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An Analysis of Industrial Relations Practice in Nigeria and Ghana (Similarities and Differences in their Systems)

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I. INTRODUCTION

Industrial relations have been defined broadly as dealing with everything that affects the relationship between workers and employers, Imafidon (1996). It involves anything which affects the employee from the time he joins the organisation until he leaves his job. The whole idea of industrial relations emerged as a result of the inability of employers and employees to have a proper dialogue concerning the terms and conditions of services. Kochen (1986) and Fashoyin (1988) opined that industrial relations involves actors and institutions such as government and its agencies, trade unions with its workers and employers and its' associations and the relationships between them. Issues like strikes, collective bargaining, joint consultation and how they relate to various government agencies are all within the purview of industrial relations.

The main focus of labour relations in industry is seen as the one which emphasizes the development of peaceful relations, mutual respect for each other in an industrial organisation. Specifically, it focuses on how collective agreements are implemented and interpreted. One of the actors in industrial relations is the trade union which has played a prominent role in the promotion of industrial relations in West Africa State. There is therefore the need to look at their activities in West African countries.

II. ORIGIN OF UNIONISM IN WEST AFRICAN STATE

Nigerian case- The Nigerian Civil Service Union which was founded in 1912 received a kind of government acceptance; the union remained mainly a social club for the senior public officials for many years. It was initially not a protest movement established mainly to fight for higher wages and improved employment conditions. By the end of the First World War however, the Nigeria Civil Service Union had assumed the true functions of a trade

union. For instance, the union fought and won for its member's percentages of their salaries as war bonus shortly after the First World War. It also agitated for the promotion of Nigerians to the senior professional and administrative posts which were up to the 1940s, reserved almost exclusively for colonial officials. Other early development in Nigeria included the strike of the mechanics union at the end of the First World War, the 1921 strike of railway workers and 1925 strike of teachers at Calabar.

The pre-1939 development of trade unionism in West Africa was also affected by the great depression of 1930 to 1932 which affected all sectors of the British economy and had its repercussions on the economies of colonial territories; the result was that unemployment rose and wages fell considerably. The resultant unrest prompted the formation of new trade unions and rapid increase in the membership of the existing unions.

III. GHANA & SIERRA LEONE CASE

In 1929, a labourer's union was formed in Sierra Leone, the Ashanti drivers in Ghana also formed a union which became effectively organised in line with one earlier organised in Nigeria. (Oyebola 1970) The British government became directly concerned with the growing labour problems in its overseas territories. She therefore decided on some minimum conditions that should determine the employment of people of the colonies through the passage of the Recruitment of Indigenous Workers law in 1936 and acceptance of minimum wages Convention in 1937. The enactment of trade union ordinances by the colonial administration between 1938 and 1939 provided an impetus as well as a legal foundation for the rapid growth of trade unionism in the West African. Labour departments were set up and laws were passed to regulate the compensation that should be paid to workers or their dependants in case of accidents or death. In the English-speaking territories of West Africa, the unionist helped to nurture some new trade unions until they obtained registration permits. With the outbreak of war in 1939, many West Africans joined the armed forces and there was scarcity of labour. In some cases colonial governments adopted forced labour in order to find workers for their industries. (Oyebola 1984).

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IV. INDUSTRIAL RELATIONS PRACTICE IN GHANA

Amanor, k. (2003) is of the view that an important aspect of trade union development in Ghana was the encouragement given by the government towards the formation of a few financial viable unions as well as a strong virile central labour organisation. The Industrial Relations Acts of 1956 and 1958 gave legal recognition to the Ghana Trade Union Congress (T.U.C) which became the only central labour movement in Ghana. Under the 1965 Act, compulsory memberships of the Trade Union Congress empowered the union to make deduction of members' union dues from their incomes which is known as "*the check off system*". The T U C was also empowered to bargain for higher wages and improved conditions of employment, and agreements reached by it were enforceable by the law. The firm control exercised by the Nkrumah government on trade unions was prompted by the belief in realisation that the country's socialist objectives and rapid economic growth must be pursued through democratic centralism, the nation's manpower resources must be effectively utilised by means of a dynamic workers' body. The pattern is different in Nigeria where there are far more unions than that of Ghana. Oyebola (1970). Tracing the history of T. U. C. in Ghana. Adewumi (1998) stated that the trade union congress in Ghana was founded in 1945; its chequered history through the various civilian and military regimes provided a wealth of experience for trade unions struggles. The union played an active role in the struggle for independence, of Ghana as a nation.

The government assisted the labour movement to establish business enterprises like Ghana National Trading Corporation, the state Construction Corporation and many others. During the Second Republic in Ghana (1969-1972) the labour movement activities was entirely on industrial relations. This stance however did not absolve the movement from harassment, in fact, in 1971; the government of Dr. Kofi Busia passed an act of parliament to dissolve the T.U.C. This measure was the government's response to the persistent struggle of the T.U.C. for a revision of the minimum wage. The T.U.C was restored when the Busia administration was overthrown in January 1977 by the military.

The Second military take over of government in 1977 led by colonel General Acheampong. During this period, the labour movement adopted a policy of cautious participation. Incidentally, it was during this period that labour movement made significant gains for its members. Notable among them were the introduction of housing, transport and canteen allowances for all category of workers in Ghana.

During the transition to civil rule in the third republic, the T.U.C .decided to sponsor the formation of

a political party named the Social Democratic Front (S.D.F) .The S.D.F. won only one seat in 120 National Assembly. It is also won significant seat in rural area of the northern region where the labour movement's presence was minimal. However, the military rule of the P N D C, (Provisional National Defence Council) (1981-1982) brought major challenges to the Trade Union Congress. In April, 1992, a group of radical trade union activists in Accra/ Tema organised themselves into what is called Association of local Unions (ALU) which chased out the leadership of the national union and the T.U.C .from office, accusing them of "bankruptcy". It is not clear whether this group was organised by the military regime. What was clear however was that they received active patronage of the regime? The leaders of ALU for instance had curfew passes which enabled them to "break" the dusk to dawn curfew initially imposed on the whole country at the time. They also had direct access to the regime and served on various committees that were set up to "clean" the country of corrupt officials. The take over of ALU was the first challenges to the independent existence of the TUC under the P. N. D. C's rule. The Second challenge it faced was from the Workers Defence Committees (WDC s) who has a touch in industrial relations matters. At the end of the day, the union survived after developing strategies to collaborate with the W. D. C s. Again the PNDC formed the council for Indigenous Business Associations (CIBA) as the informal organisation for workers in that sector. Against all these, the PNDC introduced the IMF/World Bank sponsored structural Adjustment Programme which fully stretched the endurance and capacity of the trade unions through SAP related measures like retrenchment, trade liberalization, devaluation etc-which had adverse consequences on the organised and wage earning labour.

The fourth Republic which was ushered in on 7th January 1992 brought fresh life to the TUC. During the transition programme, the TUC had 10 representatives in the 250 member Consultative Assembly that drew up the Constitution of the Fourth Republic. The TUC presented a blue print of its expectations in the new constitution. All these needs were adequately met as its representatives worked with other members of the Assembly to ensure that those needs were reflected in the Constitution. As a result respect for human rights and trade union rights are adequately entrenched in the Constitution. Since the inception of the fourth Republic, the TUC has again gained the confidence of the general membership and the population at large. The T.U.C. Congress in 1992 underlined the neutrality of the organisation by banning all its leaders and elected national officers of national unions from actively participating in the activities of any political parties.

The TUC has an effective relations with the press as well as other civic society organisations like the Third World Network, the University Teachers Association, and the Civil Servants Association among other workers' groups not affiliated to it.

The TUC serves on several statutory bodies. Some of these are:

- The National Media Commission
- The Ghana Free Zones Board
- The Board of Social Security and National Insurance Trust,
- Divestiture Implementing Committee
- The Tripartite Committee
- The National Advisory Committee on Labour
- The Regulatory Commission.

V. SOME SPECIFIC INDUSTRIAL RELATIONS PRACTICE IN GHANA

Trade unions are governed by the Industrial Relations Act (IRA) of 1958, as amended in 1965 and 1972. Organized labour is represented by the trade union congress (TUC), which was established in 1958. The IRA confers power on government to refuse to register a trade union; however this right has not been exercised by the current government or the previous military government. No union leaders have been detained in recent years nor have workers' rights to associate freely been otherwise circumscribed.

The Right to organize and Bargain collectively-: the IRA provides a framework for collective bargaining and protection against anti-union discrimination. The IRA provides a mechanism for conciliation and then arbitration before unions can resort to job actions or strikes. "Wildcat" strikes do, however, occur occasionally, labour unrest took the form of two strikes. One, against a timber concern controlled by the United Africa Company developed into riots that resulted in the shooting of three workers. The other was a ten-day strike in July by railroad engineers during which the government supported the strikebreakers. Shortly after the strike, the government rejected Trade Unions Congress demands that minimum wages (\$0.75 a day) be doubled, and it announced in presenting its new budget that no salary increases would be permitted during the coming year.

Prohibition of Forced or Compulsory Labour-: Ghanaian law prohibits forced labor, and it is not known to be practiced. The International Labor Organization (ILO) continues to urge the government to revise various legal provisions that permit imprisonment with an obligation to perform labour for offenses that are not countenanced under ILO Convention 105, ratified by Ghana in 1958.

Minimum Age of Employment of Children-: Labour legislation in Ghana sets a minimum employment age of

16 and prohibits night work and certain types of hazardous labour for those under 18. The violation of child labour laws is prevalent and young children of school age can often be found during the day performing menial tasks in the agricultural sector or in the markets. Observance of minimum age laws is eroded by local custom and economic circumstances that encourage people to become wage earners at an early age. Inspectors from the Ministry of Labour and Social Welfare are responsible for enforcement of child labour laws. Violators of laws prohibiting heavy labor and night work by children are occasionally punished.

Acceptable Conditions of Work-: A tripartite committee of representatives from government, organized labour, and employers established a minimum wage of 780 cedis (less than one dollar) per day. The standard working hour in a week is 40 hours. Occupational safety and health regulations are in effect sanctioned which are occasionally applied to violater through the labour department of the Ministry of Health and Social Welfare.

VI. INDUSTRIAL RELATIONS IN NIGERIA

Nigeria today is a country undergoing fundamental political, economic, and social change. It has been said that 'revolution' is 'evolution' speeded up. Davison (1977) If so, few can doubt that many of the institutions in modern Nigeria are in a state of revolution following the departure of the British in 1960, when Nigeria became a sovereign independent state, the political and industrial relations structure which the British had left behind changed drastically within the space of six years. Many of the institutions that were bequeathed to Nigeria-trade unions amongst them-were inappropriate to the social structure. Nigeria is now engaged in the challenging task of finding her long term solutions not only to the question of government but also to subsidiary, but important, problems such as the development of an appropriate system of industrial relations. On the industrial relations front, the government viewed with the growing concern of the formation of a single central labour organisation. The N L C, which came into being at the end of 1975 at which date four competing central labour organisations went out of existence. The trade union structure, however, remains highly unsatisfactory with a large number of trade unions of about 2000. Many of them miniscule and almost totally ineffective.

In February 1976, the federal Government set up a tribunal of inquiry into the trade union movement intended to investigate the activities of the various central labour organisations, some of their officers and individual unions back to 1960. The term of reference of the tribunal do not specifically ask for recommendations on the future policy but it seems reasonable to assume that some far-reaching government initiative designed to reorganise and strengthen the administration of trade

unions at all levels will emerge. There is a general feeling that unions should be built on industrial line (the German and Ghana models are possible examples) but no consensus has yet appeared as to what should be done, or how it should be done. A conference on industrial relations held in Kano in August 1975 under the joint sponsorship of the Federal Ministry of Labour and Ahmadu Bello University (ABU) Zaria, Department of Adult Education enabled some ideas to be formulated but no clear picture emerged at that time. Although the government is committed in principle to the establishment of a Trade Union Education Institute to provide systematic training for trade union officials, no public moves have been made so far to bring this much needed institution into being.

A fundamental change in the law of labour relations came with the issue on 19th February 1976 of Trade Disputes Decree No. 7 which was deemed to have come into force on 1st January 1976. This measure swept away in the wake of the civil war which had completely banned strikes and lockouts and gave almost unlimited power to police and military to restrain any unofficial strikes or lockouts. To a large extent the draconian powers of the previous legislation-which did nothing to enhance the image of Nigeria as a country dedicated to freedom of organisation and trade union activity-had been shown to be quiet ineffective in the earlier part of 1975 when a wave of –short lived-industrial disputes swept the country following the implementation of the Udoji and later Williams awards. Once again workers had demonstrated that if they feel too outraged by what they regard as injustice the most severe powers of military and police regulation will not stop them from downing tools collectively in protest.

The new machinery for trade disputes recognises this and has removed the objectionable features of the earlier legislation. However, the system is still based on the premise that strike and lockout are illegal until all the machinery has been exhausted. As this machinery involves the compulsory reporting of disputes and the compulsory reference arbitration, if necessary, and furthermore, as it is illegal to strike against the award of arbitration, National Industrial Court or duly registered collective agreement, it is difficult to see in what circumstances a 'legal' strike could take place at any time.

The stress of the system is upon collective bargaining (in the private sector at least).

And the aim is also to try the decentralize decision making on personnel matters in the public sector. It remains to be seen how far this new system of industrial relations, particularly when allied to a revised trade union structure will result in the growth of genuinely free trade unions, free of domination by either government or foreign paymasters, a virile system of collective bargaining, a de-emphasis on legal formalities for the settlement of disputes, an upsurge in productivity

and the emergence of labour movement equipped and willing to play a leading role in the future economic and political development of Nigeria.

The Adebisi Report established the fact that most union leaders were using trade unionism for their political and selfish interest without serious concern for the welfare of the members. Secondly that there was no single workers' solidarity because of conflicts-inter intra among unions.

Thirdly, that most of the unions affiliated themselves with foreign trade unions with different political instability of the country. As a result many of the union leaders were banned never to participate in trade unionism in Nigeria again. The Adebisi Report led to the appointment of Abiodun as the Sole Administrator for all the unions, he was to restructure the about 2000 house unions in a sizeable one in line with the industrial society. The report was submitted to the government in which the Nigerian Industrial Relations are now divided into three major categories;

- The workers through the N L C
- The Senior Staff Association
- The Employers Association

The Abiodun recommendation was adopted with 42 Industrial unions affiliated to the N.L.C the birth of which came on 28th February, 1978 when Alhaji Hassan Summonu was elected as the first President of the N L C in line with the practice of industrial relations in industrialized countries.

Although there have been series of socio-economic and political changes in the Nation's environment, the industrial relations system too has witnessed some evolutionary adaptation to the environment. The Nigerian system is the outcome of environmental forces interacting with human intelligence to find expression in a particular set of institutions. These institutions do inevitably change as the environment changes and human intelligence perceives the situation in a different light and as new theories are developed.

Nigerian Industrial relations practice has come to stay but has since 1978 undergone series of social economic and political changes. Some of the changes as identified by Fajana (1995) are the following;

- In 1978 the restructuring exercise was announced and enable by an amendment to the Trade Union Act of 1973. 70 unions were created; 42 industrial unions, 15 senior staff associations, 9 Employers associations and 4 professional unions.
- In 1979 the legalisation on labour matters was reserved for the exclusive list, the regional assemblies were precluded from passing labour law. Also section 37 of the constitution of Nigeria provides for the freedom of assembly, political partying, and trade unionism.

- In 1979 Trade Union Amendment Decree NO 22 Precluded executives and senior staffers from being organised in the same union with junior workers. A further amendment (no 36) defined projection of management.
- In the year 1981 the National Minimum Wage Act set the lowest pay at one hundreds and twenty– five naira, in the same year A general strike that lasted for three days was embarked upon by Nigerian workers to press home their demand. Also Onosode Cookey commission respectively worked on conditions of service in the parastatals and the universities.
- Adamolekun Commission worked on conditions of service in other educational institution in the year 1982.
- The Michael Imoudu institute for labour studies was established at Ilorin in 1985.
- Nigeria adopted the structural adjustment programme and set up the second tier Foreign Exchange Market in the year 1986.
- Trade Union (Miscellaneous Provisions) Decree was passed, banning the affiliation of senior staff associations (S. S. A s.) With the N L C, removing automatic membership and check off for S. S A s in year 1986.
- The Factories Acts 1958 was reviewed so that a factory is defined as “any premises where one or more persons are employed.”
- Academic Staff Union of Universities was proscribed as a result of strike action in the year 1988.
- In 1993, the striking academic Universities were sacked as their employment status's were deemed terminated on the account of the strikes.

VII. COMPARATIVE ANALYSIS OF INDUSTRIAL RELATIONS SYSTEM PRACTICE IN GHANA & NIGERIA

From the above explanation the similarities and differences in industrial relations practice in Ghana and Nigeria can be identified. An examination of the real position of labour force in West Africans will confirm that the situation of industrial relations of one nation differs from the other .In Nigeria as an example in early 90s, Stock (2006) gave the total number of labour force as 28millions out of which 20 million or over 70%of this figure engage in farming, fishing and husbandry, More than 4 Million i.e. over 15% are in commerce. Also, out of the actual labour force of about 28 million self-employed people in non agricultural activities like crafts transport, trade, e. t. c are just under three million. The above figure as related to actual labour force can be compared to that of Ghana where only 5% (7,945,000) of the total population of 493,000 000, are in wage

employment. Oyebola (1984) and Owusu-Ansah (2006) stated that in the year 2004 Ghana labour totalled (9.6million) people of these 55 percent were involved in agriculture, 31percent in services and 14 percent in industry. Despite an expanding private sector, the state continues to be the largest employer of labour. Making a reference to labour in the year, Stock (2006) stated that in 2004 labour force in Nigeria totalled 46.7million, up from 30million in 1980 .Women made up of 35percent of the force, men 65 percent, an estimated 3 percent of all workers worked in agriculture, down from 54 percent in 1980; 75percent worked in the service sector, and 22 percent worked in industry including mining, manufacturing. Data on Nigerian's labour force, however, have limited value because most Nigerians earn their living in more than one field. Urban workers “moonlight” to make ends meet and rural dwellers have second job to supplement farming. Accurate unemployment rates are difficult to obtain and generally mean little in a society where many who work are marginally employed and where begging is a social occupation. Nigeria's central labour congress (N L C) which comprises numerous specialised industrial & professional unions. Union activities have increased with the economic downturn of the 1980s and 1990s and the government's efforts to strictly limit wage increases. Among the most active unions are those representing petroleum workers and the university teachers which have challenged the government not just on salary and economic issues but also on abuses of human rights and autocratic rule. Strike called for by the N L C have periodically disrupted the Nigerian economy since the early1990s.The first trade union in Nigeria (the Nigerian civil services union) which was founded in 1912, and that of Ghana the Trade Union Congress received a kind of government acceptance at the period of their formation and development Adewumi (1998). From the point highlighted above, it can be concluded that the government of both nations encouraged the development and the growth of unions in their domain at the beginning of industrial relations, also it can be deduced that the population of the labour force in Nigeria is more than that of Ghana the reason for this may be due to the greater number of people engaged in labour force to earn a living and the total population of each country.

Looking at the activities of trade unions as one of the actors in industrial relations in Africa Fashoyin (1992) citing Lloyd, pointed out that before the advent of colonialism in Africa, there existed a well-developed social institution, mutual-aid societies and guilds which provided many of the services now offered by modern day trade unions. The creation of wage labour and money economy in Africa has been adduced to colonial settlements, while the resultant class formations were organised to fight for social justice and against others ills of colonialism. But before the emergence of unions in

the two nations under consideration there had been spontaneous strikes and protests to request for good working conditions for example in Nigeria, unorganised workers protests occurred in 1897 and in Ghana 1919, there was a protest among workers in Public Work Department for better welfare. Damachi (1979) and Omole (1989).

In both countries (Ghana and Nigeria) the workers unions played an active role in the struggle for independence Ecki (1998) and Gabre (1988). The colonial government before independence passed laws to regulate wages and conditions of work, Oyebola (1978) and Gabre (1988) stated that as far back as 1945 in Nigeria, the colonial government investigated into the conditions of work in several trades and wages being paid. While in Ghana the colonial government in Gold Coast (Now Ghana) fixed minimum wages and working conditions for retail trade employees. In spite of trade unions' involvement in the campaign for the independence in the two countries above, it would be wrong to say that the unions had as much political objectives as nationalist movements. Buttressed this view Berg and Butler (1964) as cited by Fashoyin (1992) argued that Africa unions during the independence struggle had low commitment to politics and parties. Making a reference to the general economic environment in some African countries that includes Nigeria and Ghana Fashoyin saw wage employment as constitutes a small proportion of labour force in those countries furthermore, he stated that in the urban areas like Nigeria where wage employment opportunities exist, the growth of employment has been sluggish thereby providing job for few Nigerians, the same situation also exist in Ghana. Obeng-Fosu (1993) One other area that attention should be paid to in industrial relations systems in Nigeria and that of Ghana is on the role of industrial employers' associations toward the promotion of industrial relations systems Fajana (1995) and Fashoyin (1992) both stated that in some countries, such as Egypt, Kenya, Nigeria, and Ghana, industrial employers' associations played significant roles in the industrial relations systems, while making reference to the roles of industrial employers' associations in Kenya Fashoyin (1992) citing Stewart (1979) stated that the employers associations played an active part in the conception and implementation of tripartite agreements on employment, income and maintenance of industrial peace in the 1970s and 1980s.

Furthermore, the government and unions had played a significant role in West African industrial relation systems. The government being one of the actors in industrial relations that employs the larger percentages of labours roll out the laws that guide the other actors in order to maintain industrial peace in the world of work, while the unions fight for the welfare of their members Damachi (1974) says that change in

labour laws was immediate in Ghana, while changes in Nigeria came rather slowly.

In Ghana the country complied with the International Labour Organisation convention 105 that prohibit force labour, infact the convention was ratified by Ghana in 1958, however, this I L O convention was absent in Nigeria.

On the issue of exercising workers rights through collective bargaining Gabre (1988) saw that a large number of African countries accept the principle of collective bargaining as stipulated in I L O conventions 98 Nigeria and Ghana were among the countries that ratified the convention. Here both countries practice collective bargaining and allowed its work force to engage in dialogue on the issue that affect labour & management relations.

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