

NON-IMPLEMENTATION OF THE OUTCOMES OF DISPUTES, COLLECTIVE NEGOTIATIONS AND PERFORMANCE OF NIGERIAN WORKERS

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ABSTRACT

Nigeria is a country with great and large labour force that can competitively produce increase productivity and enhance the economic and developmental growth of the nation .But unfortunately Nigeria is a country prone to incessant industrial manifestations, strike action and unfulfilled implementation of negotiated collective agreements arising out of dialogues and compromise to the settlements of industrial disputes. Thistactical method of promising, implementations making workers to stop their industrial actions and go back to, work to avoid societal malaise while implementation linger, has made, workers return back to strike, thereby revitalising strikes that may last for, a longer period, due to non-implementation of negotiated, agreements. These studies evaluate the causes of incessant strikes in Nigeria and the Non implementation of collective agreements and its consequences on workers performance and productivity in the Nigerian economy. Workers in Nigeria are asked to understand, the economic situation of their employers and demand for things that are within their capacity so as to not to persuade them to promises that cannot be implemented. Notably agreements are meant to be fulfilled is agreed by parties to agreement for industrial peace and harmony. The non-implementation of the outcome of collective negotiations has cost both labour, management and the nation a lot, as strike become the consequence which does no good on either parties. The study review all these suggest, that a legalised framework, has to be enacted by the country national assembly ,and, the court to give collective agreement a legal backing that provides sanctions of, offending parties who will not, keep to the agreements. We also recommend that the archaic industrial relations concept of industrial relations law on collective bargaining to be reformed in line with international standard following the policies of the international labour organisations (ILO) for industrial peace, harmony and economic wellbeing of all.

KEYWORDS: *Collective Agreements, Negotiations Outcomes, Employers and Non Implementation of Outcomes, Legality*

INTRODUCTION

In recent times Nigeria has witnessed a large increase in industrial manifestations and strikes. In fact strikes has been a pandemic and of concern among Nigerians in both private and public sectors of the economy. In Nigeria hardly would a year or a regime pass out without unresolved industrial disputes, strikes and unimplemented outcomes of negotiated agreements arrived at but without implementations. There is incessant strikes in the Nigerian public and private sector of

the economy and this does not augur well for a country facing, and growing towards economic growth and trying to contribute to the growth of the national economy. This also hinders the entrants of the foreign direct investors, (FDI) because no serious investor would like to invest in a country with incessant strikes and non-implementation of the outcomes of collective agreement reached by parties in trade disputes and conflict. The implication of this to the Nigeria economy is a nose diving economy losing its opportunities for growth and developments.

Over the years, the Nigerian industrial system has been characterised by one industrial dispute and the other. The parties in the disputes somehow finds it difficult to reach a convenient agreement, and when these agreement are reached one of the parties finds it hard to implement the outcome of the agreement. Strikes and incessant strikes has become, the order of the workplace, , taking its highest toll on one of the first valued sector of the economy- the educational sector (Olakunle 2011)

Incessant strikes has been a long lasting issue in Nigeria starting from the days prior to the Nigerian independence in 1960.(Adavbulle 2015) noted that the country has been experiencing strikes since the 21st century. And these are rights of workers, imbedded in the constitution and in the international declaration of human Rights 1948 charter.

There is a firm international consensus of the right to gather together, the right of the freedom of association that enables workers to aggregate, join and form association that would protect the interests and job of workers in the work place .This is a freedom guaranteed by the United Nations, and the International labour organisations(ILO) The freedom of association is an inalienable rights of workers to aggregate solidly to protect themselves against the whims and caprices of the unscrupulous owners of the labour, so when workers associate together they form unions which entitles them to recognition for the purpose of collective agreement, negotiations and the implementations of the outcome of negotiated agreement by parties involved for the good of all and for the development of the economy. This leads to higher performance and productivity.

The right to association, demand for improvement of the condition of work and employment is a component of modern industrial society and so any society that needs to perform and develop must ensure that this industrial democracy is ensured(MacFarland 1981). The right to demand for better services and employment conditions if not considered and fulfilled by management and the owners of labour can lead to strike actions . The right to strike is an indispensable feature of individual participation in a democratic society .It is the fundamental right of every human being, .it serves as a means of putting labour both public and private in checks and balances with regards to the welfare of labour so as to avoid exploitations. When workers are refused the right to strike and manifest, they become like toothless bulldog in society (Kwaugana 2016).

But there is a known international consensus that the rights to freedom of association to groups or organisations are for the protection of one's interest. This freedom is the enabling key, right and gate way to the exercise of other human rights at the workplace .Recently just to mention years of democracy dispensation after the period of the 1960 in Nigeria. There has been various industrial disputes , conflicts Negotiations , dialogues and agreements reached and made between employers , management , civil servants and government that had not been implemented and fulfilled.

The educational sector in Nigeria is being seen as the worst example of incessant strike and unfilled implementation of agreed outcomes between the Academics staff union of universities (ASUU) and the federal government

of Nigeria, her employer. The dispute between these two parties in collective agreement and negotiation has lasted over 15 times, with fail outcomes yet to be implemented fully. We can outline the update from the year the country was taken over by the military and transitioned to the civil democratic rule in 1999 from this year there has been subsequent strikes from the country's educational system 2001, 2002, 2003, 2005, 2006, 2007, 2008, 2009, 2010 to 2018(Wahab 2018) to 2010 from 2009. There has been various industrial disputes with negotiations, dialogues and agreements made between management and employees civil servants and governments. In so many of these negotiations, agreements have been made to the resolution of disputes, signed but later not fulfilled nor implemented as agreed. This resulted to incessant and continuous industrial actions and strikes detrimental to the economy. Idoko 2020 revealed that the federal and state government has incurred a mounting economic loss of about N=1.5 trillion (Nigerian currency) to ASUU strikes to the educational sector alone. Since 1999 not to talk of other sectors of the economy since Nigeria transitioned from the military regime to civil democratic rule in the 1990s.

This shows that bad effect of these strike action to the national economic and development of the nation. More so the incessant strike has had its adverse effect on the educational sector and the overall academic performance of the Nigerian students (Akintoye & Uhmwuangho 2018). This really reveals the type of the graduate turned out of our higher institutions and the quality of our manpower human capital in the labour market that we see. Insufficient for the expected labour force needed for development strikes, incessant strikes continue and will continue as far as government and management with the inability or reluctance of parties to implement agreement reached at collective agreements and negotiations processes upheld by parties in disputes something must be made perhaps legal sanctions for defaulting parties to stem the tide of incessant strikes in Nigeria for industrial peace harmony and development of the economy.

The non-implementation of collective agreements and outcomes of negotiated compromise put the country's image in jeopardy to foreign investors, for no investor would like to invest in a country where there is incessant of workers, a country prone to incessant industrial actions damaging one thing or the other without a stabilised and legalised industrial relations system supported by law and abiding in its negotiations reached with parties, both by the government and management of private establishments for the wellbeing of the workers, the growth of the nation enhancing economic and industrial self-developments. Investors would not countries that do not respect the ethics of its industrial relation and go on strike for 9 months for one demand or the other, without production and productivity output. During the stoppage of work during this period they also expect wages without productivity nor work.

When compromise are reached between negotiating parties, or disputant in conflict agreement are not implemented as agreed upon by the parties in dispute. Owners of labour and capital have no legal binding instrument to obey the outcome of negotiations and collective bargaining agreement. Because there is no legal sanctions or legal instrument to punish the offending parties. The non-implementation of the outcome of negotiations and collective agreement by parties has been the cause of incessant strikes in the Nigeria, Especially in the Nigerian public service. We must provide a solution and answer to this so as to keep growth and development in the economy for the good and wellbeing of all. It is noted that strikes does not pay any party any good. It disrupts workers morale, the company's and nation's income and revenues.

The industrial relations system in most democratic nations establishes or have a mechanisms constituted and written in the statute of every comp from any, organisations on the mechanisms for resolving dispute and conflicts when

they arise. Disputes misunderstanding and conflict are part of work and human characteristics. Wherever two or more people are gathered to work in place and pursuing the same interests there must be conflict. Conflict is inevitable in the work place where different people from diversified background, different culture, religion, educational background and class come together to achieve a common objectives. There must be clash and conflicts of interests which may grow and expand if not for the mechanism for such resolution act aside by the organisation to resolve conflicts before they rise to disturb industrial peace, harmony and work stoppage.

Despite these mechanism put in place resolve grievance, disputes arising from the workplace, by parties airing their grievances, negotiating and arriving at resolutions, strikes still continue to occur in the Nigerian labour sector. For example in the educational sector featuring the case of (ASUU) Associations of Senior Staff of Union of Universities. The cause of ASUU incessant strike from 2009 till today is the inability and reluctance of government to implement agreement reached from negotiations agreed upon to resolved the impasse of the Nigerian Senior Staff Union of Universities since 2009.this makes the Union to always embark on strikes to remind the federal the government of its non-implementation of the outcomes of agreed negotiation. Our questions in this study is to ask of government to abide by the rules of negotiations and collective bargaining principles .What can we do to make parties especially governments of Nigeria implement the outcomes of agreements reached from previous negotiations and its outcome .What can society or the legislatures do to see that outcomes of collective negotiations relating to industrial dispute especially in the public sector could be implemented and to prevent future occurrence with its strike impending strike actions.

Collective Bargaining Agreements

collective bargaining is a process of voluntary negotiation between employers, government, organisations of workers (trade unions) at reaching agreements which regulates working conditions, conditions of employment. This collective negotiations usually sets out wage scales, work schedule and hours of work, training health and safety at work. It also set out negotiated agreement on overtime work, grievances and mechanism for settling disputes as they arise, and the right to participation in the workplace or company affairs (Bureau of labour statistics 2010)

The result of this collective negotiations is also termed and referred to agreements by parties involved. That is collective bargaining agreements (CBA) or collective employment agreement (CEA) many nations have laws and regulations that guide and bind collective negotiations agreements.

In Nigeria, the Nigerian Labour Act is the most comprehensive law guiding the issue (Labour Act.Cap 198 LfN)(Lakemfa 2008) collective negotiation agreed upon is accepted as or human rights and thus is deserving of legal protection . Article 23 of the Universal Declaration of the Human Right identifies the ability to organise trade unions as a fundamental human right (United Nations 2007) And Collective Agreements is the core activities of the trade unions in industrial relations.

Item 2(a) of the International Labour Organisations (ILO) Declaration on Fundamental principles and Right of work defines freedom of association and the effective recognition of the right of collective bargaining as an essential right of workers (ILO 1998).

The right to collective negotiations agreement with employers enhances workers right, human dignity liberty and autonomy of workers by giving them the opportunity to participate and influence lives. It permits the workers to achieve

some form of industrial democracy to ensure the rule of law in the work place.

Collective negotiations as agreements agreed upon by parties must be legal and the outcomes implemented (supreme court of Canada 2007) this will ensure sense of mutual confidence, development, dependence and respect and moreover encourage each group to trustfully come closer to each other to remove misunderstanding, redress grievances in a peaceful atmosphere with open mind fostering industrial peace socio-economic pursuit with mutual benefit (Damilola Olotuah, Abiodun Olotuah 2016).

The Nigerian Labour Congress the apex body of all Trade Union association (NLC) recognizes collective bargaining as a process of negotiations on so many issues bordering on terms of regulations of the teams of employment and the conditions of work between workers, employers and government amid a collective agreement. The (NLC has its roles in collective negotiations as providing data for negotiation , continue renewals of reviews on minimum wages influencing labour legislations. Ensuring acceptance of collective agreement but with no legal backing for outcome non implementation intervening in industrial dispute. Ensuring protection of negotiations against victimization etc.

Negotiations of Dispute

In there is incessant strikes that affect employee's performance at the work which reneges the socio economic growth of the nation with the dearth of implementation of concluded perfected and agreed collective negotiated terms of agreement. Negotiation is an aspect of the collective bargaining process in industrial relations system of any democratic nation regarding the nature and conditions of employment and work of its people's employee. This employers and employee organisations in trade, trade dispute utilize mechanism such as voluntary negotiations mediation, Arbitration, and industrial and industrial court to resolve disputes among parties in work relations, finally awards are made by these machineries following the outcomes of the negotiations. Collective agreement (ILO) convention 98, 1949)

In Nigeria parties to an industrial, dispute negotiation for agreement are usually grounded by their respects natural and inherent defensive interest which are sometimes conflicting and disputable Ibietan, (2013) the employer pushes for efficient , productive increased and maximised profit oriented workforce while the employees or their representatives seeks and demands for better wages paid as at when due, inadequate welfare packages motivations and jobs security, better working environment (Ibietan 2013).

Collective negotiation as an agreement has a common connotation in both the statutory and common laws definition. Under the common the common law, collective agreement of negotiations is regarded as a gentlemen agreement in Nigeria this is subjected to the act of third party before it could be enforceable at a law as between the employer and the employees or upon management and incorporated into the letter or statute of the existing terms of employment .this practices in Nigeria has a lot of negative implications and the constitutional rights of the worker or the registered trade Unions. The dual application of statutory and common law application on the implementation of collective negotiations agreements put the employees in a helpless position, as it deter legal obligation and sanctions to parties in the case of the non-implementation of collective negotiated agreement.

This does not make for a healthy and good employer and employee relations. It there hinders optimal performance and leads to incessant strike in the country. Looki.ng at the disposition of collective negotiated agreement under the common statutory laws depicts flaws and differences. Under the common the law. If note, the statutory law regulated

collective agreement negotiation is to ameliorate identified shortcomings in the common law regime on collective agreements with regards to the deplorable conditions of work, terms and conditions of work and employment of workers (Macaulay J.D & Akpan 2017).

Common law is a judge made law derived both from customs and the interpretation of status (Blacks Law)2009).

This is derived from the prevailing attitudes and industrial relations practices in the older day's works environment that influence the judge made laws which led to the negative attitude and perception of the working class. Workers in alienation and in favour of employers and owner of labours interest, to the detriment of the work worker, under the hire and fire of the employees at will. Subsequently this general attitude of workers, work and their perception at the work environment crystalized into the common law principle that collective agreement were made but not enforceable at law, between parties there unto (Macaulay & Akpan 2017) consequently in Nigeria the common law principle has been adopted by the court with additional requirements for the industrial relations system, that before collective negotiated agreements breached could be enforceable by such law, such agreements must not be only be in writing but it must also be incorporated into the statute of the terms of the existing employment conditions of each of employee concerned (Osho V Unity Bank Plc(1969)

This practices is looked at as a negotiation of positive nature of legal system. it is more so when a statue is called in and or issue is not in conflict with any provision of the constitution or any other existing laws. The court are made to follow statutory law validly passed and to whittle down any conflicting provision with the constitution and any other existing laws in specific cases during their interpretation and exercise of judicial review powers in order to arrive at a just decision. Equally the nation legislative has the power to appropriate cases and codify or modify decisions of the court to meet the social economic and the exigencies of the moments for example the legislature can do this as it did in recent past intervened and enacted laws to adopt and /or vary certain court decisions like the resources control Case and the constitution of a vice president or Duty Governor while in office and the qualification of the said persons to run for another two terms of four years each on merit (Cyriacius Njoku Vs Goodluck Jonathan & Ors (2015) if this preposition is correct, then legally speaking, the cardinal rule of engagement in adjudication, interpretation and supervision by the courts and the corresponding enactment of laws by the legislature guided by the principles of separation of powers, should apply in the cause of and employees collective negotiated agreements to be legally binding on parties to implement its outcomes and sanctions be applied to parties foe non-implementation so as to create industrial peace, cordial relationship between management and productivity for the growth and development of the nation.

In this vain the Nigerian court must be duty bound to apply the provisions of every validly exacted

Legislation, or to "Suo motu" raise issues of law relevant to any case at hand and invite counsel to the parties before the court concerned address the court on such issues notwithstanding that such issues was /were not pleaded, as that substantial justice is done to the parties, and to interpret the laws of the land under the prevailing circumstances under the real and restrictive powers of the court. This obviously will help to improve on the right of workers to associations, unions as it affects, disputes and collective agreement in Nigeria.

COLLECTIVE NEGOTIATION AND OUTCOMES UNDER THE NIGERIAN LAW

In Nigeria, collective bargaining agreements negotiations are under the exclusives Act (ELL) of the Nigerian federation

laws. This means that the national states Assemblies (NASS) has exclusive authority and powers to enact and legislate laws on trade unions dispute and industrial relations with the employers of labour as contained in the executive exclusive list (ELL) The state government are expected domesticate or adopt their act for the purpose of regulations and settlement of trade disputes on outcomes of negotiated agreements. And a proper way of handling breaches of collective agreements, the Act authorises of labour ministry in charge of labour matters to delegate and show its powers under the Act with regards to collective agreement and implementation obligations to the appropriate authority charged with labour, labour welfare and implementation of agreements negotiated by parties in dispute (Ibidem 4, ss, 39(1)(3) and 40(1). The acts of 1990 and 2004 both defines collective agreements and also stipulates the obligations therein. The provisions of the Act in Nigeria regarding binding of collective negotiated agreements in the Act are unambiguous and to all extents and purposes. The common law position is ruled out of order in Nigeria. Stating that once the minister or commissioner of labour and employment makes and order on the status of an agreement in dispute or the enforcement of an outcome of negotiated agreement then can the agreements be enforceable at law between the parties, so the issue of enforceability has a statutory backing the issue of implementation of such obligations of collective negotiated agreements has always forced some revolving challenges legally in Nigeria, with the parties especially the government.

This raises the questions and challenge over obligations of bindingness of the law in Nigeria. The doctrine of the pact sunt servant, that is all agreements must be kept and implemented.

This negates the principles that collective agreement must be dully kept and executed and implemented and deposited with the appropriate government legal authorities.

Indeed thanks to the British Act from where we borrowed most aspects of our law and industrial relations system. Their Act recognises the common law position and recognise the freedom of

Contract or intention to enter into legal contract and the agreement should be binding on the parties.

In the United States of America (UsA) when the collective agreements process results in terms that are approved by both the upper management and union members, the provisions are written down and bound into legally enforceable collective agreement .this is also known as a union contracts and contracts are legally binding and sanctions imposed when breached by parties .this contract is detailed and legal. This has grown thick over the last decades. (Contemporary U.S Labour relations 2019).

Most of Nigerians labour laws are outdated because some of these things that features remains till today.

The provisions regarding abidingness of collective negotiated agreements in Nigeria statutory Act and common law Act are unambiguous and to intents and purposes, the common law Act is completely supplanted and completely ruled out of order in Nigeria. This makes the issue of implementation of collective agreements always coming up with revolving challenges in Nigeria, this negates the doctrine of ‘pacta sunt servanda’ that is all agreement must be kept (Macaulay & Apkan 2017)

Today’s industrial relations laws has to be revisited and amended. The business climate is the 21st century is characterised by flexible production methods, the rise and increase of knowledge workers, the automated skills, the brains with intense global competition calls for reforms in labour laws and its collective bargaining to meet the realities of the time

Negotiation Strategies

According to Liu(2009) negotiation styles, strategy can be classified into two

1. The integrative strategy win- Win approach. Negotiation are integrative when the two parties involved are ready to use a cooperative approach and focus to create more value for both parties in dispute (Lewiski 2009) this is also known as win-win approach. To attain this strategy relationship building and exchange of information is valued for the adaptation of the integrative win-win strategy. Thomson 1991 Point that by sharing information together negotiators might be accurate in discerning freely and consciously the interest of the other parties .the integrative approach of negotiation in collective bargaining focuses on the collaboration among parties involved in the negotiation process (Hawes & Fleming 2014)

2. The distributive strategy or the win lode approach. This approach to negotiation is always competitive because each negotiations strive to win and does not care about the aspect of the other negotiator. Negotiators outcome of the other party involved(Han et al 2012)

The distributive strategy is determined in terms of individual gains, and it involved claiming values instead of creating values (Olotuah 2016) which of these is mostly used by negotiations in Nigeria foe peaceful outcomes that results to implementations at last.

One of the fundamental dilemma's in negotiation is the degree to which negotiators trust one another in as much as going through this process negotiators to gather information and determine how much thy trust each other or how likely the other party is likely to be deceptive or deceitful by this misrepresentation of true positions, the distortion of relevant facts or the introduction of spurious information and positions.

According to Rotter (2010) individuals and collectives differ in their levels of interpersonal trusts which he explained as a generalised expectancy held by an individuals or group .this is determined by the experience have or have had in dealing with others in the past. if people have had experiences when they have trusted others and this trust have been rewarded reciprocally and positive relationships has been created and existed simultaneously, then generalised interpersonal trust should highly appreciated , but where the trust has been negatively exploited by deception as an advantage then interpersonal trust should be at the ebb and on the low perspective . This negatively affect negotiations, affects business and organisational relationship. The ethics of trust leads high thrusters to believe that others will be trusted to so as to arrive at a favourable compromise. They are likely to impose high moral standards on themselves and exhibit high ethical dealings (Chandhuri, Khan, Py &shan 2003, Patric Nwin Yokpugi 2015) But parties who have previous strong distributive reputation of the other party trust them less and exchange comparatively little critical information about key bargaining issues with them and hence reap poorer negotiation outcomes (Tinsley 2012) knowing that the other party has a reputation for integrative negotiations (Value creation and the negotiators on the other hand to less deception from the other party will engage in a more candid and truthful discussion of specific needs of interst for both parties there improving the grey areas of distrust. This accordingly encourages the optimism of reaching a mutually benevolent agreement.

CHALLENGES IN THE IMPLEMENTATION OF NEGOTIATIONS OUTCOMES IN NIGERIA

The international labour organisation (ILO) is the world apex body on policies, regulations and advices to nations on labour matters. The core of industrial relations worldwide in collective bargaining or collective agreements which is an agreements written agreement between employers and employees or their representative on the conditions on the conditions of work and employment. It also sees to set out mechanised spelt on methods of resolving disputes, industrial manifestation in industries and work place .conflict are part of innate human tendancies this means that as far as two or more than three people engaged to work together in a work place with an interest to achieve there must be misunderstandings s greivences and conflicts , if not resolved on times through there mechanisms. It may lead to total breakdown of production and eventually strike action.

According to Shaffer 20025, for employer –employee relationships, it is the international labour organisations (ILO) convention on trade dispute settlement mechanism that applies the condition and applicable mechanism worldwide. The convention encourages states and its members to make and enact measures to promote an efficient and effective collective bargaining and agreement between employer and employees trade unions or other representative. Countries both developed and developing, have taken measures and enacted legislation to elevate industrial relations principles in respect of collective bargaining agreements and the implementation of the outcomes of such negotiated agreement. This if done will enhance the capacity of workers, increase their performance, productivity and profitability in industries and organisation thereby enriching the country’s economy and developments. But with various problems and challenges in Nigeria, the employees in Nigeria have not been able to realise an implementation or full implementation of agreement, or outcomes of the results of negotiated and agreed upon compromises by employers both in public and private sectors of the economy.

In Nigeria the applicable laws that regulates collective bargaining and agreements in the trade dispute Act has a lot of provision that could deal with trade disputes arising from failed implementations of collective negotiated agreements .so far there are many problems and challenges of various types facing industrial collective agreements in Nigeria with its attendants incessant strikes due to non- implementation of long collective bargaining agreement between managements , labour and the workforce.

Many of these incessant strikes passed from one regime of government to another is the result non-implementation of the outcomes of negotiated agreements between the employer and employees. For example ASUU, the Academic staff union of Universities since 2009

Problems of Implementation

For the past decades in Nigeria there has been a lot of problems in the industrial relations system with regards to collective agreements and the outcomes of negotiated agreements of parties In industrial disputes. This has disallowed the workers, employees reaping the fruits of their collective negotiated agreements and demising developments and trust in the nation. The non- implementation of negotiated agreements in industrial relations could summed up in the following facts.

Management Indiscipline

Collective bargaining, agreements are contracts and one of the reason for drafting a contract is to gain consensus, to agree and abide by the policies laid down in the contract .so as to create and ensure a cordial relationship between the parties .here we talk about the employer and employee, those that creates the wealth of the nation and saddled with the development and propensity and wellbeing of the nation. On agreed negotiated collective agreements, the enerus stands on the management or employer of labour to honour the agreement and implement discussions agreed upon. The employer of labour may the private sector or the public sector that is the local state or the federal government of Nigeria. the essences of them implementing the outcomes of negotiated agreement with labour, the labour forces , trade union or their representatives is to afford these other parties (the employees to reap the fruits of effective representation and better work and working conditions for the wellbeing of the nation. When these implementation are not done by the capricious owners of labour because of their whims to maximises profits and reinvest the pro-plus profits into another investment that will continue the alienation of the workers, the sucking of their capacity forever. The work therefore will rise up using the best weapon they have, that is strike continues to strike until their demands are met.

This lack of political will is most seen as dispute negotiations between the federal government of Nigeria versus Academic staff of Nigerian Universities (ASUU) 2009, 2010, 2013, 2020, 2012.

According to oleribe(2016)ASUU embarked on strikes for, five ,six and nine months respectively and the energy sectors . (Amadi 2015)

To whittle down such non- implementations disaster, the same government runs to their own industrial court seeking a restraining order to protect its masters, the government.

This same order applies to the industrial capitalist against the poor workers.

Lack of professionalism and governance structure. Professionalism what the society expects from industrial relations experts and management in the achievements of sound employer, employee relations in Nigeria so that parties in collective bargaining agreements should adhere to the ethics or its professions collective agreement and negotiations can be meaningful, realisable and implementable if from the onset there exist a clearly delineated governance structure manned by relevant professionalism who are not only interested in employers wellbeing both in public and private sectors but also of the employees. The absences of such governance structure can only work hardship and uncertainty for the employers, employees and negate industrial peace and harmony in the society.

The structure of collective agreements processes is not acceptable and legitimate as its passes through many hands from minister of labour, to states minister of labour and to some special

Administration is sometimes appointed by the government in power. These distortion is the implementation and recognition of the process plays according to the wishes of their master, their political party, managements to the detriment of the employees.

This indeed makes the employee disappointed. Hence the industrial strikes continues

Dearth of timely budgetary provision The pressures and activities of trade unions in Nigeria makes the government afraid of incessant strike actions and induces them into collective negotiated agreement without these government, without adequate data about their financial capabilities and obligations to the terms of collective agreements. The same happens to some private sector organisations is make agreement without looking into their financial capabilities

to oblige to the agreements made in dispute settlements. So the government and management of industries deliberately agree to implementations so as to make the supreme court of Nigeria must sanction parties involved in the non- implementations of the negotiated outcomes of disputes and collective agreements. It is also taken of note that the non- implementations of negotiated outcomes of disputes and collective agreements Portrays a bad image of the government and hinders foreign and direct investment. No investment would like to invest their wealth and resources to nation of incessant strikes with non- implementation of collective agreements free with judicial sanctions on the failing parties.

The implementation of the outcomes of collective agreements must be followed by sanctions, a stamps duty by law. This will put pressure on the parties to such agreements to ensure that they implements such agreements arrived at if not a penalty awaits them. When they become aware of the penalty they would face, when agreement are breached, they will be forced to implement their own agreed aspect of the bargain.

RECOMMENDATIONS

From the analysis of the study on its subject matter, we recommend the followings

1. There should be sanctity collective agreement with parties in industrial relations incessant strikes and non - implementation of its outcomes unilateral actions by parties to employer resolutions of disputes must be mutually agreed upon with the support of the law.
2. We also recommend that the industrial relations discipline should be professionalised with the government and relative acts, thereby giving it a legal backing and operators act with a sort of professionalism.
3. Nigeria industrial relations system with its partner's incessant strikes rivalries and solutions of best practise as it happens in other countries to see how they resolve such issues.
4. The government of the federal Republic of Nigeria being the highest employer of labour in the country has an achroistic method and measure of payment of its employees that means you take it or leave it kind of attitude that does not happen in the private sector of the economy thereby reducing productivity. So negotiations and its outcomes must be bettered off and implemented.
5. We recommend that the National Assembly must sit up, change the old order and enact serious laws to respect the outcomes of collective agreements and bargaining's. It has to be mutually respected by parties.
6. The Nigerian Government must stop being a sovereign, a State power, but act as an employer and regulator of labour who employs the labour force, and abide by the rules of collective bargaining which it stands to regulate and assure industrial peace and harmony among parties in the agreements.
7. We finally recommends not be any sweet heart agreement to buy peace that end the strike , dispute for some time , and at the long run the agreements arrived at will not be implemented, causing the employees to return to strike – incessant strikes.

Government and employers should always ensure that every agreement had in previous negotiations should be implemented for examples the 2009 agreements of the Associations of Senior Staff Union of universities (ASUU) and the Nigerian Medical Associations (NMA) No excuse should be tolerated for non-implementation if incessant strikes should be avoided. It is on this basis that government will better play its role as a regulator and interventionist in the Nigerian

industrial relations for growth, productivity, the wellbeing of the workers and the nation's economy this will reduce incessant strikes and other industrial manifestations and enhancing industrial peace and harmony in the country.

Employers, their Union and representations must be aware of the capacity of their employees, financially and economically so as not to make demands or negotiate for demands that is above the capacity of their employees and the employees must be not agree with employers on deceitful pretences to appease them back to production.

This if failed will not aggrieve the more the employees, there and the incessant strikes will continue. This will not augur well for anybody, the parties, the economy and the society these recommendations has to be considered and taken into legal applications for industrial peace and harmony in the country-Nigeria.

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