terms of employment.

5.0 Trade Union as an integral part of a Collective Bargaining Process

Trade unions are organizations formed by workers to improve the conditions of works, secure or ensure job of its members and also better their lives. It is observed that an employee normally feels weak or intimidated by an employer when issues bordering on the terms and conditions of his or her work is concerned. Joining an organization may give such person or persons opportunity to join others for the achievement of those objectives that he considers as socially desirable. The basic purpose of trade union is to safeguard the economic interests of its members. One of the challenges faced by a worker in life is how to provide sufficient food, clothing and a home for himself and for his family. To solve this problem, a labour force must get a job with a reasonable salary. Having gotten a job, another thing will be to maintain and improve the wage at a reasonable standard and at a reasonable time. This is why a worker joins a trade union. Also, the need for trade unions arises due to the fact that workers require help in time of sickness or death, protection from suffering and want when they are not at job and an income of some kind when they are old to work. Trade unions also serve as a machinery for settling the relations between the employers and employees.³⁰ In modern industrial setting, it is seen that the personal relationship between an employer and a worker hardly disappears. Again, a worker may become dissatisfied with the terms and conditions of work that has being set by an employer when he knows nothing about nuances of the trade. With time, especially time with the growth or expansion of the industry, certain number of questions that need to be settled begin to come and also increases. At this point, it is much better to restructure certain aspects of the organization and to accommodate certain rights of the employee. This adjust create agreement between the employers and employees through negotiations. Thus, a trade union is the best and socially most desirable body to conduct bargaining on behalf of the workers and the development of collective bargaining between the employers' and workers' organizations. All these processes are essential for the establishment and maintenance of a peaceful existence in an organisation.

A trade union performs some functions in industrial relations, especially in a Collective Bargaining Process. Some authors have used the phrase; 'militant and the fraternal

³⁰ D. Ootobo, 'Bureaucratic Elites and Public Sector Wage Bargaining in Nigeria' (1986) (24)(1)

Journal of Modern African Studies, 101-126.

functions³¹. In this context, a trade union is seen as a militant organisation designed to fight for the cause of the workers.³² As stated above, one of the main aims of the organisation of workers into trade union is to secure better conditions of work and employment³³. A trade union achieves this important role by actively bargaining and negotiating with the employer or employer's association and if they do not succeed in securing this purpose in this manner, they put up a fight with the employers for achieving their end in the form of strikes and boycotts³⁴. By this means or through this process, recently, some trade unions have started making efforts to secure some share in the profits and also control of the organisations their workers belong to.

6.0 Factors Militating against Effective Collective Bargaining in Nigeria

Looking at the process of collective bargaining in Nigeria, it could be found that there exist several factors that militate against effective collective bargaining in Nigeria. According to Iwunze, the Nigerian government is the largest employer of labour in the country, so they usually accept and act on conditions favourable to them³⁵. Even where the government is a neutral party, its activities and policies may affect the bargaining parties; for instance, the recent continuous increment in the price of fuel, electricity tariff and naira depreciation has affected the prices of commodity, increased cost of living and as well affected many jobs as many employers could not meet up with the demands of their staff.³⁶ Again, the government has been complacent about the implementation of a conclusive Collective Bargaining and Collective Agreement. For instance, in Nigeria, many state governments before the coming to force of 2024 National Minimum Wage Act, were yet to implement the Minimum Wage Act 2019.

Again, the federal government has been reneging on their agreement with ASUU since 2009 till date. Impasse situation, that is, in some occasions, negotiation between the bargaining parties goes sour, parties are therefore unable to reach an agreement. Another serious factor mitigating or limiting the collective bargaining process is non-application of the principle of International Law, National Laws of respective member-state tend to limit the application of international legislations to avoid cost.³⁷ In Nigeria, Collective Bargaining and Collective Agreement are stipulated in several legislations and statutes, it cannot be said that the application of same is done according to the tenets and principles of the International Labour Organizations. For instance, Robinson observed and stated that by the stipulation of compulsory arbitration between employers and workers by the Trade Union Act rather than negotiation with a penalty of fine or imprisonment for failure to comply with National Industrial Court award, the requirements to register every agreement on wages at the Ministry of Labour and Productivity as bindingness for same, commonality of anti-unionism act, regulatory obstructions, state interference in labour matters and shutdowns, employers interference and discrimination against employees, unions and ultimately collective bargaining, restriction on the right to strike; Trade Unions (Amendment) Act 2004 with

³¹ B Salawu and others, Workers government wage relations and the unresolved issues of income inequality and labor strikes in Nigeria; Suggestions for the way forward. (2013) (5)(3)
Journal of Public Administration and Policy Research 61-67;64.

³² *ibid.*

³³ (n 5).

³⁴ (n 6).

³⁵ V. Iwunze, "The General Unenforceability of Collective Agreements under Nigerian Labour Jurisprudence: The Paradox of Agreement Without Agreement" *International Journal of Advanced Legal Studies and Governance* (2013) 4(3), 4.

³⁶ (n 68) 67.

³⁷ (n 68), 66.

respect to check-off payments conditional on a Non-Strike' clause during the lifetime of a Collective Bargaining or Collective Agreement.

7.0 Lessons from South Africa And the United Kingdom

Nigerian can draw realistic and practical lessons from the reviewed jurisdictions subject to her peculiarities and local conditions. In view of this necessity to look elsewhere, South Africa appears to represent an ideal model on strategies to address decent work deficits and strengthening social dialogue institutions. Like South Africa, it is urgently and important that workers right to collective bargaining and to embark on strike are secured by way of express provision in the constitution, as it is with the Constitution of the Republic of South Africa 1996. Nigeria should also emulate the single and multi-employer bargaining principle that extends the dividends of collective agreement to employers and employees who are not members of the organization that negotiated the agreement. It is quite interesting to know that the CCMA in South Africa is an independent council not connected with the government in anywhere, it is submitted that the National Public Service Negotiating Council in Nigeria should be made independent in order to guarantee the non-interference of government in collective bargaining. Like their South African counterparts Nigerian Judges must wake up to their responsibilities to uphold the right of workers in courts, as the judiciary is the last hope of the common man. It is expressly enshrined in the South African Laws that the Republic must strive to uphold international law rules and conventions which the Republic is a party, as well as the upholding of international best practice. The courts in South Africa have always insisted in upholding these principles irrespective of whether they have been ratified or not, Nigeria should follow suit. Similarly, Nigeria can draw several instructive lessons from the United Kingdom's industrial relations framework in strengthening the protection of workers' rights for instance, by adopting the institutional efficiency and accessibility embodied in the United Kingdom Employment Tribunal System, which provides specialized and relatively inexpensive and expeditious adjudication of employment disputes. Although the National Industrial Court of Nigeria and its annexed Alternative Dispute Resolution Institution performs roles that are similar, the United Kingdom's model demonstrates greater procedural simplicity, wider access for unrepresented workers and stronger enforcement of statutory employment rights. Nigeria can also emulate the statutory consolidation and clarity provided by the Employment Rights Act 1996, which codifies fundamental labour rights such as unfair dismissal protection, redundancy payments and comprehensive written particulars of employment. Such codification enhances legal certainty and compliance within the employment relationship.

8.0 Conclusion

This thesis has critically examined the right to collective bargaining in Nigeria, with particular emphasis on the adequacy of its legal and institutional framework and the lessons derivable from South Africa and the United Kingdom. The thesis establishes that collective bargaining remains an essential instrument for protecting workers' interests, promoting industrial democracy, maintaining harmonious labour relations and advancing decent work. The study conclusively, Nigeria has an appreciable legal and institutional framework for collective bargaining. The Constitution, labour legislation, judicial decisions, international labour standards and institutions such as the National Industrial Court of Nigeria and the Industrial Arbitration Panel provide a foundation for collective labour relations. However, the principal weakness lies in the effective implementation, enforcement and practical enjoyment of the rights recognised by the existing framework. The study further concludes that legal restrictions, institutional weaknesses, socio-economic vulnerabilities, employer resistance,

government interference, delays in negotiations and non-implementation of collective agreements have considerably weakened the effectiveness of collective bargaining in Nigeria. These deficiencies have contributed to recurrent industrial disputes, strikes, diminished workers' welfare and instability in industrial relations. The comparative analysis demonstrates that Nigeria can strengthen its collective bargaining regime by adapting relevant features of the South African and United Kingdom systems, particularly constitutional protection, effective union recognition, independent dispute-resolution institutions, accessible conciliation, stronger enforcement of collective agreements and institutionalised social dialogue. Ultimately, the thesis concludes that meaningful protection of collective bargaining in Nigeria requires a shift from formal recognition to effective implementation and enforcement. A stronger, coherent and rights-oriented labour relations framework is therefore indispensable for achieving industrial peace, protecting workers' welfare and promoting sustainable economic development.

9.0 Recommendations

The Nigerian legislature should strengthen the legal foundation of collective bargaining by expressly recognising the right to collective bargaining within the Constitution of the Federal Republic of Nigeria 1999 (as amended). The present constitutional framework, particularly the protection of freedom of association, provides an important foundation but does not expressly guarantee collective bargaining as a distinct constitutional right. An express constitutional guarantee would provide stronger protection against unjustified interference by employers or government and place collective bargaining on a clearer rights-based footing.