

1.1 **BACKGROUND OF THE STUDY**

In the formation of the nation industrial policy the federal government was influenced by the country's social and economic conditions and the standard set by the international labour organization (ILO) and Nigeria is a member.

In Nigeria trade union service and industrial relations department under the federal ministry of labour and productivity are primary responsible for the promotion and maintenance of industrial peace and harmony in all the trade disputes which (ie. Employers and employee or union members) have failed to settle through internal machinery designed to reach amicable settlement of disputes.

Despite the existence of these two departments industrial crises involving a total number of 1,327 trade disputes were handled with the past seven-year resulting in 813 strikes and lockout. Only 821 of the disputes were settle through intervention and conciliation out of 1,327 while 307 were referred to industrial Arbitration panel (IAP) and national industrial court settled 205 of such disputes.

With these industrial relation could be defined as the network social relationship between the employees and their employers and their associations and government and their numerous agencies in their attempts to replete terms and condition of employment and perform other functions that directly or indirectly concern the initiation and sustenance of peaceful and purposeful labour management relations which involve applying machinery dealing with complaints grievance and disputes in an organization.

Arnistrony E (1980) sees industrial relations as the inter-twinning activities of the workers management and government for better

working conditions

Meanwhile the upsurge in strike and industrial tension could be blamed on the suspicious issue between employers and workers as well as intra-union crisis. In a bid to maximize their standard of living which often eroded by inflation working demand higher pay and better working condition of service while employer resist such requests because they fear it might reduce their profits. This refusal may result to strike or industrial conflict.

In the public sector government resisted it because of unavailability of funds and the likely economic consequences

The causes of these inter or intra union disputes may be traced to communication gap between the official and member alleged misappropriation of funds or embezzlement of union funds arbitrary dismissal of national officers by the union refusal to call national delegates conference as and when due.

In recent years trade disputes especially those of intra and inter union cases have resulted in litigations in the law court. Some disputes had led to the institutions of more than 30 court cases involving different trade union. It has become the order of the day among trade union leaders to take the intra and inter union disputes to civil courts rather than use settlement machinery provided for them under the trade disputes act of 1976 (Amendment decree)

The Nigeria labour commission (NLC) is the umbrella organizations for all the trade union in the country was created by the trade union decree of 1978 by which the government organized the country's labour force into 42 trade union. The decree set out how the law will be how to appoint the officers who is qualified for membership and requirement that each union must file an annual statement of account with the registrar of trade unions in the federal ministry of labour and productivity. The

industrial relations decree of 1976 sets out the details of how disputes between the employer and employees union are to be settled. Employers and employees union are required to attempt internal settlement through joint consultation and collective bargaining. Where this fails there is provision for the declaration of formal trade dispute and for the matter declaration of referred to the ministry of labour and productivity? Or where the internal mechanism of conflict resolution fails the external mechanisms of conflict resolution will start. Mediation is the first panel. The trade. Dispute act makes it mandatory for employers and unions to meet within seven (7) days after the dispute must have been declared either by themselves or their representatives under the chairmanship of a mediator mutually agreed upon and appointed by one or both of the parties with a view to an amicable settlement of the dispute. The mediator must be seen to be impartial by the parties and not to impose his decision on any of the parties.

Where the mediator fails the parties will report productivity (FMELP) within fourteen (14) days. The ministry will appoint a conciliator for the purpose of solving the conflict. The conciliator shall inquire into the cause and the circumstance of the dispute. If settlement is reached within 14 days he shall forward a memorandum of the terms of the settlement duly signed by the parties involved to the minister but if he fails he will within another 14 days refer the case to arbitration.

The industrial Arbitration panel (IAP) marks the beginning of the judicial processes for resolving disputes. The dispute must be referred to them within 62 days after it started IAP was created in 1969 and it settles disputes that cannot be handled through mediation and conciliation the IAP are given 42 days to settle the dispute. They should refer it to national industrial court (NIC) if there is no improvement. NIC are given 22 days to refer it to the ministers if there is no settlement.

Section 23 of trade dispute act empower the minister of labour to set up a board of injuring and investigation to injure and investigate disputes and employment problems.

Meanwhile trade disputes decree No 7 of 1976 requires parties to a dispute to make use of collective bargaining machinery existing in the organization in he first instance.

In the past ten years the history of industrial relations in our institution of higher learning is marked by incessant industrial actions. The first was in July 1988 when academic staff union of Nigeria universities (ASUU) embarked on a strike action against their employers the national universities commission/ federal ministry of education and their individual universities.

In Enugu State higher institutions of learning have experience as many periods of industrial unread. Trade disputes are often declared by the trade union in these institutions. The main ones are the academic staff union of universities (ASUU) senior staff association of universities etc. Trade disputes are declared against the institution authorities some of the dispute have been successfully resolved through internal negotiations, while others have been resolved through mediation and conciliation by a third party in an amicable procedures

1.2 STATEMENT OF THE PROBLEM

Management of industrial disputes in higher institution have not been task. Sometimes the stipulation of the trade disputes decree of 1976 on the procedure have been grouted through the arbitrary use of power by government in forcefully resolving the dispute. This usually keep the lid over the dispute first for a while. Very often negotiations have broken down because of inability of the parties at the dispute to make concessions to each others demand thereby reaching the compromise some other earlier been suspended resumes because of the inability

of the institution's authority to meet with the term of settlement earlier reached.

In the same industrial action had arise not because of disparagement between the institution's authority and the trade union members but was a sympathy action in support of members in another institution who are embarking on industrial action against the authority. In the case it become difficult to call back the striking members to work through first consultants in the institution solidarity and sympathy strikes are difficult to resolve because the legal procedures of mediation and conciliation have always prove abortive. It is often resolved when the real actions in dispute resolve the issues at dispute.

1.3 OBJECTIVE OF THE STUDY

The objective of this study among other thing include:

To examine the nature of trade dispute in institution of higher learning in Enugu State.

To examine the problems of industrial dispute management in these institutions.

To examine the procedures usually adopted by the parties in he settlement of these disputes.

To examine the factors responsible for trade disputes in the higher institution

To check if the procedures are conformity with the stipulation of the trade decree act of 1976 in resolution trade disputes.

To suggest ways of improving the management of industrial disputes in these institution.

1.4 RESEARCH QUESTION

What is the nature of trade dispute or industrial conflicts in higher

institution in Enugu State

What factors are responsible for industrial conflict in the institutions

What are the procedure usually adopted by the parties in conflict in resolving this conflict

These procedures are they in conformity with those stipulate in trade dispute decree of 1976 on how to resolve industrial conflict.

How effective have the settlement machinery been in managing these industrial dispute

What are the problems of industrial dispute

Through what ways can the disputes management system to improved

1.5 SIGNIFICANCE OF THE STUDY

The research is very important in many respects. First will explain the nature of industrial dispute in institution of higher learning it will also highlight the various factors that often lead to such industrial conflict why there has always been break- down in negotiations and industrial conflict management continue to be difficult.

The research findings will be useful to the institution authority because it will help them take decision that will forestall the emergences of a situation that will create industrial conflict. Also it will help them to know how to approve industrial conflict with a view to settle them amicably. This the findings will make contributions towards successful resolution of industrial conflict. The finding will also useful to the union representative in that it will highlight why industrial conflict of the occur or persist because of their wrong approach to settlements.

Furthermore it will make employers union representatives and employees union understand the importance of industrial peace as in

the development of health industrial relations and rational development. Finally it will be useful to any student who will carry out a related study in the future as the information provided will be helpful

1.6 SCOPE OF THE STUDY

This study covers Enugu State and will be based on some selected tertiary institution within the area. It specifically appraisal the causes and effect of industrial conflict

1.7 DEFINITION OF TERMS

1. Conciliator: Person appointed by the honourable ministry of labour to settle the industrial disputes if a mediator fails
2. Conciliation: The process of settlement under the auspices of a conciliators
3. Industrial dispute: A situation of disharmony in industrial relations between employers and employees
4. Industrial relation: Relationship between employers and employees
5. Industrial arbitration panel: A body established to settle industrial dispute and to give a binding decision on both parties.
6. National industrial cover: An adjudicating institution established to examine the ruling of the (IAP) and to give the final decision.
7. Nigeria labour congress: The umbrella organization for all the trade union in the country
8. Mediator: The first person usually agreed upon by the parties in dispute to settle the conflict
9. Mediation: The process of settlement using a mediator.

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