

A REVIEW OF THE LABOUR LAWS AND TRADE UNION PRACTICES  
IN LOCAL GOVERNMENT SERVICE

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## INTRODUCTION

Ever since Adam and Eve were expelled from the Garden of Eden, man has had to work for his daily bread. As part of the punishment for original sin, he must earn his living by sweat of his brow. Any time left over from his duty toil may be spent in leisure which in itself must be earned.

A variation on the Christian theme was provided by the Calvinists in 17th Century Europe. They saw labour as religious calling to be pursued with single-minded determination. Success in labour meant that the individual had not lost grace and favour in the sight of the Lord. Leisure activities in such things as drinking, dancing, recreation, gossips and the pleasures of the flesh were attacked and considered frivolous, time wasting and therefore condemned. Max Weber (1864 - 1920) gave a comprehensive study on this in "The Protestant Ethic and The Spirit of Capitalism" (Giddens (1971)).

In this paper, attempt is made to review labour, trade union practices suggestions proffered to assist management in resolving crises in our Local Government Councils. This is done from a purely social science perspectives.

## MEANING AND DIVISION OF LABOUR IN SOCIETY

In the past, distant past, work was a family affair. A son tilled his father's farm, studied his craft and trade followed in his professional footsteps (E.g Shepherd, Gardener, Cabinet maker or Statesman). Children grew up knowing what they would do as adults in the community.

Industrialization, that great wheel of change - took labour away from the home freeing people to choose their vocations.

Work or Labour: therefore is the interaction between an individual and things that make him realize himself (i.e earn a living) as a member of a group or society.

For Karl Marx (1818 - 83), labour is the production of goods and services. Labour holds the key to human happiness and fulfilment. It is the primary and most important human activity. As such, it can provide the means either to fulfil man's potential or distort and pervert his nature and social relationships with others (i.e Alienated Labour).

It is the most important and vital means for man to fulfil his basic needs, his individuality and his humanity.

Because social life is complex being composed of multitude of units and parts to make it a complete on-going process, so are complexities in labour needs of man. This calls for division of labour in society for which Scholars like Emile Durkheim (1858 - 1917) gave profound treatise. Although Karl Marx (the conflictologist), like Ralph Darendorf, Louis Coser saw the specialized division of labour trapping the worker in his occupational role and dividing society into antagonistic social classes, Durkheim, (the functionalist) like Parsons, Merton, Turner, Weber, etc believed the promise of the division of labour outweighed the problems.

A fundamental difference, so to speak, exists between workers in pre-industrial and industrial societies.

In the one, there is little social differentiation, unspecialized labour, similar social solidarity among individuals in beliefs, values and social roles. This uniformity binds members of society together in a close-knit communal life which is referred to as Mechanical solidarity in which case members are produced from the same mould.

On the other - the industrial society - social solidarity is based on Difference. This is the organic solidarity - which if compared to physical organism - like man - the various parts are different yet work together to maintain the organism of the heart, liver, brain, legs, etc in the human body.

And so it is in an industrial society like ours, occupational roles are specialized yet function together to maintain the social unit. Division of Labour therefore increases the inter-dependence of members of society and thereby reinforces social solidarity. In order therefore to produce goods and services more efficiently, members of industrial or modern societies like ours specialize in particular roles. This specialization in itself requires co-operation. For instance, a large range of specialists are required to design, manufacture and market a particular product like say a Graduate from the University of Uyo, Champion Beer from Champion Breweries, Uyo or Snacks from Mr. Bigg's of UAC, Nigeria. Members of society depend on each other's specialized skills and this interdependence forms the basis of organic solidarity.

### THE GENESIS OF LABOUR LAWS

However, the interdependence of skills and the exchange of goods and services are, in themselves, not enough to serve as the basis for social solidarity. The specialized division of labour requires Rules and Regulations - a set of moral codes which restrain the individual and provide a framework for co-operation. The exchange of goods and services cannot be based solely on self-interest, for where interest is the only ruling force, each individual finds himself at war or conflict with every other. Therefore, for Durkheim, John Locke, John Austin and Weber as well as those in their moulds, the development of contract is the beginning of the moral regulation of exchange. Two parties enter into a legal agreement based on a contract for the exchange of goods and services.

Contracts are governed by a general legal framework and grounded in shared beliefs about what is just, reasonable, fair and legitimate.

The rapid expansion of industrial society contains threats to social solidarity and this normally produces situations of Anomie (or Normlessness) or alienation of the worker from

- (i) The process of production
- (ii) The means of production
- (iii) The social relations of production

This comes about when the owner of the means of production (i.e. the Capitalist/Bourgeoisie) or employer of labour relates to the labourer (Proletariat) or worker in an asymmetrical way, preferring more and more primitive accumulation of surplus value or capital/gains to the detriment of the labourer who brings about his increased wealth/affluence. The need for contract in labour relations becomes inevitable to establish the new or social relationship between the employers and

and the employees in the areas of

- (a) Conditions of Labour/Service e.g Mode of working, Time in and out, Length of service - 35 years etc.
- (b) Salaries and wages
- (c) Pensions and Gratuities
- (d) Promotion
- (e) Hazard allowance
- (f) Housing, health, insurance, transportation, rent subsidy, On the job training, etc
- (g) Security of Tenure

When this kind of agreement is obtained, the employee is expected to show faith in higher levels of productivity to enhance the embourgeoisement of <sup>his</sup> this employer. This breeds industrial harmony. When the employer breaches the rules of labour, conflict/dispute arises.

#### LABOUR LAWS, TRADE DISPUTES AND TRADE UNION PRACTICES

As already stated, Labour Laws are a set of rules and regulations that govern and bind workers - who accept to render/offer their labour power for a fee and the owner of the means of Production (MOP) or employer. This employer may be the Government - Federal, State or Local or an Entrepreneur or private concern. Inability on the part of either to adhere to the ground rule or agreement governing terms or conditions of the labour breeds conflict. With conflict, labour law recognises that there is competition between parties in conflict in which case they are competing to control limited resources at their disposal.

Such will create room for Bargaining where disputants will bargain or hargle over a term of exchange.

Because of the opposed interest of the Employer and the Employee, Labour Laws at the International, National (Federal), State and Local levels permit the formation and existence of Labour or Trade Unions to articulate, protect and further the interests of the work force against those of their employers or other occupational groups.

In any industrial society like our own, there is a free labour market and the individual worker is in a very weak bargaining position with his employer who acts from a position of greater strength. Only if the employee combines with others in his negotiations with their employers and take collective action to improve the terms of the employment contract is some sense of parity possible.

Thus Trade Unionism is a product of the market situation of the worker in a society in which his livelihood depends on the Bargain he can make in selling his labour to the employer. A trade or Labour Union can also be seen as a defence against arbitrary action by the employer. It acts as an expression of the solidarity which is brought about by the work situation (Geoffrey Hard, 1973:175).

Thus in Nigeria, between 1912 when the first Labour Union — The Southern Nigeria Civil Service Union — ( later in 1914 — Nigeria Civil Service Union) — after amalgamation was formed, and now with NLC, NUT, NULGE, etc Trade Union practices have been on the increase to articulate and collectively Bargain the economic, social and political well being of the work force. Where labour unions and management are unable to settle their dispute, such is taken to the Ministry of Labour and Productivity in which case an Arbitrator is appointed to look

into the dispute and resolve same. Where disagreement is the case, an aggrieved or unsatisfied party can appeal to the National Industrial Court for adjudication and resolution. Where all legitimate means to resolve a dispute have been explored and failed, the union in most <sup>Cases</sup> as permitted in Labour Laws declare strike actions.

Such strikes could be either

- (a) Economic Bargaining ( 1929, USA), 1945, 1964, 1949)
- (b) Sympathetic - ASUU ( 2003)  
NUNS ( 1971)
- (c) Agitational - Colonialism
- (d) Wild cat or Spontaneous strikes (Unorganised and not called in Unions).

Over the years, the Labour Unions have been militant in their demands for equitable allocation of national wealth and more particularly bettering the welfare of the workers. The state, on the other hand, has always been on hand to respond corresponding legislation that would tend to stabilize the activities of the unions.

For instance, soon after the Coup of 1966, Maj. Gen. J. T. U. Aguiji Ironsi called all labour leaders for unification and by the end of the civil war in 1970, the United Committee of Central Labour Organisation was set up which comprised representatives of Government and Labour to discuss legal restrictions on strikes activity. This led to the Adebo Commission and

Udoji Commission on the Review of salary of Civil Servants - 1973. <sup>Udoji Commission on the Review of salary of Civil Servants - 1973.</sup>

The Murtala/Obasanjo regime tried to curb labour activities by passing various laws and decrees that brought about the New Nigeria Labour Congress and in 1977 the nearly 1000 labour unions were merged into 42 which is still the practice to this day.



TRADE UNION PRACTICE IN THE LOCAL GOVERNMENT SERVICE

In a federal system of government such as practiced in Nigeria, There are three levels of government as provided by the 1979, 1989 and 1999 Constitutions. Each level has a substantial degree of autonomy. As is the case in Federal Legislations where the activities of the Nigerian Labour Congress receives the recognition and authorization of Labour Laws, so is the activities of the Union at the grass root level of government.

The National Union of Local Government Employees (NULGE) Functions as a legitimate labour union recognized by law to protect, defend and promote the collective interest of the work force at the 3rd Tier of Government. To so do, the fortunes of NULGE has had to be affected by the various reforms that has beset the Local Government system of administration in Nigeria since 1976. Until 1976, Local or Native administration were not uniform in practice, legislation and enforcement of peculiarly local affairs in the country as each NA were under the ambits of Traditional Institutions e.g. Enurate, Obas, etc.

The 1976, 1984 and 1988 Local Government reforms under General Obasanjo, Buhari and Babaginda gave impetus to the activities of labour unions at that level of governance.

Among the highlights of the 1976 Reform were that:

1. The 1976 reform terminated all hitherto existing forms of local administration e.g. the D. O. (East), NA (North) and introduced instead of representative local government system throughout the country.

2. It created a total of 299 single - Tiered Local Authorities all over the country - thus bringing about a structurally unified Local Government System.
3. By the reform, Local Government became the primary authorities at the local level consequent upon which authority was vested in a primarily secular, democratically elected body - the Local Council. The implication of this was that the local council alone would be vested with powers - both legislative and executive - of a local authority - thus causing power shifts from traditional to elected rulers at that level.

The 1976 reforms had its own flaws which the 1984 reforms sought to address. The Buhari reforms were still-born when General Babaginda took over reigns of government which brought the 1988 reforms.

In this, the Chairman of the Local Government became the Chief Executive and Chief Accounting Officer of the council.

In essence, the 1988 reforms extended the Presidential system to the grassroots.

By August, 1991, the Number of Local Government which in 1989 stood at 449, had increased to 589. And in January, 1992, the Local Government Service Commission which had served as the pillar for the Local Government workers was abolished only to be re-introduced later.

However, under General Abacha, Local Councils increased to the present 774.

It should be noted that with the increased role of the Local Government system as a 3rd Tier of government with a growing retinue of Labour force under the supervision of the Local

Government Service Commission, it became inevitable that a labour union - NULGE be formed to protect the staff from the incipient roles of the political class in the Local Government Councils across the nation.

And the powers of the council as highlighted in the 1999 constitution and State Laws (Cap 80) clearly stipulate its functions under the Laws.

For instance, Sections 3, 4(a) - (k), 5 and 6 of the Local Government Law which grant enormous powers to the political class of the council, makes the existence and practice of Trade Unionism in the councils inevitable. NULGE which is saddled with the betterment of staff welfare at the local government service operates within the principle of collective Bargaining which Labour Laws permit for a pressure Labour group as is practiced in Sister Unions at the State and Federal levels. The next 90 days are critical periods in the powers and functions of the system.

## CONCLUSIONS AND RECOMMENDATIONS

The main thrusts of this paper has been a cursory review of the Labour Laws and Trade Union Practices in the Local Government Service.

In the process, the whole essence of Labour for man in society were outlined. The paper cited authorities which justify the need for man in society to work, earn a living and contribute to the process of evolution/development of society paripasu Union activities.

With the specific reference to the Local Government administration, the paper identifies the NULGE as an umbrella Labour Union which articulates, protects and further the interests of workers at the 3rd Tier of Government under the aegis of the Labour Laws of the country.

The paper therefore recommends that:-

1. In order to avert Labour unrest in the country, the reforms expected in the Local Government System should take cognizance of the right of citizens to participate in Labour force activities and draw the benefits therefrom.
2. The spirit of the Constitution which guarantees the operation of the 3rd Tier of Government should be enforced.
3. In event of a sweeping reform of the 3rd Tier as envisaged, men of proven integrity who would not add to the <sup>WOC</sup> lives of labour in the system should be appointed to really ensure grass root democracy and development thereby reducing corruption to the minimum. For it is possible that corruption with its attendant lack of evidence to show for revenue allocated to the system that makes the imminent reform inevitable.

4. James Madison - U. S. 4th President - once said "if men were angels, no government would be necessary". Since men are not angels and always driven by self interest to oppress, suppress and marginalise their subordinates, the continued existence and practice of Labour Unions at the 3rd Tier should be guaranteed.

So assured, the work force at the grassroot should function effectively as the Law places them - Viz - "Servants of Policies".

## REFERENCES

1. Haralambos, M. (1980; 2000)  
Sociology - Themes and Perspectives.  
Slough, University Tutorials.
2. Hurd, Geoffrey (1973):  
Human Societies  
London, Routledge and Kegan Paul.
3. Armstrong, M. (1977): A Handbook of Personnel Management  
Practice.  
London, Kogan Page
4. Olu Awofeso (2000): Issues In Local Government Administration  
In Nigeria  
Uyo, Afahaide Pub. Co.
5. AKS Dept of Establishment Pre-Examination Seminar for  
Administrative and Professional Officers  
Law II, 2002