Limits of Collective Bargaining in the Nigerian Public Service

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Abstract

It is believed that engaging in collective bargaining is the most effective strategy to achieve a wide understanding of the terms and conditions of employment. It works well for promoting harmony between superiors and employees. To achieve the goals of collective agreement, the country's industrial relations system must provide a favorable environment and the necessary legislative framework to encourage the parties to engage in collective bargaining. Nevertheless, countries that are members The International Labor Organization may pass legislation to facilitate collective bargaining following ILO regulations. Nigeria then approved the Trade Disputes Act of 2004 and the Wage Board and Industrial Act of 2004, establishing processes for collective bargaining to thrive in Nigeria. To develop a thorough understanding of collective bargaining, explain its limitations, and address problems that restrict the applicability of the widely praised collective bargaining mechanism in the Nigerian public service, this article adopted the Bilateral Monopoly Theory as its theoretical framework. It concluded that these restrictions must be lifted for Nigeria to have an efficient collective bargaining procedure that complies with the International Labor Organization's Standard and Convention, to which Nigeria agreed.

Introduction:

Historical Development of Collective Bargaining

Collective bargaining refers to the process by which employers or management representatives engage in negotiations with employees or their representatives, such as labor unions or trade unions, to establish terms and conditions of employment. It is a fundamental component of industrial relations systems and serves to resolve disputes and determine workplace rights and obligations. Internal disputes between the employer and his employee, are usually settled by negotiation and discussion between both parties, these negotiations and discussions are called the collective bargaining process.

The collective bargaining process involves many parties such as unions, the organization, its employees, the administration, and people concerned with determining employees' wages and other conditions of service. The negotiations between employees and employers are usually related to the working conditions and employment terms, conditions of service etc. The demands or obligations of both parties involved in an employment as mentioned in the employment contract, (Nuel, 2021).

Though the employment contract is designed in such a way that it does not create room for disputes between the employer and the employees. The objective of collective bargaining is usually to increase wages or improve working conditions for the employees. Other purposes may include improving safety conditions, health and security at the workplace, etc. The process of collective bargaining is usually initiated by union leaders who represent employees.

Collective bargaining and state intervention are two opposing concepts in industrial relations. The term collective bargaining was coined in the 18th century by two British historians of the labour movement Sidney and Beatrice Potter Webb, (Odigie, 1993). The term according to them was used to describe the bilateral negotiation process which developed at the close of the 18th century between labour and management. As some unions still practice to date, unions and group demands were regarded as final by the union members, which according to them is not subject to the sprite of give and take which is the key component of negotiations in collective bargaining. In many countries before the

18th century, employees who might not necessarily belong to any union may approach the employer with" a take it or we strike package of demands. The employer's approach was unilateral because he regarded such a matter as his personal affair or at most a matter between him and each individual worker. If in a strong position, the employer ignores the demand and dammed the consequences because he can easily replace the workers with fresh ones. It is usual for employers to impose one-sided terms of surrender, but as the industries expanded with a corresponding increase in workforce and the use of special skills, it soon became difficult to replace such mass dismissed workers in skilled trades, (W. Bhasin, 2008).

In Britain, the government came to the protection of the employers with the enactment of the Combination Act in 1789, which made it an offence, punishable with three months' imprisonment for any person who joins another to obtain an increase in wages or reduction in work hours. This law although this Act was repealed in 1824, it handicapped the unions with legal restrictions for several years, this reduced the zeal among workers to join trade unions as the trade unions lacked cohesion, stability and authority to negotiate binding agreements (Microsoft Encater, 2010).

The emergence of skilled craftsmen in trades such as engineering, woodwork and printing made it difficult for employers to ignore the worker's demands because, in the event of dismissal, they could not replace the workers with fresh craftsmen who were scarce as against unskilled labour. It was in this skilled trade that effective trade unions first emerged on a permanent basis. This was the pace setter in the development of collective bargaining, (Bowman, 1967).

The first ever collective bargaining process was recorded in Philadelphia in the United States of America in 1789 when journeymen in Ford Waivers were locked out by their employers for refusing wage cuts, the journey men hard to sue for peace and presented an offer of compromise, and this led to a committee of employers and that of the workers to reach a compromise agreement by striking a balance below the workers offer and above the proposed pay cut of the employers (Johnson Hildebrand, 1970).

Recent debates in Nigeria have focused heavily on the labour relations in the public sector. The discussion, in its most constrained form, was focused on collective bargaining in the public sector. However, due to the paucity of research on certain specialized features of collective bargaining in Nigeria, this study will make every effort to tailor its focus on collective bargaining to the context of the Nigerian public service.

In the context of the Nigerian public service, collective bargaining involves negotiations between government authorities or public sector employers and employee representatives or unions to determine various aspects of employment, such as wages, working hours, benefits, promotions, and working conditions. The aim is to reach mutually acceptable agreements that balance the interests of both parties, (Ralph K. Winter, 2013).

However, Nigerian public service collective bargaining has some limitations and challenges. These limitations can vary and depend on several factors, including legal frameworks, government policies, and the specific characteristics of the public service. Here are a few common limitations:

1. Legal restrictions: The Nigerian public service operates within a legal framework that may impose certain limitations on collective bargaining. There may be laws that restrict the scope of bargaining or prohibit specific actions, such as strikes or lockouts.
2. Centralized decision-making: The Nigerian public service is often characterized by a centralized decisionmaking structure, where key employment decisions are made by the government or administrative authorities. This centralized control can limit the extent to which collective bargaining can influence policy or decision outcomes.
3. Limited union participation: Union density in the Nigerian public service may be relatively low, and not all public sector employees may be unionized. This lack of widespread union representation can restrict the bargaining power of employees and limit the effectiveness of collective bargaining.
4. Budgetary constraints: The Nigerian public service operates within budgetary constraints, and the government's ability to meet union

demands may be limited by fiscal considerations. This can make it challenging to negotiate significant improvements in wages and benefits.

5. Political factors: The Nigerian public service is subject to political influence, and government decisions related to collective bargaining may be influenced by political considerations. Changes in government or shifts in political priorities can affect the bargaining process and outcomes.
6. Enforcement and compliance: Even if collective agreements are reached, there may be challenges in enforcing and ensuring compliance with the agreed-upon terms. A lack of effective monitoring and enforcement mechanisms can undermine the effectiveness of collective bargaining.
7. It's important to note that these limitations are not unique to Nigeria and can be found in various public service systems around the world. Overcoming these limitations often requires a combination of legal reforms, improved labour-management relations, and efforts to strengthen union participation and effectiveness, (Kester, 2006).

Definition of Collective Bargaining

According to Harold W. Davey, collective bargaining is an ongoing institutional relationship between a government or private employer entity and a labour organisation (Union or Association) that exclusively represents a specific group of employees of the said employer (appropriate bargaining unit). It is concerned with the registration, administration, interpretation, and enforcement of written agreements covering joint understandings as to wages or salaries, rate of pay, hours of work, and other things, (Odigie, Contemporary Issuses in Collective Bargaining, 1993).

The administration of collective bargaining, which is not always included in definitions, is included in Davey's definition, which is interesting. This, however, outlined the contribution of collective bargaining to industrial peace and harmony due to its continuous process, as the end of one collective bargaining agreement necessitates the beginning of another. This has to be stressed.by Neil Chamberlin and Henry, (Shulman, 1949).

In fact, collective bargaining must honor the International Labor Organization's contribution to labor administration as a matter of academic integrity given that it was founded by the League of Nations in 1919 but became the first specialized agency of the United Nations in 1946. While conventions 84 and 87 deal with the right to organize and the resolution of labor disputes, freedom of association and the protection of agreements, as well as the application of the rights to collective bargaining, convention 92 deals with cooperation and consultation between employers and employees at the level of the undertaking. Over 120 countries ratified the body's agreements and recommendations to practice democracy in industries by putting such principles into practice at the national level, (Organization, International Labour Conventions 84, 87, and 92, 1957).

Additionally, it enforced conformity by having its committee of experts periodically oversee the labor relations practices of its member nations. The international organization defines collective bargaining as discussions between an employer, a group of employers, and one or more representatives of workers' organizations or another with the goal of coming to an agreement. In certain questions, the terms "consultations" or "cooperation" have been incorrectly used to describe collective bargaining. However, it must be emphasized that the goal of collective bargaining is to come to an understanding on the following:

Wages and wage rates,
Overtime
Piece rate,
Shift work
Night work
Increment and promotion
Grading and classification of jobs
Hours of work,
Annual leave
Sick leave
Maternity leaves etc.
Allowances leave, rent, housing, transport.
Tools, coveralls and health, equipment and protection gadgets,
Security provisions such as a pension, gratuity, redundancy, etc. (Lad, 1966).

In collective bargaining, the goal is to compromise opposing interests or demands. In the absence of a collective bargaining system, wages and salaries are unilateral since choices made at meetings for consultation and cooperation may not be based on consensus. The result of collective bargaining, as opposed to discussions and collaboration, is agreement. Therefore, collective bargaining may be viewed as an institutional framework for settling interpersonal conflicts at work that develop in a particular socioeconomic context (Morris, 1978).

Theoretical Approach to the Concept of Collective Bargaining

This effort aims to raise awareness of the crucial role that collective bargaining plays in fostering peace and harmony in the workplace, particularly in the Nigerian public sector. It will concentrate on highlighting the shortcomings of some theoretical models of collective bargaining in illuminating its limitations as well as offering constructs of a more thorough and integrated explanation of the concept of collective bargaining and using functional terms to illuminate the significance and constraints of collective bargaining in the context of the Nigerian public service.

The traditional model of collective bargaining, as put forward by Sidney and Beatrice Webb in their well-known book Industrial Democracy more than 50 years ago, was primarily an economic model. This concept outlined the primary function of unions, (Webb, 1902).

The Webbs claimed that unions might achieve a variety of benefits for their members through mutual insurance or legislative legislation. Regarding collective bargaining itself, it was solely a trade union strategy without any tacit or overt support from employers. Collective will was used in place of individual negotiation. The Webb's provided examples but did not define collective bargaining. In unorganized trades, each individual worker who applies for a job makes a strictly individual bargain with the employer for the sale of his labor, accepting or rejecting the terms offered by the employer without consulting any of his coworkers and without taking anything into account besides the requirements of his own position. However, if a group of workers band together and choose representatives to negotiate on their behalf, the situation immediately changes. The principles upon which, for the time being, all workers of that specific

group, class, or grade will be employed are stated in a single agreement, rather than the employer entering into a number of separate contracts with isolated people (HAMEED, 1978).

According to the aforementioned example and others like the ones in their book, the Webbs conceptualised the following forms of collective bargaining:

(i) A collective equivalent and alternative to individual bargaining in which the role of employers and their association was overlooked and the rule-making character of the process was not clearly stated.

Recent critics of Webb's theoretical model argued that individual bargaining can and does coexist with collective bargaining. According to the Individual bargainers may have plenty of scopes, depending upon the nature of the labour market, to obtain wages over and above the minimum level laid down in the collective agreement. A more serious oversight in Webb's model is considered to be the lack of emphasis on the power of relationships which exists in a collective bargaining situation. It is argued that the fuzziness in Webb's' concept of collective bargaining is removed if its two essential features, rule-making and power relation are placed in proper perspective.

Much of this criticism about the conceptual inadequacy of Webb's framework is unjustified as the institutional nature of collective bargaining itself has drastically changed since 1897 when they made their empirical observation of the trade union behaviour in England a matter of greater academic concern and significance in the contemporary scene is the un-dimensional emphasis found in the Dunlop / Ross controversy. To regard trade union behaviour vis-à-vis management as primarily economic or political in nature is a rather unrewarding intellectual exercise as the collective bargaining relationship is essentially kaleidoscopic. A slight change in psychological, economic, political or legal conditions produces a new intermingling of colours and a new pattern, (Dunlop, 1944).

For the purpose of identifying models of various forms of collective bargaining interactions, Professor Harbison proposed the ideas of "armed trace," "working harmony," and "cooperation." Professor Selekman made another attempt in the

same way and created a more thorough description of the various forms of collective bargaining, which includes:

ii) Containment-aggression, characterized by legalistic aggression and defense
iii) Ideological type
(iv) conflict type in which there is a refusal to deal with the union and an attempt to get rid of or breaking the union
(v) The power-bargaining type, relying heavily on economic force
(vi) The deal bargaining, characterized by a kind of 'horse trading' behavior
(vii) Collusion, which appears to imply labor-management agreements at the expense of third parties
(vii) Accommodation
(viii) Co-operation, (Tripp, 1967).

A predicted and trustworthy one-stop theory of collective bargaining cannot be formed without taking into account the tiniest nuances, which management and labour relations are utterly incapable of doing. A never-ending task, a literature review of the theories of collective bargaining has caused scholars of the subject significant mental strain as they have questioned how different theories of negotiation or bargaining have been described as theories of collective bargaining in common textbooks (Flanders, 1968).

With regard to the role, components, and prerequisites of a theory of collective bargaining, this exercise has essentially shown an unsettling aspect of recent research. The majority of ideas that fall under the umbrella of collective bargaining are really theories of negotiation, even if this is only one of their characteristics. The following are other crucial elements of collective bargaining:

. Employee unionization and fully accredited negotiating agents ii. Any employer associations iii. Permissive strikes or lockouts, which are socioeconomic and legal punishments.

A theory of collective bargaining cannot explain just one or two of these elements. The best way to characterize such theories is that it is an incomplete or inadequate theory. With the exception of Chamberlain's model, other ideas and models are perceived to be incomplete.

Approaches to Collective Bargaining Collective

The boundaries of collective bargaining may be studied using a variety of methods, as but for the sake of this work, we will focus on the Bilateral Monopoly Theory as it is the most widely used theory of collective bargaining in explaining the limits of collective bargaining in the Nigerian civil service.

Bilateral Monopoly Theory

The Bilateral Monopoly Theory is an effort by economists to characterize the employer as a monopolist or the only buyer of labour who must interact with unions as the major suppliers of labour with monopoly power. The graphic below illustrates wage settlement under such bilateral monopoly circumstances. The picture depicts the potential range, Wm to Wu, within which wage settlement will take place, with a possibility of employment going up to a maximum of Q3. As can be seen, there is no way to ascertain the relative negotiating strength of the parties, equivalent to their monopolistic power. The range is established by reading the demand curve, ARP, for the union of MC from the intersection of MC and MRP and reading off the demand curve from MRP ARP for the management wage offer Wm and reading from the supply curve AC for the union wage demand Wu. The employment level will be as high as it can be in Q3.

Two more situations are shown in the graph below. In the first, strong union negotiations with weak management, using the MMRP marginal curve to MRP as its demand curve, which intersects with the MC to produce a Wu wage settlement (read off MRP). In the second position, there is a chance that a strong management and weak union will negotiate a probable wage agreement at Wm by equating MMC, the marginal curve to MC, and MRP.

Two further negotiation situations are depicted in the illustration. In the first case, a strong union talks with weak management utilizing the MMRP marginal curve to MRP as its demand curve. This demand curve crosses with MC to produce a Wu wage settlement (read off MRP). In the second scenario, there is a probability that a pay settlement at Wm will be reached through negotiations between strong management and a weak union that equalizes the MMC, marginal curve, and MRP.

As can be seen, the maximum employment level is produced by the job with the biggest profit margin, MRP equaling MC, yet strong union and management roles produce d and Q2, respectively. Working collaboratively with the union, Q3 may be accomplished by assuming a positive negotiation partnership.

Two more situations are shown in the graph below. In the first, strong union negotiations with weak management, using the MMRP marginal curve to MRP as its demand curve, which intersects with the MC to produce a Wu wage settlement (read off MRP). In the second position, there is a chance that a strong management and weak union will negotiate a probable wage agreement at Wm by equating MMC, the marginal curve to MC, and MRP to give a possible wage settlement at Wm.

It can be shown that the maximum employment level is provided by the maximum profit position, MRP equaling MC, whereas it is d under a strong union position and Q2 under a strong management position. Assuming that the union and management can work together to achieve the highest level of employment, Q3. However, at this time, the range for salary settlement is from Wm to W. The significant elements that have been highlighted after the Bilateral Monopoly Theory has been discussed, using the best effort possible to conserve space. deciding on a range in which salaries will be fixed; and if management and labour may cooperate to boost employment.

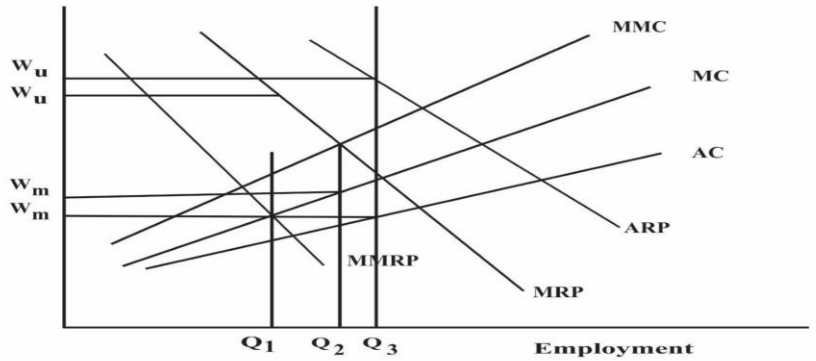
In order to discount the bilateral monopoly model's drawbacks, one must acknowledge that it provides no information about the following: i. worker motivation to join a union; ii. collective bargaining structure; iii. role of auxiliary factors in conflict resolution; and iv. the details of the nonwage agreement.

However, this approach has long been acknowledged as a collective bargaining theory. Its valuable contribution to defining the components of negotiating power over wage concerns must be integrated in a comprehensive theory that will be needed to explain the entire collective bargaining process, not just one or two aspects of it (L. Reed Tripp, 1963).

It is unrealistic to assume that both parties in the early stages of the negotiation share a common view of these functions, as was the case with the traditional bilateral monopoly model, such as Filner's, which assumed that the parties to the relationship are aware of the appropriate demand and supply functions in a typical union-management contract negotiation.

FIGURE 1

Settlement of Wages Under Bi-lateral Monopoly Conditions



demand curve which intersects with MC to give Wu wage Settlement (read off MRP). Under the second possibilities a strong management bargains with a weak union, equation MMC. marginal curve to MC with

The traditional method of explaining collective bargaining and any aspect of labour relations is using descriptive language. Additionally, there have been analytical and conceptual endeavors that are easily recognized by policymakers' industrial relations and collective bargaining practitioners due to their underutilization and unpopularity. However, the practitioner is still the only one with the authority to engage in collective bargaining. We must ask ourselves whether a theory is necessary for a union or management negotiator, a government reconciliation officer, a chairman of an arbitration panel, or a student

of collective bargaining. There is no shortage of support for a hypothesis. It is required since it is predictive and has a lot of explanatory power. What is left is absolutely limp and hardly classificatory information for any physical scientific field of study, such as physics, chemistry, or biology. Professor Tripp asserts that the absence of a clear theory of collective bargaining has been an intellectual source of dissatisfaction at least since World War II. According to him, this issue has two components: (a) Collective bargaining has historically been a practical or applied area that was at odds with, if not outright in violation of, the rules of economics.

(a) Where collective bargaining research was being done, the results were largely patchy, (Akhnukwu 2013).

Features of Collective Bargaining in the Nigeria Public Service

The four key differences between collective bargaining in the public sector and the private sector are as follows. For the sake of this essay, however, we shall focus on the aspects of collective bargaining that are compatible with and relevant to the Nigerian public service system.

(i) In most cases, our legislation revokes the right to strike or to take a leave of absence due to pressure from the public or because the union itself gives it up.

(ii) Depending on our forecasts, the loss of a strike or lockout may be beneficial or catastrophic to the collective bargaining position of either party. A senior government official would want and preserve the possibility of the right to strike as a source of control, if not as an ideological basis for managerial prerogative, in contrast to a unionist working in the public sector who would tenaciously advocate the right to strike. Therefore, a compromise may be to assess the equipment for handling strikes when they happen and offer a procedure for resolving the stalemate.

(iii) If the services in question are necessary and widely used, public opinion may play a significant role in both sides' calculations of the costs of agreement or disagreement. This may be expanded to a differentiation between essential and non-essential services as well as prices. Strikes and lockouts are expressly prohibited under the Trade Dispute (Essential Services) Act No. 23 of 1976 and its revision, and the services affected are listed. The parties to collective bargaining in the civil service have not been

discouraged from taking, starting on, or engaging in industrial action despite the harsh penalties offered.

The fact that employers or managers directly participating in collective bargaining may not have the last say in the agreement is one distinctive aspect. Rather, it needs consent from a higher authority. The appropriate law-making entity at first is the executive. Further contrasting the public and private sectors, Dunlop and Chamberlin. In a private company, the principal negotiator on the management side may need the support and collaboration of the board of directors and top management. Because the power structure is interconnected, it is theoretically possible to get the ability to negotiate and come to an agreement either soon or in advance (Shama, 2016).

Legal Framework and Government Intervention in Collective Bargaining

With the adoption of the First Trade Union Ordinance in 1938, a first step was taken towards providing collective bargaining with a legal framework. According to Stephen A. Odigie, this law signaled the establishment of the government's position on unrestricted collective bargaining, restrictions, requirements, and managed ties between labour groups and management. This was done to free up both sides of the industry's operations from several constraints. Under this regulation, a trade union could not engage in collective bargaining without first registering.

A second law that, among other things, probably encouraged the spread of weak and ineffective unions was the requirement that at least five persons apply to register as a trade union.

These regulations underwent significant revisions in 1958 and a revolutionary review in 1973, which ultimately resulted in the reformation of the trade unions in 1978. There were around 1000 registered trade unions in Nigeria prior to the Trade Union Amendment Act of 1978, which legalized 70 industrial unions and Associations. The goal of the restructuring of the trade unions into industrial unions was to give the unions more negotiating power so that they could negotiate on an equal footing. Meanwhile, automatic recognition and check-off were created to not only make the unions financially viable but also to allow them to provide

welfare services, such as trade union education, to their members. This led to the development of professional-oriented, well-paid, and educated trade union leadership in Nigeria, (Odigie 1993).

The Trade Union and Labour Act was amended in 1978 with the intention of promoting free collective bargaining because it would take place on an equal footing. Additionally, the amended act's provisions aimed to promote the enforcement of collective agreements that resulted from collective bargaining through mutual trusts, also known as gentleman agreements. They had no idea that it would lead to widespread strikes affecting almost all industries in Nigeria between 1981 and 1988 (lecturers, teachers, NEPA, and doctors). According to Section 20 (1) of the trade union Decree No. 31 of 1973, no court of law shall entertain any legal proceedings brought for the purpose of directly enforcing any agreement (except those binding in special circumstances), which includes collective bargaining, (Otobo, 1981).

Rule 8(1) of the 1967 Duck Labour Registration and Control of Employment rule states that it shall be an implied term of the contract between a duck worker available for employment and a registered duck employer that the rate of remuneration and conditions of service shall be in accordance with the law in accordance with any local or national collective agreement in effect at the time of the contract. The Minister of Employment, Labour, and Productivity is also given the authority to make binding orders under section 18(3) of the Wages Boards and Industrial Councils Act No. 1 of 1973, either in full or in part, regarding any collective agreement that has been recorded with him by the joint Industrial Council. The Minister may extend the conditions of a collective agreement of the joint industrial council to employers and employees within the same industry who are not parties to it under Section 19 of the same Wages Board and Industrial Council. The Minister may, by order, bind the parties to a collective agreement, either in whole or in part, according to Section 2 of the Trade Disputes Decree No. 7 of 1976, as modified.

Such laws shouldn't be allowed to pass in a free and democratic society, but the main issue is that very few of the people who are required to implement the laws cared to read them, and probably only 1% of those who did appear to follow the

rules. The enforcement of a collective bargaining agreement, however, may also be covered by a specific employment contract. If a worker's employment is subject to the same conditions as those outlined in a collective agreement, the worker would have the legal right to file a claim for damages against his employer in the case of a breach. This appears to be the sole circumstance in which a breach of a collective bargaining agreement can be legally pursued.

Limits to Collective Bargaining in the Nigerian Public Service

Union lawyers and academic critics have long criticized the idea of public employer sovereignty and its progeny, the doctoring of illegal delegation of authority, in their approaches to the issues regarding the constraints of collective bargaining in public employment. Legal experts claimed that these two had put up significant barriers to collective bargaining in the public sector of the Nigerian economy. This criticism has led to the liberalization of common law, the expansion of the body of laws that have been passed, and a reduction in the whisper of the council of restraints that this construct was trying to voice. It has also been significantly strengthened by the changing nature of government employment and the consistently visible example of collective bargaining in the private sector. On the basis above the following salient points will be discussed.

(1) Sovereignty

The idea of sovereignty is one that is both hard to define and crucial to all systems of government. A legal dictionary describes it as the ultimate, absolute, and uncontrolled power that governs every independent state. Since many people see collective bargaining as a system of countervailing power or a way to increase employee power in order to balance out employer power in the private sector, one could easily see its implementation in the public sector as an infringement on governmental authority and the sovereignty of the state itself. Considering Sovereignty's role as an employer in the context of its final, unchangeable, and unrestrained nature. According to Franklin Roosevelt, a striking public employee "manifests nothing less than their intent to obstruct the operations of the government until their demands are satisfied." Such activity tries to paralyze those who have sworn to support the administration., this is both impossible and intolerable.

Lawyers object to sovereignty because it appears to be a frail reed when the private comparison is used.

A court stated in 1836 that if collective bargaining in the private sector is permitted, conspirators will seize control of the government's activities instead of the general public. A voluntary and self-constituted group would be given control of our rights under our new style of government. According to Adeogun, these arguments about sovereignty are no longer believed to apply to the private sector since private collective bargaining has been the nation's policy for more than a decade. It has not been without criticism, but there has been no hint of the end of the word, critics, are of the opinion that the idea of sovereignty as a barrier to collective bargaining is not unique to the public employer but rather a holdover from past times when the law was antagonistic to all forms of collective bargaining (Okunade, 2005).

In the creation of labour policy, sovereignty must also appear to have detractors who find it to be an abstract idea that is too far away and elusive to be useful. The question is not whether or whether the government has supreme authority; rather, it is how the government, as an employer, should wield that authority. The idea of sovereignty, which seeks to identify the ultimate source of power, does not appear to address this question, (Sparo, 1948).

(2) The Doctrine of Illegal Delegation of Authority

The idea of illegal delegation of authority, which is a constitutional precept that forbids the government from transferring its jurisdiction to third parties, does address the issue of unlawful delegation of power. Any plan of collective bargaining between the government and its employers involves a significant amount of shared control; as a result, the notion of illegitimate delegation of authority suggests that some discretionary choices be made solely based on the assessment of a designated official.

It seems to still be a basis for limiting collective bargaining's ability to affect salaries for public employees. Frequently, matters of vital importance to employees cannot be resolved by collective bargaining because they are controlled by laws and cannot be delegated. In certain nations, the delegation theory challenges the

legitimacy of collective bargaining agreements, and it is also invoked as an excuse in other nations to avoid holding discussions even when doing so is permissible by law. Additionally, opponents of collective bargaining use the private sector as an analogue and claim that the limiting concept is insufficient justification for differentiation. Since the beginning of American labour history, private employers have granted the management the right to make some decisions, and these decisions cannot be subject to common control. The assertion of management prerogative has been compared to the illegal delegation of power in the private sector due to the evolution of important industrial relations issues over time. Management is charged with legitimate decision-making responsibilities, which cannot be shared because to do so would be to hand control to those who lack legal responsibility. (Marshal, 2001).

The establishment of collective responsibility is inherently a rejection of this argument in the private sector because it is believed that industrial democracy is necessary to rescue the employee from the psychological emasculation of modern industry and that collective bargaining is likely to be unfair when the employee is pitted against its employer. Collective bargaining includes shared control over wages, working conditions, and other aspects of employment. In the private sector collective bargaining system, the party's desire and economic strength are the only logical variables that can determine what concerns should be the subject of collective negotiation, (Johnson Hildebrand, 1970).

(3) The Claim for Collective Bargaining in The Private Sector

Undoubtedly, those who disagree with the validity of collective bargaining claims in the private sector would also dispute the existence of similar claims in the public sector. In order to fully test our hypothesis that the full transplant of collective bargaining to the public sector is inappropriate, this study accepts a minimum validity of the claims that are made for private-sector collective bargaining and does not attempt to add substance to the case. Collective bargaining is a tactic for achieving industrial peace, according to certain writers. This opinion was held by the Industrial Commission as early as 1902.The main benefit of this practice of routinely assessing the state of the labour market through direct collective bargaining between employers and employees is that each side gains a better understanding of the actual state of the market, the challenges that it faces, and the

factors that influence it (Dunlop C. 1964). If both parties were completely aware of one other's positions, most strikes and lockouts would not take place.

Industrial democracy, or worker engagement in their own government, is something that may be accomplished through collective bargaining. Collective bargaining is the industrial equivalent of the current need for citizen engagement in government, according to Yale University Law Journal 1111 1968/ 1969. In the political sphere, workers are represented by unions that bargain collectively with employers as one of the most significant forms of political representation that a person may have is through interest groups (D. Bandis, 1915). All levels of government respond in great part to requests made by the groups that the citizens are a member of. The argument that employers have uneven negotiating power makes collective bargaining the necessary replacement for individual bargaining,

In this lawsuit, it is asserted that the single customer market frequently exists to produce unjust labour contracts as a result of industrial negotiations. Although it's possible that monopsony won't result in employees as a class consistently receiving less than they ought to. This is not a common occurrence; rather, it is only said to occur in a few odd situations. It might imply that an industrial worker's or a group of employees' conditions at a certain moment and under specific circumstances may be unjust. The market's discipline has a tendency to guarantee fairness overall and over the long term. nonetheless, if monopsony.

The single customer market is a buyer of labor monopoly, in this case, it is alleged to exist in many situations to create unfair contracts of labor as a result of industrial bargaining. While this in turn may not mean that workers as a class over time get significantly less than they should because of monopsony. This is not a general condition but is alleged to exist only in a number of peculiar circumstances. It may mean that the terms of an industrial worker or group of workers at a given period of time and in a given circumstance may be unfair. What tends to ensure fairness in the aggregate and over the long run is the discipline of the market. But monopsony, if it exists can create substantial injustice to the individual worker, (Iwunze, 1999).

(4) **Social Costs of Collective Bargaining**

In the private sector, there are generally acknowledged costs related to the outcomes of collective bargaining agreements. These costs are primarily economic in nature, and the nature of the costs related to these outcomes is a question that must be answered before it is possible to institutionalize the benefits resulting from collective bargaining. There are significant discrepancies among economists who have focused on this issue. The two linked types are the main problem. The first is the one prof. Albert Rees of Princeton University summarized. This group believes that if the union is only evaluated in terms of how it will affect the economy when it is operating at its best inside our system, it will have negative effects. It changes the pay structure in a way that prevents job development in the economy's sector where productivity and income are naturally high and leaves an excessive amount of labour in low-income sectors like agriculture and the least skilled trades. While part of the gains may be at the expense of the owners of capital, customers, and the lower paid workers, it helps the majority of the workers who would be reasonably well off in any event (Akpan, 2017).

In certain industries, unions actively obstruct the employment of the most productive methods, and the effect of this obstruction is likely not offset by the incentive of high productivity provided by other unions. Second, the 1967 Report of the Council on Economic Advisors outlines the second issue of concern. In an economy with high employment, competitive forces must be fierce, but they cannot work equally in all economic sectors. Business enterprises have a significant amount of latitude in determining pricing in sectors with few rivals. The prudent use of discretionary powers over wages and salaries can contribute to maintaining overall price stability in many areas of the labour market where unions and management combined have a significant amount of wage-setting discretion.

Full employment and prices may be incompatible due to its reckless usage, and it is said that this discretionary authority is used too frequently, (Morris R. L.2002). The belief that collective bargaining is likely to be to blame for the economy's problems as well as disagreements over the general stability of pricing extend to product quality. Without a doubt, however, the market ultimately limits or restrains the influence of unions. In general, unions find their impact to be limited

since customers choose to purchase less of a product at comparatively higher pricing. The cost of collective bargaining as it is now practised in the private sector appears to be constrained intrinsically because of this link between unemployment benefits and costs (Iyws, 1967). Therefore, any meaningful actual financial benefit to the workers resulting from collective bargaining that is higher than that justified by a rise in productivity may result in union members losing their jobs.

(5) The Nigerian Public Sector's Demand for Collective Bargaining

Concerns regarding the overall stability of price and the notion that collective bargaining is probably to blame for the economy's issues also extend to product quality. However, there is little question that the market eventually restricts or limits the power of unions. In general, unions find that their influence is limited since consumers opt to buy fewer units of a product at a price that is substantially higher. Because of this connection between unemployment benefits and costs, collective bargaining as it is now performed in the private sector appears to be essentially restricted (Iyws, 1967). Because of this, union members may lose any substantial actual cash advantage from collective bargaining for the employees that is more than what is justified by an increase in productivity, (Macon, 2000).
Unless these demands are recognized and the current decision-making method accommodates them, the pressure brought on by the size and bureaucracy inexorably leads to disruption and labour discontent. The easiest way to prove that there is peace in government employment is to make collective bargaining and union recognition acceptable public policy. The argument of uneven negotiating power, which in reality has two components in the private sector and is plainly related, is argued to be supported by the private sector model. (C. A. Dunlop, 1964).

Nature and monotony, which are sometimes seen to lead to unjust individual work contracts, are the first of the reasons. The unfairness may manifest in salaries that are lower than they would be if the market were closer to being perfect, or it may manifest in working conditions that give foremen arbitrary power (power to hire and fire, promote, assign, and punish) without regard for substantive or procedural standards. An allegation that keeps coming up and causing a lot of controversy is the arbitrary use of management authority in specific circumstances. This claim goes a long way towards explaining the unions' desire

that a labour contract or set of regulations be established, along with a supporting advocacy system, to regulate industrial life. It is much more difficult to improve the financial terms of public employment than they are for employees in the private sector. Even if it is debatable, the argument for private employer monopsony holds that in some situations just a small number of private employers have an excessive amount of bargaining power. The question of whether governmental employers ever had such authority is one that must be answered in the public sector. However, even if the argument could be made, market rules serve as the best alternative guides to concerns of justice in employment as in other areas, government actions are legitimately political decisions, and economic factors are only one of many factors to be taken into account.

The degree of fairness does not fundamentally depend on how perfect one believes the political process to be; low pay for teachers may simply be a decision made, right or wrong, in response to pressure from special interests or in order to advance the general welfare by exchanging a reduction in the quality or quantity of teachers for a higher welfare payment. However, we are constrained in our capacity to make an informed decision about such political decisions due to the understandable but unavoidable bias that exists in our society, (Jr., 1969).

In comparison to the private sector, employment benefits may have improved more slowly in the public sector during the previous three decades. While public employment was once appealing for the greater job security and retirement benefits it provided, quite similar protection is now available in areas of the private sector, which disadvantages those who must rely on legislation for wage adjustment. Public employment was once attractive for the greater job security and retirement benefits it provided. The degree to which the civil service or merit system exists in public employment and that these regulations are followed, the arbitrary use of management authority is significantly curtailed, and when this power is restricted, a labour policy that depends on individual contracts must look less undesirable. The social costs of collective bargaining in the private sector, which are primarily economic and appear to be fundamentally constrained by market forces, are the second or negative component of the case for unequal bargaining power. The social costs of collective bargaining in the public sector don't appear to be primarily economic to us, but rather mostly political in nature.

In the public sector, it also appears that market pressures or other causes are limiting union authority to some extent; but similar restrictions do not readily apply in the private sector (Macon, 2000).

(6) The Private Sector Model

The private sector is an industry that creates goods that consumers do not necessarily need and that can be replaced with similar goods on the market or markets for these goods. Most, but not all, producers are required to negotiate with a union that represents the employers, and this union is typically the same across the sector. The number of units sold of the items will drop if the price of this product increases in comparison to the others. In turn, this will lead to a reduction in employment, and in the majority of cases, an increase in price will be driven by the rise in labour cost relative to output. The union is currently forced to make certain unfavorable trade-offs between providing substantial benefits to some employees and unemployment. There is pressure on the union to avoid the path that leads to unemployment since unions are political organizations with a duty under the law to fairly represent all employees and with resources that come with per capita dues, (J.U., 1070).

The picture of the constraints the market imposes on collective bargaining settlement highlights changes as the variable changes to the extent that there are non-union firms within a product market, the impact of union pressure will diminish by the ability of the consumers to buy identical products from non-union firms and presumably less expensive sources. The main obstacle to union bargaining goals, however, will be the ability of some consumers to respond to price changes by choosing similar but nonetheless substitute products if the union organisation of competitors within the product market is complete.

In any study based on the information presented above, it is important to take into account two factors: the organisation of all the businesses in a given market and the degree to which the demand for a certain industry is price-insensitive, or largely passive. Because companies are less concerned about raising prices in response to cost increases, the various unions require significantly less than the employment-benefit tradeoff. A hypothetical price increase would have a negligible impact on this employer's unit sales. Second, in an expanding industry,

pay settlements that exceed productivity growth may not diminish union employment; instead, they may slow down expansion, meaning that the employment effect will only be felt by non-unionized employees. Thus, the employment benefit's politics will have an immediate impact.

There are at least two restrictions on the union in both situations. One is that the employer increases the desire to replace labour with machines (Bartez, 1955). The other constraint results from the nation's substantial unorganized and strongly anti-unionized populations. As a result, capital will look for nonunion labour, which will allow the market to regulate the organised sector. Employers are driven largely by the need to maximize profits, without taking a corporation's political leanings into account. The employer is consequently not motivated to raise prices because doing so would result in a loss of profit. Instead, they are set up to convey and represent the pressure of the market. If the employer adopts union demands that will result in a decrease in production, If he agrees to these demands, he might have to raise the price. If he is successful in resisting the union demands, which are made too frequently and at a high cost, he is likely to direct his resources elsewhere. All of this implies that the economic costs associated with collective bargaining are often constrained by strong market limitations and that these restraints are apparent to anybody who can distinguish between the forest and the trees (Lad, 1966).

In both cases there are at last two restrains on the union. One is that the employer's increases the urge to substitute machines for labor, (Bartez, 1955). The other restrain stem from the fact that large sections of the nation are unorganized and highly resistant to unionization. Accordingly, capital will seek nonunion labor and this way the market will discipline the organized sector. The employer is motivated primarily by the necessity to maximize profit and without considering the political inclination of a corporation. The employer is therefore not inclined to raise prices and thereby suffer a loss in profit and be organized to transmit and represent the market pressure.

Generally, the employer will vehemently resist union demands that exceed the increase in productivity, if he accepts such demands, he may be forced to raise price, should he be successful in his resistance to the union demand too often and

should it cost he too much, he can be expected to put his money and energy elsewhere. All this means that the social cost imposed on collective bargaining are economic costs which are usually limited by powerful market restraints and that these restraints are visible to anyone who is able to see the forest from the trees, (Lad, 1966).

Model and Structure of the Public Service in Nigeria

The public sector case in Nigeria involves many parties, including a board of senior men and a minister who negotiates with union representatives. The minister also negotiates with other ongoing or transient interest groups, such as business associations, trade unions, neighborhood associations, etc. The decisions that are taken may be the consequence of institutions and concessions between interest groups, as well as views of the electorate's attitude and the president's, minister's, and board's aims and programmes.

There are many different forms of taxes, and there are many different levels of government from which tax income is made accessible, so decisions that cost the government money are paid for through taxes and less frequently through borrowing. The budget is used to formally allocate money for certain purposes, and it often allows for significant change. According to Ukandi the union would always fight for the largest possible percentage of this money. (Ukandi, 1979). In the public sector, the market functions so that, over time, the amount paid for labour by the public employer in relation to what employees earn elsewhere determines the supply of labour. This provides some reassurance that, collectively and with or without collective bargaining, the public sector and public employers are not compensated inadequately. In comparison to the commercial sector, the public sector may have a significantly weaker case for employer monopsony. In the first place, the majority of public employers are located in urban regions, where there are frequently both private and public firms that are interchangeable and competitive. There may be minimal monopsony power in this situation.

Secondly, there is no guarantee that employment authority will be abused, unlike in the private sector where the profit incentive is predominant, even though public employers occasionally possess monopsony power. In the private sector, market-imposed unemployment is a significant barrier for unions, while in the public

sector, the tradeoff between benefits and employment is viewed as less significant (ILO, 2006). The demand for the goods and services supplied or provided by the government is inelastic, there are typically no close replacements, and neither is the demand for the goods and services it produces. Such market circumstances are advantageous for unions in the private sector because they enable benefit collection without the risk of joblessness. This is susceptible to the real and prospective restraint of non-union rivals, but such restraint restricts the demand of public employee unions. This is due to the fact that many government activities are monopolies. Product competition, whether unionized or not, does not drive down prices and wages, and the presence of a pool of workers willing to accept pay below scale will not draw in new funding and result in the creation of a brand-new, significantly less expensive government enterprise. The dread of losing one's job, however, might act as a sort of deterrent under two circumstances.

i. If labour costs rise, the government may lower the level of service it offers by cutting employment, for example. The government may cut the number of instructors and increase class sizes if teacher wages are raised. Union pressure and community pressure from impacted interest groups are two factors that hinder the government's capacity to implement such a reform. The political influence of the service recipients who are also voters and the influence of the labour union as a labour organisation work together to increase the pressure. Political considerations may result in either no reduction in employment or services or a reduction in an area other than that in which union members work.
ii. If labour costs rise, the government could try to use technology to replace workers, just like private companies would. In addition to the union's resistance, the absence of financial motivation may be a hindrance. The public employer that decides to restrict hiring due to unit labour costs will probably discover that it is easier politically to restrict new recruits than to fire present employees (Derfman, 1989).

Although a direct correlation between rising economic benefits and unemployment does not exist as a significant deterrent to unions in the public sector, arrangements can be made where taxes are the functional equivalent of consumers; if taxes become too high, the taxpayer can move to another community, but it is simpler for a consumer to substitute products than it is for a

tax payer to substitute communities. It is unfair to claim that higher taxes would result in a large number of taxpaying citizens leaving the country, which will lower revenue. Market discipline restrains unions and public employers for the same reasons and in the same ways that it restrains parties in the private sector. Numerous additional elements imply that political standards, not economic ones, should be used to determine whether collective bargaining is legitimate. The mayor will be held to a higher standard by his desire to do well rather than maximize profit. In order to be reelected or to progress to a greater elective post, the mayor will always have to steal money away from other interest groups or taxpayers in order to fund his union contributions. The relative strength of opposing interest groups determines how well he can manage these conflicting demands while still maintaining his political viability (Timory, 1948).

The Nature of the State in Collective Bargaining

The state's constitution places significant restrictions on collective bargaining. Because the government is an institution of the state and an instrument of the governing elites, the nature of the state dictates the function that the government performs in a state. The government always works to further the goals and interests of the ruling class. As a result, this aspect of the government's involvement has an impact on the usage of collective bargaining in organisations. Governmental procedures, the ability to shape policy, and the respect for or disregard for any agreement are all totally dependent on the interests of the government and the power it wields. Any arrangement may be upheld by the government if it sees fit and disregarded if it is not in her best interests. Despite the fact that the government may appear to be impartial, impediments caused by the actions of the government as a piece of state machinery are a feature of the collective bargaining process. Using the government's decisions as a point of comparison, the arbitrary price increases of necessities, the enactment of decrees and draconian legislation, etc. Because the government is a state-controlled entity, it has authority over the collective bargaining process and decides who gets hired, (B. 8 September 2018).

The success of collective bargaining must be respected by all parties to the contract. In a collective agreement including the state, the government must call the song and play the lead instrument. The implementation of price rises for petroleum

products in Nigeria in 1999 serves as a good illustration. Between 1986 and 2000, this rise corresponds to a 15% increase in Nigeria's petroleum product pump price. Following the announcement of the pump price hike for petroleum products, the leadership of the Nigeria Labour Congress (NLC) started taking industrial action. The Federal Government and NLC struck a compromise, which resulted in a drop in the price of several petroleum products at the pump.

A deal was reached between the federal government and the NLC on June 3rd, 2000, ending the strike. Surprisingly, the Obasanjo administration violated the agreement in February 2001. On January 1st, 2002, there was a rise in the price of petroleum products. The cost of paraffin was raised from N7.00 to N24.00. The price of diesel climbed from N21 to N26, and the cost of gasoline went from N22 to N26 per litre. The Nigeria Labour Congress (NLC) called a walkout and demanded that the price rises be stopped. The federal government successfully argued that the NLC strike was unlawful in Abuja High Court after challenging the NCL's conduct. The NLC complied with the court decision, thus the NLC called off. On March 30, 2005, Olusegun Obasanjo signed the Trade Union (Amendment) Act of 2005. As a result of the new Act, more federal trade unions are now registered, and check-off dues to trade unions are now optional rather than required. As a result, organisations like the Trade Union Congress (TUC) and other rival trade unions to the Nigeria Labour Congress (NLC) were created. The conclusion that can be drawn from the arguments above is that the state is using coercive authority to render collective bargaining useless. According to Osagie (2019), this suggests that the government has shied away from supporting collective bargaining and that it is a poor method for settling disagreement inside organisations. NLC came under the grip of the Ibrahim Babangida dictatorship (1985–1992) as a component of its hegemonic goals. This was accomplished by combining collaboration, regression, and buying off with a static company strategy. In terms of labour laws, the Abacha government and Ibrahim Babangida's dictatorship were similar. The National Executive Council of the NLC was disbanded by the Abacha regime, who then chose a sole administrator. The National Union of Petroleum and Natural Gas Workers (NUPENG) and the Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN) were both disbanded by the government. The breakup served as a stark illustration of the difficulties the Congress, its leadership, affiliates, and state

councils faced during the military dictatorship. Labour leaders were wrongfully imprisoned or detained. meetings with unions, seminars, and other congress and Security personnel entered the area and interfered with its components. The Abacha military administration vigorously cited all kinds of ordinances that were proposed to restrict the operations of unions. A law was passed that forbade a particular faction of the movement from serving in a leadership capacity in Congress (Nwadiro, 9 September 2018).

The administration of Abdulsalam Abubakar revised Decrees No. 2 of 1996 and No. 1 of 1999. The replacement of Decrees 9, 10, and 24 aimed to democratize trade unionism in Nigeria. Trade unionism in Nigeria has yet to experience the same level of freedom of association that it had in post-independence Nigeria, despite some of the legal restrictions from the years after 1993 had been lifted.

Adeogu noted that the government's stance on collective bargaining did not pass muster in 1980. According to him, it is extremely strange that, despite the establishment of Whitley Councils in 1948, every significant demand for wage increases or reviews made by employees since the end of World War II has been resolved through arbitration rather than collective bargaining. Although the government's attitude towards collective bargaining is evident in discussions between the government and its employees, many in the field of industrial relations are able to easily identify collective bargaining (Adeogu 1979).

We don't think that the administration actually follows through on what it says, according to Ornolayole. The philosophy of collective bargaining, according to the government, is the cornerstone of industrial relations in Nigeria. We don't think the government enforces it as strictly and rigorously as it advises the private sector to. Otherwise, why do reports of disputes settled by 13 employers' associations contain more collective bargaining agreements than those recorded by the public sector? The number of agreements recorded by the public sector during the previous five years may be obtained from the Ministry of Labour. The government's disregard for the 2009 collective bargaining agreement with ASSU was shown by Many people perceive the decision to revisit the agreement made by the Muhammadu Bihari administration as a consistent instance of the government's disregard for collective bargaining (Damachi, 1989). Two years of

negotiations between the ASSU and the federal government resulted in the agreement with the ASSU. The agreement struck during the negotiations covered matters that required legislation to be implemented, such as the terms of employment for university professors, funding for universities, university autonomy, and academic freedom. Sadly, the Bihari administration has formed a committee to renegotiate the 2009 ASSU federal government agreement (Musari, 2017). If the government team's offer does not meet the expectations of the university lecturers, ASSU would engage with them on the basis of collective bargaining, according to Prof. Abiodun Ogunyemi, national chairman of ASSU (Ogunyemi, 2017).

In terms of Nigeria's public sector, the government has assumed a number of responsibilities that it is not meant to (Bamiduro, 2008). One such responsibility is the role that employers and employees are expected to play in industrial relations. Government established mechanisms to bargain for pay raises and other terms of employment in the public service as a state authority. Despite this, recent developments in Nigeria indicate that the government has taken over the duty of setting wages.

Imafidon related the government's current pay-fixing stance when he said that since the government started using wage tribunals as a vehicle for deciding and assessing salaries, collective bargaining in Nigeria has been marginalized. Chidi, Ayim, Elegbede, Gbamujo, and Sheriff concur with Imafidon that it is undemocratic and unilateral to manage employee demands for things like wage determination and other employment terms and conditions through the use of an ad hoc committee since it contravenes fundamental industrial democratic norms. According to Chidi, a successful tripartite collective bargaining process has never been used to determine the minimum wage in Nigeria.

In addition to being contrary to democratic principles, this trend has diminished the value of collective bargaining in the Nigerian public sector. Because Nigeria's wage determination policy is ineffective and ambiguous, it is implied by government action that there are labour conflicts and work stoppages in the country's economy at every attempt to address or modify wages throughout the

years (Kester, 2006). Another issue with collective bargaining is the challenge of negotiating itself.

Many of the important matters that fall under the purview of the NPSNL in Nigeria are established either by executive or legislative acts, or by political bodies like commissions that the government regularly establishes in its capacity as an employer of labour. Discipline, promotions, and staff transfers are governed by the Public Service Rules, and the managerial position is covered by means of job control that do not include collective bargaining. Because of the influence and function of other governmental organisations, the role of NPSNL is wholly and utterly irrelevant.

According to Ayim, Elegbede, and Gbamujo-Sheriff, this development has diminished the value of collective bargaining in Nigeria's public sector. From the foregoing, it may be concluded that the Nigerian government interferes in collective bargaining. The government doesn't monitor if any agreements struck can really be enforced. The majority of discussions are carried out by government officials and agents acting on their behalf. The main justification isn't to avoid a scenario in which the government acts as a judge in its own case, which would be against the notion of public policy. But more often than not, the opposite is true. She cannot engage in an arrangement on her behalf, and the government is prohibited from ordering its representatives to do so unwilling to accept the terms of such an arrangement. It is appropriate for the government to act as a regulator and arbitrator in collective bargaining (Anyim, 2011). A no-strike clause is usually implied in a collective bargaining agreement, but the government is unwilling to put the rules into practice to prevent a strike. Nigeria's government's insensitivity and ineptitude contributed to a surge in labour disputes.

It is true that some collective bargaining agreements incorporate stipulations that are reviewed after the initial agreement, according to a July 2001 editorial in The Vanguard Newspaper. Because the government is not the employer of workers in the private sector, many of the collective bargaining agreement's reopener clauses are purposefully written in a way that allows them to be reopened, and the unions are rarely bound by them. However, those clauses without reopener clauses cannot be bound by what the government has done. Concerns concerning official

intimidation and victimization by government employers should also be taken into account when discussing collective bargaining in the Nigerian public service.

Conclusion

The monopolistic bargaining model, commonly referred to as the bilateral monopoly theory, is a framework for analyzing the negotiating process between a single buyer and a single supplier in a market with little competition. However, as collective bargaining entails discussions between groups of employees (represented by unions) and employers or employer organizations, it might not be immediately applicable to examining the limitations of collective bargaining in Nigeria. However, we can talk about the bigger picture of collective bargaining in Nigeria and the things that can make it less successful. In many nations, including Nigeria, collective bargaining is a crucial tool for settling labor disputes and determining terms and conditions of employment. The limitations to collective bargaining in the Nigerian setting, however, the collective bargaining process might be influenced by a number of factors which includes the following:

1. Institutional and legal framework: The legal environment in which collective bargaining takes place has an impact on its efficacy. The Labor Act in Nigeria offers a legal framework for collective bargaining, but how it is applied and enforcement varies. The ability of employees and their unions to engage in successful collective bargaining may be constrained if the legal system is insufficient or inadequately enforced.

2. An unbalanced distribution of power is necessary for collective bargaining between employees and employers. But in Nigeria, there may be power disparities because of a number of things, including high unemployment rates, the frequency of unofficial employment, and low unionization rates in particular industries. These disparities may impair employees' negotiating power and restrict the results that may be obtained through collective bargaining.

3. Economic Conditions: The reach and bounds of collective bargaining can be impacted by economic variables including the state of the economy overall, productivity levels, and industry-specific dynamics. Employers may be less able or willing to make compromises during times of economic

recession or high inflation, which can undermine the success of collective bargaining.

4. Political Climate: The political climate can have an impact on collective bargaining. The negotiation process can be influenced by governmental rules and regulations, political attitudes towards organized labor, and other factors. In Nigeria, political unpredictability, shifting government policies, and the sway of special interests can affect the parameters and results of collective bargaining.

5. Sectorial Differences: Depending on the industry, there may be varying restrictions on collective bargaining. Collective bargaining is more widespread and more successful in Nigeria's organized business and public sectors than in unorganized or unorganized informal sectors. The scope of collective bargaining in any industry may be considerably impacted by the degree of unionization and the negotiating power of unions.

6. Sectorial Differences: The limitations on collective bargaining may differ depending on the industry. In Nigeria's organized corporate and public sectors, collective bargaining is more common and more effective than in the unorganised or unorganised informal sectors. The level of unionization and the negotiating power of unions may have a significant influence on the scope of collective bargaining in any industry.

In conclusion, even though the bilateral monopoly theory might not directly be applicable to figuring out the limitations of collective bargaining in Nigeria, being aware of the bigger variables that affect collective bargaining might be helpful. The Nigerian legal system, power imbalances, economic conditions, political climate, and sectorial variances all have an impact on the efficacy and bounds of collective bargaining. Its efficacy in Nigeria may be improved by addressing these issues through legal reforms, enhancing employees' negotiating power, and fostering a supportive climate for collective bargaining.

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