

Emerging actors in employment relations: Evidence of multipartism between the Nigerian Federal Government and the Academic Staff Union of Universities

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Abstract

The current trends in employment relations as they relate to decentralisation of production, outsourcing of workers to third parties, the emerging range of new employment arrangements such as agency work, contract or part-time work, casualisation and telecommuting are the result of globalisation along with intensifying emphasis on the adoption of international labour standards in workplaces. As a result Nigeria, like most countries of the developed world, has seen significant changes in its tripartite industrial relations. If we reflect on the number of actors who participated in the 2013 trade dispute between the Federal Government (FG) and the Academic Staff Union of Universities (ASUU), such changes depict industrial relations as multipartite rather than tripartite. While identifying these emerging multiple actors, this article places industrial relations in a broader multidisciplinary framework and demonstrates the need to review current theories, legislation, approaches and institutional frameworks while developing indigenous ones to achieve a proper and more in-depth understanding of the Nigerian model of multipartite industrial relations.

Key words: *academic staff, actors, employment relations, Federal Government, multipartism, tripartism*

1 Introduction

Since 1958, tripartite industrial relations have been popularised in the seminal work of the famous American professor, John T Dunlop, who provided an analytical description of the industrial relations system as involving three actors – the hierarchy of managers and their representatives, the hierarchy of non-managerial workers and their spokespersons and the specialised government agencies (Dunlop 1958). In the revised edition, he contends that an industrial relations system is a composite of certain actors, contexts and ideology that binds the industrial relations system together, and a body of rules created to govern the actors in the workplace and work community (Dunlop 1993:47; Fajana 2006:29; Heery & Frege 2006:601; Hossain & Semenza 2013:2–3). It may be inferred from this that the three actors interact and operate in certain environmental contexts, carry different and sometimes opposing ideologies in their heads, and formulate all the rules guiding employment relations. To date, Dunlopian tripartism is widely accepted as a framework for analysis and discussion among

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scholars and practitioners in industrial relations, at both local and international level (Farnham & Pimlott 1979; Hyman 1989; Rogowski 2000; Fajana 2006; Jayeoba, Ayantunji & Sholesi 2013). However, the recent turn of events in labour and employment relations in Nigeria and in other countries of the world is necessitating the emergence of new actors giving a voice to those workers who, hitherto, lacked a formal voice in employment relations. This of course is not unconnected with the changing nature of industrial relations practices viz-à-viz the changes in the workforce and work patterns, the increasing feminisation of work, the advent of deregulation of public sector workplaces, the growing individualisation of the workforce (with contract employment) and the subsequent decline in union capacity in representational labour-management relations. Included in the current trend is the discipline's continuous expansion; it is spreading fast and affecting the lives of everyone, including those who, traditionally, did not feature prominently in the Dunlopian trilogy of industrial relations actors.

As unions are declining, both in density and in potency (Soklic 2004; Cantrick-Brooks 2005; Heery & Frege 2006:602), there has been a growth of interest in campaigning, advocacy, advisory and service-providing institutions that carry out some of the functions of unions, often for a particular segment of the workforce or an identity group (Heery & Frege 2006:602). As a result there are certain representational gaps (Michelson, Jamieson & Burgess 2009; Serrano & Xhafa 2010; Webster & Bischoff 2011; Purcell & Hall 2012), leaving room for more and more non-traditional actors and emerging interest groups to bring conceivable and considerable forces to bear to influence and shape the contemporary world of work. These actors, who include, but are not limited to NGOs, global union federations and other social movements, may not be new but they are playing different roles in shaping employment relations in the workplace (Webster & Bischoff 2011:12; see also Hossain & Semenza 2013:9), in industry and even on a global scale. This is completely in contrast with, and questions the relevance of, Dunlop's postulation on tripartite actors in employment relations. In Dunlop's theory, the assumption of a three-actor stage for industrial relations diminishes the crucial roles of several component entities that cooperate to make the stage a reality. For instance, according to Jayeoba et al (2013:98), before the stage of industrial relations is set in the employment theatre, several background activities and activists have to be present, including the script writer, the producer, the director, engineers, costume designers, prompts, players and so forth.

With regard to the new trends and actors in industrial relations, the majority of scholarly writings, mainly from the developed world, remain cautiously optimistic about the prognosis for industrial relations, particularly if new theories, conceptual apparatus and methods can be developed to explain the new developments in work, workplaces, voice and agency (Michelson et al 2009:2). It appears that until very recently scholarly writings of this kind in developing nations like Nigeria still concentrated on the traditional actors in industrial relations. Hence, there is a need for research considerations to cater for the convergence of new parties to employment relations in the developing world. The current need to consider new actors in employment relations practices and processes implies recognising the presence and role of a range of groups that impinge on the outcomes. While the traditional Dunlopian tripartism remains at the core of the system, we still need to recognise that with changes in the workforce, and the institutional and legislative changes in modern society, new participants and new coalitions are emerging. Hence, there is a need to recognise the evolution and transformation of long-term actors and the emergence of new (and in some cases transient) actors which, in consequence, makes it necessary to evaluate the theorising

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of actors and recognise the changing contours of voice and representation that are occurring in the world of work (Michelson et al 2009:14).

To recognise and understand such changes in industrial relations systems, especially within the context of African economies, there is a need to consider industrial relations as a system that embraces multiple social actors, who act and interact with other actors in accordance with their position, strategic outlook and perception of the concrete situation (Wad 2001:3). The essence of this is to prompt possible research endeavours that may further establish empirical links between the new model of industrial relations and other socio-economic, political and technological aspects of Negro lives. The risk of such expansion is that the coherence of the field may be compromised but the potential gain is that it will be renewed by placing industrial relations within a broader political and economic framework (Heery & Frege 2006:603), thereby further extending our horizon on what should really be subject matter peculiar to Nigerian industrial relations and those of other developing countries of the world. With prominent actors like the university staff union and government as the largest employer of labour, this paper explores the 2013 industrial action between the Federal Government (FG) and the Academic Staff Union of Universities (ASUU) as a unit of analysis to depict and present a Nigerian version of industrial relations as multipartite rather than tripartite.

2 Background and motivation

In the past few decades, labour and employment relations have undergone significant changes, especially in developing nations, partly as a result of the following:

- 1 The first factor is the growing influence of globalisation and the global economy, turbulent competition, neo-liberal reforms, and privatisation of public sector workplaces, all of which affect the enforcement of labour standards, leading to new trends such as decentralisation of production, the accompanying outsourcing of workers to third parties, and other ambiguous employment arrangements such as agency work, casualisation, telecommuting, contract or part-time work and other temporary employment arrangements.
- 2 The second is the growing emphasis on adopting international labour standards and prescriptions, necessitated by the circumstances outlined in 1 above, and the active participation of international organisations like International Labour Organization (ILO).

What clearly emerges from the turn of events in Nigerian labour and employment relations, as experienced in most developed nations, is the growing inability of the traditional actors to deal with these new trends in industrial relations. Michelson et al (2009), Serrano and Xhafa (2010), Webster and Bischoff (2011) and Purcell and Hall (2012) all point out that failure to respond to the representational gap where employees are underrepresented is a manifestation of new practices in industrial relations. This new trend presents new employment challenges to both traditional and emerging actors, depending on the context and national idiosyncrasies. If, as discussed in the research problem, such challenges have to be dealt with promptly, it becomes necessary for research to concentrate on examining the trends, manners and extent to which new actors participate in industrial relations. This is important in that it provides insight into research endeavours and policy adjustments required to tackle the likely challenges (such as declining job security and deteriorating labour conditions) arising from or associated with the current transition from tripartism to multipartism in industrial relations.

3 Research problem

The challenges associated with the current global trends and the metamorphosis in the conduct, practices, processes and outcome of employment relations are striking and are a great cause for concern on the African continent and especially in Nigeria. Since most of the theoretical and practical frameworks that guide the country's model of industrial relations are built on the British model, Nigeria being a former British colony, the prevailing practices and theories do not seem very well adapted to current trends, taking into consideration Nigeria's particular circumstances. In other words, industrial relations practices, as shaped by Nigerian cultural and national peculiarities, differ, in many ways, from Britain's. For instance, the Nigerian government's principle of *voluntarism*, inherited from Great Britain, was totally abandoned by 1968 during the Nigerian civil war, in favour of *interventionism* (Obasi 1999; Fajana 2006). This affects the tempo, conduct and dimension of industrial relations in Nigeria when compared with those of Britain or other developed nations whose theories and approaches have been adopted into those of Nigeria.

Hence, recent features of the country's industrial relations include weak and unfavourable labour laws; the ease with which government and employers abandon signed agreements with labour unions at the slightest opportunity; corruption in the judiciary and judgments that create doubt as to whether or not the judiciary is still the last hope of the common man. Decent jobs are fast disappearing while contract staffing and outsourcing have become the order of the day (Eroke 2013). Nigerians are being forced by the harsh economic situation to work in the most debilitating conditions just to earn a living.

4 Research questions

- 1 What is the current trend in the practice of industrial relations in developing countries?
- 2 Is the theoretical notion of tripartism truly being applied in the Nigerian model of industrial relations?
- 3 What are the interests and roles of civil society and non-governmental organisations in employment relations in developing economies?

5 Objectives of the study

The overall objective of this study is to identify the merging multiple actors in employment relations in developing countries, with particular reference to Nigeria. Specifically, the study explores available literature with a view to:

- 1 examining the current trends and changes in tripartite industrial relations;
- 2 identifying the new actors in industrial relations; and
- 3 discussing the participatory roles of these new and traditional actors in employment relations.

6 Definitions of operational terms

6.1 Actors

In the context of this paper, an actor in industrial relations is any individual or group of individuals in society, whether at local, regional or national level, whether in a formal or

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informal setting, whether organised or unorganised, who is able to influence labour and employment relationships, whether at enterprise, industry or global level, and whose role and influence are recognised and assented to by the traditional industrial relations actors.

6.2 Traditional actors

These are the employers and their associations, employees and their union representatives, and government with its various agencies. Traditional actors are basically the actors in the Dunlopian trilogy described in this paper as the front-liners or protagonists in the emerging multipartite industrial relations scenario.

6.3 Multipartism

Multipartism, in contrast to labour relations, which involves two parties (bipartism), and traditional industrial relations involving three parties (tripartism), is an ideological representation of industrial relations actions and activism involving more than three parties.

6.4 Trade disputes

These are manifestations of social activism in pursuit of or in the protection of socio-economic and political interests among actors in labour and employment relations. Trade disputes come to the fore in the form of employment-related protests, such as strikes, lock-outs, picketing, working to rule, etc, and are brought about by any form of disagreement relating to, or arising out of, or in the course of the negotiation of terms and conditions of employment of actors in industrial relations.

7 The 2013 FG/ASUU trade dispute: Overview of the issue in contention

ASUU is an academic staff union at Nigerian public universities which was formed in 1978 and is widely known for its history of militant action in dealing with its employer, the Federal Government of the nation. The union is also known for its continuous utilisation of strike action as an instrument of coercion in agitating for welfare protection and non-victimisation of its members/lecturers as well as in funding public universities in the way it prefers.

In June 2009, ASUU ordered its members at federal and state universities nationwide to go on an indefinite strike over disputes with the Federal Government on an agreement it (FG) had reached with the union about two- and-a-half years earlier (Ngex News 2009). The strike was suspended in October after a Memorandum of Understanding (MoU) had been signed with the government, which agreed, among others, to inject a substantial amount of money into tertiary institutions and revitalise public universities in the country.

It appeared that this agreement was not implemented until 2011, which led the union to declare another three-month strike that ended in 2012. When the 2011 strike was on, the government did not trust ASUU to be sincere in its claims so it set up the National Economic Empowerment Development Strategy (NEEDS) Assessment Committee to verify ASUU's claims about infrastructural facilities at Nigerian public universities, which were said to be in a shambles and requiring serious revitalisation. The report of the NEEDS Assessment Committee not only substantiated ASUU's claims but was even

more shocking. When the report was presented to the Federal Executive Council, the President immediately demanded that all the state governors see the report (Atoyebi 2013). This led the government to sign another Memorandum of Understanding (MoU) with ASUU in January 2012. Building on the 2009 agreement, the 2012 FG/ASUU MoU spells out resolutions on how funding challenges, infrastructural decay and welfare problems in the nation's public universities, among others, would be tackled by the government (Olugbile 2013). ASUU therefore suspended the three-month old strike immediately after the 2012 MoU had been signed.

In line with the dictates of the 2012 MoU, FG was expected to have put in N500 billion naira as an intervention fund for federal universities by 2013 (Atoyebi 2013). Unfortunately, the Federal Government's refusal to honour an agreement it had reached with lecturers of public universities forced the academic staff to embark on another industrial action on Monday 1 July 2013 (Olugbile 2013). This crisis represents a disruptive stage of industrial relations with multiple actors in play. It paralysed academic activities and disrupted the calendars of public universities across the nation for half a year (from 1 July to 17 December 2013).

8 FG/ASUU's industrial action as analogous to industrial relations

The current changes in the practice of the discipline have reflected on its nomenclature. The new preferred term is 'employee relations' or 'employment relations' rather than 'industrial relations'. The latter term was seen to be too strongly indicative of the tendency to view the world of work as synonymous with the heavy extractive and manufacturing sectors of employment. These sectors were dominated by male manual workers in full-time employment and are now in decline in nearly all developed economies. The former encompass the currently dominant service sector, which in many developed countries now employs more than 70 per cent of the workforce, and the changes in the composition of the labour force, such as more women in employment and more employees with part-time, temporary and fixed-term contracts (Blyton & Turnbull 1994; Leat 2008). Leat also argues that the term employee relations encompasses the changes in the employment relationship, its environment and in the make-up of the labour force, and both explanations would appear to allow the term to encompass union and non-union relations. However, regardless of how it is perceived, one thing remains certain: a form of social relationship exists.

If sociologists agree that there are social actions in every social relationship and if industrial relations is a form of social relationship, it is therefore not inaccurate to construe industrial actions as the core of industrial relations or employment relations, as the case may be. Actors are people who have stakes to protect and preserve in any employment relationship entered into, and whose perceptions, ideologies and interests are always incongruous to the extent that conflict is a major feature of their interactions. This is why some schools of thoughts argue that conflict is part and parcel of, and an inevitable phenomenon in, industrial relations. They suggest that actors in industrial relations should, at every point in time, maintain an on-going minimum level of conflict that is just sufficient to keep every individual and group viable, self-critical and creative (Ogunbameru 2004; Akinbode & Ebeloku 2010:86) This means that the absence of conflict may result in actors becoming static, apathetic and non-responsive to the required innovation and change for effective industrial relations. Industrial conflict is defined as a conflict of interest and the resulting disputes of varying intensity between individuals, groups and organisations in the industrial relations system (Akanji 2005). It

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is a complete range of behaviour and attitudes that express opposition and divergent orientations between individual owners and managers on the one hand, and working people and their organisations on the other. Dahrendorf (1959) also concludes that industrial conflict is inevitable between employer and employee because the authority relationship which exists between the two parties will at least lead to conflicts. There will always be conflict between those in authority and those without authority because of divergent views on the basic employment relationship, which seems to make some degree of conflict inevitable in the workplace.

Since industrial conflict is inherent in employment relations, one can safely take any atmosphere of industrial acrimony, pretences and unrest or any form of employment-related protests to conceptualise industrial relations at any point in time. The intention is not to unfairly restrict industrial relations to industrial actions and/or trade disputes, as the former go far beyond the latter, but for the sake of analysis, the latter are construed as a reflection or component part of, or analogy for, the former. Trade disputes are therefore analogous to industrial relations.

9 FG/ASUU industrial relations, multipartism and participatory roles of actors

Apart from Dunlop's description of environmental contexts that play a decisive part in shaping the formulation of rules regulating the affairs of actors in the industrial relations system, several other writings on industrial and labour relations (e.g. Bellemare 2000; Wad 2001; Fajana 2006; Heery & Frege 2006; Michelson et al 2009; and Edwards & Gillard 2012) have recently focused on the need to give recognition to other actors in the industrial relations system. While some focus on Australian and Malaysian industrial relations (Michelson et al 2009 and Wad 2001 respectively), others confine their studies to customers as new actors. Studies by Edwards and Gillard (2012) focused on consumer-employees among peer support workers in United Kingdom National Health Service (NHS) mental health organisations. The work of Bellemare (2000), although a major contribution to, and the most highly acclaimed work on recognising new actors in industrial relations, was also restricted to "end users", specifically in the public urban transit industry. These studies concentrate mainly on developed nations while studies on employment relations in third-world countries, such as Nigeria, continue to focus largely on traditional actors (see for example Imafidon & Osabuobicn 2007:41; Anyim, Ikemefuna & Ekwoaba 2012; Adesola 2013; Anyim, Ekwoaba & Shonuga 2013). The Nigerian professor Fajana (2006:5) mentions the general need for a new scenario for actors as amplified at the World Congress of the International Industrial Relations Association in Japan. He opines, citing Hanani (2000), that in addition to the conventional employer-employee, union and employer or tripartite social partners, nine (making a total of twelve) other actors are listed as emerging actors in balancing competing interests in the labour market. Further, since no such studies of university staff unions and government have been done where the former act as both an employer and as the executive arm of government, this paper attempts to fill this gap. In the place of the trends, manner or extent of participation, the involvement of the following twelve actors, listed in Fajana (2006:5), is examined.

9.1 Individual employees

There is no need to dwell on individual workers as actors in industrial relations. In organisations where the workforce is not unionised, employees negotiate terms and conditions of their employment with employers as individuals rather than as organised

groups of workers. They are groups of individuals who seek employment in both public and private sector organisations to make ends meet by offering their services in the productive operations of the employers. The day-to-day relationship between these individual workers and their employers is referred to as "labour relations" (Fajana 2006). Labour relations are distinct from industrial relations, of which they are, however, an aspect. Thus, individual labour relations are bipartite whereas industrial relations are traditionally tripartite, although this article treats them as multipartite. Each individual lecturer is an actor in the FG/ASUU case, just as the late Professor Festus Iyayi, who died while resolving the FG/ASUU crisis, was a single actor with a recognisable voice.

Between 2003 and 2012 the Nnamdi Azikwe University (UNIZIK) did not have a union of lecturers and therefore did not participate in any industrial action called by the national body of ASUU. Where contentious issues arose between the university management and individual lecturers at any point during the period of non-unionisation of workers at the university, they were dealt with on an individual basis with the lecturers and not on the platform of collective unionism and representation. That the individual employees/lecturers neither had a trade union nor participated in trade unionism did not mean, however, that they were not actors participating in UNIZIK industrial relations.

9.2 Labour unions

An injury to one is said to be an injury to all. It is the limit of individual capacity that makes employees come together as unions so they can jointly achieve that which was impossible for them to achieve as individuals. Where individual workers are organised and unionised, they become a different entity, a formidable force and potent actors in employment relations. With *esprit de corps* and solidarity, labour unions and their representatives are organised to protect and promote the socio-economic, political and educational interests of members both within and outside the four walls of organisations (Akinbode & Ebeloku 2010). These hierarchies of non-managerial workers and their spokespersons, in a bid to continuously achieve the purpose for which they were formed, engage in dialogue and/or negotiation with their various employers to collectively bargain on terms and conditions of work and also on improving not only the welfare of members but organisational productivity as well. In the same vein, in 2013 ASUU engaged in nation-wide strike action in a battle with the employer, the FG, for failing to honour the agreement reached earlier to improve lecturers' welfare and upgrade public universities to global standards. This was with a view to improving educational productivity and/or service delivery.

9.3 The employers

Individual employers are those who assemble and invest in the means and factors of production and other properties needed for hitch-free and successful business operations, continuity and a return on investment for the business. In public companies or parastatals, the employer is likely to be faceless and separated from the workplace. Hence, management of the workforce, according to Fajana (2006:88), is delegated to a hierarchy of managers through a board of directors (the vice-chancellors and university councils in the case of higher education institutions). These are individual employers at institutional level who, individually, can choose any approach to employment relations that they consider suitable for and within the framework of their individual institutions.

For instance, the management of the University of Ilorin (UNILORIN) was able to manage the labour union (ASUU, UNILORIN Chapter) at the institution to the extent

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that for a long time the union did not participate in the national disputes or industrial actions declared by the national body of ASUU. The same thing was achieved, by whatever means, at UNIZIK from 2003 to 2012. Yet, the fact that union activism was temporarily on hold at these universities did not mean that industrial relations were not a factor, nor did it mean that the actors were not present. It only meant that, just as individual differences are common among people, different university management teams had adopted different approaches to industrial relations at their various institutions. This shows the level of individuality in the management of these universities. Similarly, different management attributes were also displayed by different university managements in the 2013 FG/ASUU industrial dispute. When the federal government issued a directive to all governing bodies at federal universities to sack all lecturers who failed to resume duty on or before the deadline of the ultimatum given, some universities sprang into action and did so, while others maintained silence until the ultimatum was rescinded by the government.

9.4 Employers' associations

Like labour unions, when individual employers come together as a body with the intention of promoting members' trade interests, they become an entirely new entity, an actor in employment relations represented by those elected or appointed by members' organisations. While the main objective of individual employers may be profit maximisation, the major objective of employers' associations is basically to safeguard the trade-related interests of the association as a whole and the interests of its individual members' organisations, especially regarding the need to jointly address emerging business issues of mutual concern. Employers' associations, a powerful actor in Nigerian industrial relations, are usually formed on the basis of the industry in which they operate or of identical trade interests. For instance, the Nigeria Employers' Consultative Association (NECA) is a central employers' organisation in the Organized Private Sectors (OPS); the Nigerian Association of Small Scale Industrialists (NASSI) is a central organisation for employers of small-scale enterprises, just as the Nigerian Association of Chambers of Commerce, Industry, Mines and Agriculture (NACCIMA) and the Manufacturing Association of Nigeria (MAN), among others, are all organisations of employers (Akinbode & Ebeloku 2010:58-61). Among university institutions, the Association of Vice-Chancellors of Nigerian Universities (AVCNU) is an organisation that stands to represent, protect and promote the joint interests of all vice-chancellors across the federation. The AVCNU as an entity, an actor in FG/ASUU industrial relations, has the wherewithal to exert an influence on and shape the tempo of labour relations within the educational sector and, especially, with academic staff unions.

9.5 The citizens

When elephants fight the grass suffers, as the saying goes. Since organisations are microcosms of society, whatever transpires among actors therein has inescapable effects on the members of society at large. This has been firmly established by Dunlop (1958), in his systems theory of industrial relations. Dunlop postulates that industrial relations is a system in itself, and a subsystem of the broader society, like the other subsystems which include the economy, law, polity, religion and family life. Informed by the writings of Talcott Parsons on Structural Functionalism, Dunlop concludes that the industrial relations system, being a subsystem of the social system, along with other subsystems, functions interdependently towards the goal of effective functioning of the

broader social system, namely society (Dunlop 1958). A dysfunction, which is not to be confused with non-functioning, of a particular industrial relations subsystem disrupts the social structure and functioning of society at large and consequently tells on its members. Hence, the citizens – the parents, market women and men, the political parties, religious organisations, NGOs and the populace in general – are at times at the receiving end of activities emanating from institutions responsible for industrial relations, whether harmonious or chaotic. The legislators are also citizens but since they have been appointed to represent the interests of the masses at government level, they tend not to feel the pinch as much as the masses do. However, in a bid to avert or mitigate the unpalatable aftermath of industrial actions, the citizens, making use of their numeric strength, make formidable efforts, using all available means.

By the fourth month after the commencement of the industrial face-off between FG and ASUU, it became unbearable for the female traders who, under the aegis of the National Market Women's Association (NMWA), took to the streets in Abuja, in the Federal Capital Territory, carrying placards and protesting over the prolonged strike action, while demanding an immediate resolution to the impasse between the FG and ASUU. Although it was claimed in some quarters that this protest had been rented and mobilised by one of the fighting groups to force the other to succumb, women are known, at different points in history, to have shown their misgivings even to the extent of stripping naked in public to get their points across. They did this during the Aba Women's Riot of 1929, in Delta State in 2005, in Moscow in 2011, in Ekiti State in 2012 and in some parts of other developed countries (Gabriel 2013).

Some individuals even dragged both FG and ASUU to a court of law for violating the fundamental human rights of students who were undeservedly kept idle at home for close to half a year. The religious bodies, the political parties and especially the All Progressives Congress (APC), and some Nollywood actors, all participated in the trade dispute. Although such participation may be minimal, compared to that of traditional actors, it is not without implications for labour and employment relations. Agitation by the populace in no small measure influenced the final resolution to the prolonged trade dispute. Cases like these, according to Michelson et al (2009:10), typify the coalitions emerging between community groups and trade unions. Citizens' advice bureaus, employment arbitrators, grassroots activists and social movements etc are all champions of the citizens who jointly participate as actors in industrial relations.

9.6 The legislators

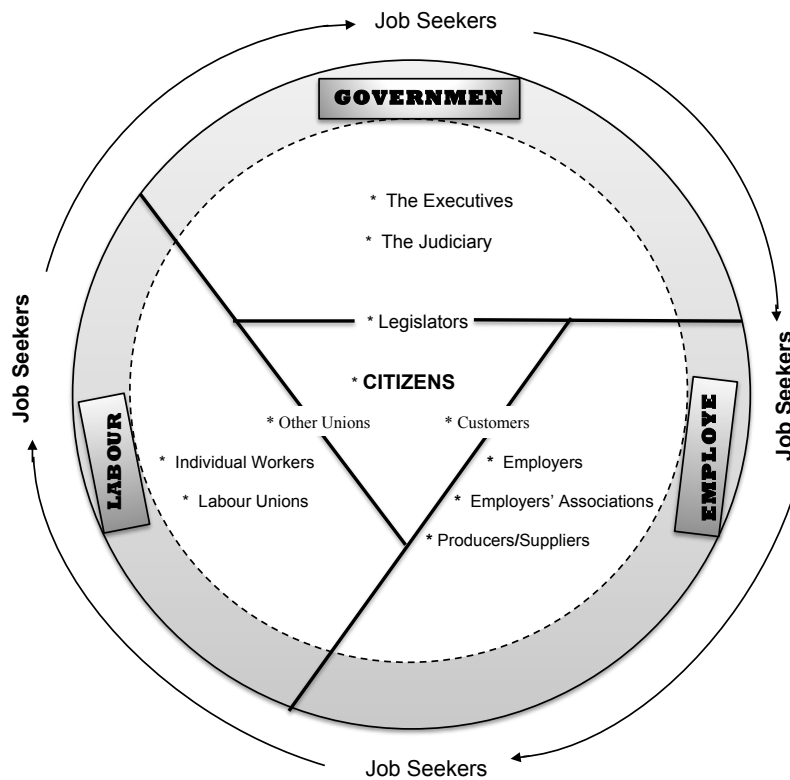
The legislators are lawmakers elected by the citizens to represent their interests in deliberating upon, formulating, amending, repealing and passing labour laws and other legislation applicable to workplaces and contracts of employment. This is done for and on behalf of the citizens whom they represent and who empower them at government level. It is through this empowerment that government is said to be of the people, by the people and for the people. The legislators can remove the executives from power through a vote of no confidence. Thus, they enact various employment laws which regulate the negotiation of collective agreements in civil and business affairs. In Nigerian industrial relations such laws include the Labour Act, the Trade Disputes Act, the Trade Unions Act, the Workmen's Compensation Act, the Factories Act, the National Minimum Wage Act, etc. These laws guide and shape the affairs of actors in labour and employment relations on a daily basis; through this process the indirect involvement of the legislators, as well as the citizens they represent, becomes apparent in industrial relations.

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It is noteworthy that legislators, as people in power, act as allies to executives and form a link between the people and government. Such non-union bargaining agents create opportunities for different and new forms of representation (Michelson et al 2009) in employment relations. Representation through legislation partially weakens the capacity of traditional actors to fully represent their respective jurisdictions, including those with a strong collectivist basis such as trade unions (Bramble 2008:xiii). This is why the legislators stand on a thin line between the executives and the citizens (see Figure 1). In recognising the position of the lawmakers as active participants in industrial relations, the President of the Nigerian senate, David Mark, was mandated by the House of Representatives to facilitate the stalled negotiations between FG and ASUU. After persuading the two disputants to adopt a reconciliatory approach so that a win-win situation could be achieved (see *This Day* 2013), the President of the Senate acted as a bargaining agent for the citizens and joined the negotiating team that later put an end to the industrial strike.

Suffice it to say, however, that the legislators, as actors in industrial relations serving the interests of both the citizens and the government, are more partial to the latter than they are to the former. This is prevalent in the context of Nigerian industrial relations and shows citizens' level of vulnerability as a group of actors sharing in the outcomes of industrial relations.

Figure 1
Multiple actors in the employment relations system



9.7 Other organisations/unions

The advent of globalisation, the growth and roles of multinational corporations (MNCs), the global economy, the expansion in the boundaries of market space, among others, have resulted in keen competition among nations in the global markets and have affected employment relations. Macdonald (1997) submits that globalisation and the competition between capital and labour places “labour” at a relative disadvantage in that “capital” can now employ “labour” in different countries, at a lower cost and on a basis which can prejudice the continuing employment of workers in the country of origin. As a result, contradictory impacts are experienced, leading to some convergence in employment relations arrangements around the world. Of course, there is resistance towards such convergence, based on particular national and regional circumstances (Macdonald 1997:6). It is probably with regard to such *convergence* and *resistance* that industrial relations are beginning to experience the participatory roles of other international organisations such as global union federations, the ILO, NGOs, employment agencies, human resources consultancy firms, counsellors, chaplains, health advisers/trainers, who surface and converge in industrial relations to resist and control the exploitative tendencies of the global capitalists. The ILO in particular, through a series of conventions, treaties and recommendations, is active in reducing degrading and/or atypical forms of work across the globe.

This submission is corroborated by the findings of Hossain and Semenza (2013:9), which reveal that many international and local-level NGOs and human rights organisations (HROs) are now participating in improving the labour rights situation. Local-level NGOs are now creating awareness among the workers, employers and civil society through individual contact, organising workers’ conventions, seminars and mass processions and also by arranging workshops for leadership development among the workers. Hossain and Semenza further observe that the activities of local NGOs and unions are dependent on the support of international NGOs and other human rights organisations. They build networks with international organisations to raise workers’ rights issues to international level while union leaders make contact with foreign companies when they find that authorities are violating labour rights (Hossain & Semenza 2013:9).

During the FG/ASUU industrial rift, specifically on 28 November 2013, the FG, through the supervising Minister of Education, issued an ultimatum to the striking lecturers at all federal universities across the federation requiring them either to resume work by 4 December or be summarily dismissed. The Minister claimed that ASUU had presented a fresh demand after a resolution had already been reached with the president of the federation. The National President of ASUU, in his response, referred the Minister to the ILO Freedom of Association Digest (2006). The following excerpt is quoted:

... the Minister of Education needs to consult the ILO which has ruled that:

“Respect for the principles of freedom of association requires that workers should not be dismissed or refused employment on account of their having participated in a strike or other Industrial action.” (ILO, Freedom of Association Digest 2006:603)

“Imposing sanctions on unions for leading a legitimate strike is a gross violation of the principles of freedom of association” (658)

“The closure of trade union offices, as a consequence of a legitimate strike, is a violation of the principles of freedom of association” (652)

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These positions of the ILO are domesticated in the Labour Act section 9 VI which states "No contract shall –

- (a) make it a condition of employment that a worker shall not join a trade union or shall not relinquish membership of a trade union; or*
- (b) cause the dismissal of, or otherwise prejudice a worker –*
 - (i) by reason of trade union membership; or*
 - (ii) because of trade activities outside working hours or, with the consent of the employer, within working hours.*

ASUU's invoking of the non-victimisation clause, rather than being an introduction of a new demand, is a commonplace ILO position which Government ought to know, as Nigeria is a signatory to the relevant ILO Convention NO 87 and 98 of the ILO. It is also the position of the Nigerian Labour Act. The Minister of Education ought to know that this is so. It is not a new demand (Folusho 2013).

A few days after the above statement to the federal government, and especially after the ultimatum had expired and lecturers had refused to return to work, the government claimed in a public speech by the President that it recognised the rights of workers and especially their right to embark on legal strikes and so it rescinded the ultimatum that had previously been issued. This shows the manner in which the invisible hand of ILO is felt in industrial relations across the globe.

Other unions and organisations that were active in the FG/ASUU labour dispute include the Joint Action Forum (JAF), the Nigeria Labour Congress (NLC), the Trade Union Congress (TUC), the Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN), the Nigeria Union of Petroleum and Natural Gas Workers, (NUPENG), the Nigeria Bar Association (NBA), and the Nigeria Union of Teachers (NUT). At most times during the crisis, these unions threatened to embark on an industrial strike if the government continued to fail to honour the agreement it had voluntarily reached with ASUU. Such strike actions, if embarked upon, would have been interpreted as "sympathy or solidarity strikes", an important instrument of economic coercion in industrial relations.

It is also pertinent to state that these other unions, as depicted in Figure 1, are also members of the citizenry and participated in the interests of vulnerable citizens who are affected by the aftermath of industrial action. However, as a result of the organised nature of these groups, they are closely allied to and support the labour unions, as the FG/ASUU crises showed. This is why they are located between the citizens and labour in Figure 1.

9.8 The customers

Management and organizational behaviour scholars have identified "organisational stakeholders" as having a significant influence on management policies and approaches to people management. One influential party among these stakeholders consists of the buyers of employers' products. In the words of Hossain and Semenza (2013:10), state protection and regulatory systems do not work effectively in employment relations and organisational justice because employers or their associations have the upper hand and influence the policy-making process and its enforcement. With the demise of the tripartite industrial relations system, the buyers' code of conduct is now more potent in ensuring labour justice. With the upsurge of interest in consumers' rights and the various legislative instruments for protecting them,

Mullins (2005:165) submits that there are Users' National Councils and other consumer regulatory bodies that are independent and look after the interests of customers in business and employment dealings. Edwards and Gillard (2012:2) also observe that various mechanisms have been introduced to secure the expertise of service users and give them greater representation and "voice" in decision making by including them in the monitoring, designing and production of goods and services. Such expansion in end users' involvement has suggested that the separation between the provider and user of services is becoming increasingly blurred, which warrants consumers being seen as new actors in the industrial relations system (Bellemare 2000; Edwards & Gillard 2012).

It is therefore safe to conclude that end-users, such as client and consumer organisations, are in themselves actors within industrial relations as they now exert a formidable influence on the behaviour of workers, employers and state institutions in any employment relationship (Bellemare 2000; Heery & Frege 2006:603; Edwards & Gillard 2012; Hossain & Semenza 2013). Customers have evidently been involved in shaping the affairs of industrial relations through either instrumental dimensions (the means of participation) or outcome dimensions (the desired goals), or as co-producers, co-supervisors or co-designers of products (Bellemare 2000). This paper also shows that customers are co-determinants of the *modus operandi* around contractual employment relationships. The maxim that customers are "king" is not merely a metaphor in the corporate world of work. As actors in employment relations, they determine whether or not the business survives.

Having identified consumers as the new actors in industrial relations, it is necessary to state that consumers are also members of the broader society who, because of the time they spend dealing with the employers in business transactions, become allies of the employers in labour relations. Hence, the status of customer-ship is temporary as they soon return to being members of society after their patronage of the employers. In the case of the FG/ASUU trade dispute, those who played the role of customers as actors in industrial relations are the National Association of Nigerian Students (NANS), whose status as students was temporary as they soon graduated and returned to being citizens again. Customers are closer allies to employers than other traditional actors are. This is because customers are more directly involved in business with the employers than with the government or workers' unions. A typical example of this hypothetical statement was, for instance, observed in the FG/ASUU industrial crises. This involvement was contrary to widespread expectation that NANS would support ASUU, which was in conflict with FG over issues that the students and subsequently society at large would have benefited from. It got to the point where NANS staged a series of protests against ASUU, claiming that the union was fighting for selfish interests and not to upgrade the universities as claimed. To some degree, NANS supported the federal government in the trade rift. Such support was rare and unexpected in view of the peculiar nature of the FG-ASUU-NANS relationship. It shows that just as such comradeship between customers and employer groups can be observed in the corporate world, it is not impossible in university employment relationships.

9.9 The producers/suppliers

Listed by Fajana (2006:5) as one of the emerging actors in industrial relations, the suppliers appear faceless, but not inactive, at the forefront of practical industrial relations. The product, price and selling policies of suppliers of raw materials affect the employer as regards his operational methods and approaches to planning, organising

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and coordinating the activities of the four M's (man, money, machines and materials) of the organisation so that it operates productively and profitability is ensured at all times. Just as the position and dispositions of the state may influence the participatory roles of any of its allies and agencies, such as the judiciary and the ministry of labour, the suppliers' business deals with employers may go a long way towards determining actions and inactions of employers who have the wherewithal to shape employment and labour relations. Hence the suppliers may be perceived as faceless and passive actors playing supporting roles (to underpin employers) in multipartite industrial relations. In FG/ASUU industrial relations, the suppliers hardly appeared to exist or rather appeared faceless.

9.10 The executive

As a traditional actor in industrial relations, the state/executive, through its ministries and agencies, employs labour, determines the modes of registration of other private employers' businesses as well as their associations, and registers and regulates the affairs of labour unions and individual employers in the interests of the state and the public. According to Fajana (2006:174), in pre-industrial societies the state was a branch of the economic system who served as merchants. However, since the emergence of the industrial class, the role of the executive shifted to the legal regulation of hours and conditions of service and government began to assume overall responsibility for the economy. This expanded the role of the executive to include coordination of the activities of parties to employment relations and others in the polity. As Third World countries are eager for rapid industrial development, the state understandably exercises reasonable control so that the actions of other actors in industrial relations do not retard the pace of economic development. It is with the intention of ensuring harmony, orderliness and tranquillity in the institutions of industrial relations with a view to fast-tracking the pace of development in the state that the executive arm of government intervenes in industrial relations. The discordant relationship between employees and employers necessitates the intervention of an unbiased arbiter, the state, which in the case of FG/ASUU is also the employer. This is why the President of the Federation, Dr Goodluck E Jonathan, was in closed-door negotiations with the national representatives of ASUU for a good 13 hours during the industrial crises.

9.11 The judiciary

One recurrent and inevitable phenomenon in industrial relations is the industrial dispute, which may interfere with harmonious working relationships, depending on the attitudes of actors, the issue involved and the mechanism available for its resolution. When conflict arises in employment relations, the Trade Disputes Act provides both internal and external mechanisms for its resolution. However, an industrial dispute may escalate beyond the capacity of the disputants to amicably resolve it internally. In cases when internal mechanisms fail, parties to industrial conflicts, in line with the provisions of the law, resort to mediation and conciliation. Such sessions are chaired by third parties, who may be a representative of the State Ministry of Labour or any influential person in society. If this also fails, the statutory procedure must be explored. At this stage of litigation, both parties present issues before the court of law; the judiciary then reviews and interprets issues from the legal point of view while making judgments that must be binding on all parties. In Nigeria, for example, the NIC is the highest court in which industrial disputes can be resolved; its verdict is final and binding on actors. In as

much as the judiciary, using the instrument of law, has the capacity to and does exert an influence on employment relationships and its intervention and influence are recognised and assented to by traditional and new actors, the judiciary is an actor to be reckoned with in the practice of industrial relations.

The intervention of the judiciary in labour matters is basically geared to promoting stability and orderliness in society, as sanctioned by the state, of which it is an agent. Hence the judiciary, as shown in Figure 1, is an ally of the government as it seeks to protect the state's interests (instilling peace and orderliness) rather than the interests of the disputants.

9.12 The unemployed

The rate of unemployment in Nigeria is so high that the formation of an "Association of the Unemployed" (or the like) cannot be considered impossible in the near future. The Statistician-General of the Nigerian Bureau of Statistics (NBS), Dr Yemi Kale, while arguing that economic growth has not brought about the expected impact on the lives of Nigerians, puts the current rate of unemployment in Nigeria at 23.9 per cent (Emejo 2013). This is alarming! It has some implications for industrial relations in the country.

The unemployed group is considered in this paper to be a group of men and women who fall within the working age range, who are capable, willing and ready to work and consequently ready to join (or work for) any of the traditional or new actors in multipartite industrial relations. The rationale for readiness of such a nature is not far-fetched, particularly in Nigeria. There seems to be a growing parity between career path and progression among most Nigerian working men and women. For instance, most of the up-and-coming banking professionals studied neither Banking nor Finance and never aspired to work in the banking business. Many of them, while searching for a job – a scarce commodity in Nigeria – saw the opportunity and took it, then progressed on the job, even if it was not related to their chosen field of study. This is corroborated by Jayeoba et al (2013:105), who posit that unemployment has taken on such dimensions that the wage rate is depressed to the extent that labour is ready to be hired at any rate and for any purpose, disregarding skills and specialisation – the example of the Dangote Group of Companies interviewing candidates who hold an MSc or PhD for a driver's job is a case in point. It means that as the number of unemployed individuals increases in the country, it is likely that, out of desperation, they may join any of the traditional industrial relations actors at the first opportunity. It then becomes apparent how these groups of people are always at the disposal of any of the Dunlopian traditional actors to engage in work activities of any nature and at any time.

Karl Marx was prognosticative when he stated in some of his writings on capitalism and class divisions that the unemployed are 'reservist soldiers' to be engaged by the capitalists in replacement for the alienated, exploited and disengaged set of proletariat workers. As eager and willing allies of any available actors in industrial relations with job prospects, the unemployed may become suppliers or entrepreneurs, they may be legislators if elected or even work for an NGO. The jobless are always at the beck and call of any actors (whether traditional or new actors) who may need their services.

The foregoing explains the function of those arrows (in Figure 1) showing the manner in which the unemployed range throughout the circle of the industrial relations system in search for any available job offer. They are located outside the circle because they are not yet full participants in multipartite industrial relations. The circle of the industrial relations system, as depicted in the diagram, is like a proverbial football pitch: the

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unemployed are always on the bench, trained and ready to be substituted for any of the players on the pitch. The only difference is that while footballers on the reserve bench are identified with a particular team on the pitch, the unemployed are not and can therefore be substituted for any members of the competing team of actors in the multipartite circle of industrial relations. The fact that they are not yet playing actively on the pitch does not mean that they are not players at all.

10 Conclusions

Employment Relations has become a cross-roads and a meeting place for other disciplines such as Sociology, Psychology, History, Law, Politics, Economics and Education. At this meeting place we see an interplay of multiple non-union representatives of various larger groups in society. The multidisciplinary nature of industrial relations, which has been identified in most developed nations, emphasises the inevitable reduction in the relevance and influence of the upcoming multiple actors from all spheres in the national polity and economy of developing nations. As exemplified in the FG/ASUU 20013 trade dispute, it no longer matters which field or profession these actors belong to or emanate from. What matters is that they form part of the emergent formidable forces in employment relations. The Dunlopian industrial relations actors have now been joined by new and mostly civic-minded actors who come to ensure that their voices are heard and their interests are protected. They support any group among the traditional actors who are their allies while denigrating any whose efforts or actions may frustrate their allies' interests.

Traditional industrial relations actors include individual employees, labour unions, individual employers, employers' associations, the state and its agencies; the new actors in industrial relations include the citizens, the customers, the international or civil organisation, the legislators, the judiciary, employers' suppliers and the unemployed (see also Hossain & Semenza 2013). When fundamental issues in labour and employment relations crop up, they may not necessarily arise from joint relationships between these multiple parties. Usually, issues and activism in industrial relations stem only from determining or reviewing terms and conditions of employment among the frontline or traditional social partners while the new actors, in pursuit of their own goals or goals of civic or general concern, stride onto the stage. Traditional actors are therefore usually at the forefront of industrial relations activism; their participatory roles are stable and permanent while the new actors' participation is unstable, temporary and transient. This was previously corroborated by Bellemare (2000:399), who concludes that end users can be considered to be less significant actors than management and union actors in industrial relations systems. It is also evident in FG/ASUU, as in any other trade dispute, where the employment relations between the frontline actors continue for years, perhaps from the time the employers make work available in organisations until such organisations discontinue business, while the new actors participate intermittently. Similarly, the employment relations discord that degenerated into national cacophony began and was championed by the FG and ASUU while other new actors became more concerned and vocal as the crisis escalated. After the contending issues had been resolved and strike action suspended, the new actors returned to being passive while the traditional actors continued acting and interacting in their contractual employment arrangement. Suffice it to say that it is not impossible that the time will come when the passive and transient participation of new actors will become active and permanent participation.

11 Implication and recommendations

The increasing participation of new actors in employment relations brings with it new potential challenges and therefore a pragmatic demonstration of the need to review the theoretical, conceptual, legislative, methodological and institutional frameworks of industrial relations. This is because industrial relations activism appears to be more rampant and tense in African continents than in European or Asian continents. The attitudes and approaches of employers towards handling industrial relations issues in the developed countries differ from those in developing nations. The implication is that it may no longer be logical for researchers and practitioners to continue adopting the same theories and approaches to industrial relations models when they are guided by diametrically different principles. There is therefore an urgent need to develop indigenous theories, approaches and practical frameworks for understanding and conceptualising industrial relations issues in developing nations as distinct from developed nations.

Further, the new trends in employment relations and the accompanying challenges require policy adjustments that may be of immense help to government, scholars and practitioners in the following areas:

- 1 There is a need to re-position industrial relations into a larger socio-cultural, economic, political and multidisciplinary framework and deal with it as such.
- 2 Managers, unions and others need to tackle and reduce employment-related vulnerabilities such as unfair labour practices associated with the upsurge of nonstandard or atypical forms of work, using indigenous approaches.
- 3 Practitioners need to advocate for equity in employment relations by recognising and giving more voice to the underrepresented workforce such as the Small and Medium Scale (SMS) workers, the growing population of craft workers and the job seekers, among others.
- 4 There is also a need to review and repackage curriculum contents in labour studies with a view to:
 - a widening its scope to encapsulate and bring related subject areas of other disciplines such as politics, economics, civic and public education etc into the heart of employment relations;
 - b widening the scope of preference for future aspirations in industrial relations for students and practitioners.
- 5 It is also important that scholars and practitioners distinguish the African model of industrial relations from those of other countries of the world and deal with it as such.

12 Suggestions for further study

In view of the above, it may be essential to further empirical probing into the actions and inactions of the new and traditional actors in industrial relations for a proper and more in-depth understanding of contemporary industrial relations practices in developing nations. Future studies must expand the definition of the key “actors” in industrial relations systems to include institutional forms that are emerging at local and international level (Kochan 2003:12). There may also be a need to determine whether these actors can be treated as equal and independent parties in multipartite industrial relations (Heery & Frege 2006; Hossain & Semenza 2013). Future studies may also endeavour to expand the scope of study beyond Nigeria and compare the participation

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of the identified multiple actors in Nigeria with participation in other African countries. This hinges on the fact that the present study is merely an inference from a case of industrial action in the Nigerian educational industry and not industrial action on a global scale, which may limit its usefulness elsewhere.

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