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Review Article

An Appraisal of the Legal Framework for the Resolution of Industrial Disputes in Nigeria

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Abstract

Industrial harmony is a precondition for economic productivity, and the manner in which a legal system channels and resolves conflict between capital and labour is accordingly a matter of first-order national importance. Nigeria has, over the past five decades, constructed a multi-tiered statutory framework for the resolution of industrial disputes, anchored in the Trade Disputes Act, the Trade Unions Act, the National Industrial Court Act and, since 2010, the Constitution of the Federal Republic of Nigeria (Third Alteration) Act. That framework contemplates a graduated sequence of dispute-resolution mechanisms (internal negotiation and collective bargaining, mediation, statutory conciliation, arbitration before the Industrial Arbitration Panel, and ultimately adjudication before the National Industrial Court) undergirded by stringent statutory preconditions for the lawful exercise of the right to strike or lockout. This article undertakes a comprehensive doctrinal appraisal of that framework. It traces the statutory and institutional architecture of dispute resolution, situates the regulation of strikes and lock-outs (including the contentious statutory concept of 'essential services') within Nigeria's obligations under core International Labour Organisation Conventions, and critically evaluates the framework's principal strengths and weaknesses in light of decided cases and the accumulated scholarly commentary. The article contends that while the post-2010 constitutional entrenchment of the National Industrial Court has considerably strengthened the adjudicatory limb of the framework, the conciliation-and-arbitration limb inherited from 1976 remains slow, executive-dominated and doctrinally out of step with international best practice, and that the statutory conception of essential services operates, in practice, as a near-total prohibition on the right to strike. The article concludes with concrete recommendations for legislative reform.

Keywords: Industrial disputes; Trade Disputes Act; conciliation; arbitration; National Industrial Court; right to strike; essential services; Nigeria.

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1. INTRODUCTION

Every system of industrial relations must, sooner or later, confront the reality of conflict between the interests of employers and the interests of workers and their organisations. Wages, conditions of service, redundancy, discipline and the recognition of trade unions are, by their nature, contested terrain, and the manner in which a legal order channels that contest (whether towards orderly negotiation and adjudication, or towards unregulated confrontation) has profound implications for productivity, investment and social stability. Nigeria's response to this perennial challenge has been the construction, over more than five decades, of an elaborate statutory framework for the prevention and resolution of what its principal legislation calls 'trade disputes'.

At the heart of that framework lies the Trade Disputes Act, [1] first enacted as the Trade Disputes Decree No 7 of 1976 and subsequently amended and consolidated, which prescribes a graduated sequence of dispute-resolution mechanisms: internal settlement through the machinery agreed by the parties, mediation, statutory conciliation by an officer of the Ministry of Labour, arbitration before the Industrial Arbitration Panel, and ultimate adjudication before the National

[1]Trade Disputes Act, Cap T8, Laws of the Federation of Nigeria 2004, s 47(1), defining 'trade dispute' as 'any dispute between employers and workers or between workers and workers, which is connected with the employment or non-employment, or the terms of employment and physical conditions of work, of any person'.

Industrial Court of Nigeria. That sequence is reinforced, on the collective side, by the Trade Unions Act, which regulates the formation, registration and internal governance of trade unions and, since its 2005 amendment, lays down stringent preconditions for the lawful exercise of the right to strike or lockout. It is further reinforced, on the institutional side, by the National Industrial Court Act 2006 and, decisively, by the Constitution of the Federal Republic of Nigeria (Third Alteration) Act 2010, which entrenched the National Industrial Court as a superior court of record with exclusive jurisdiction over the resolution of labour and employment disputes.

This article undertakes a comprehensive appraisal of that legal framework. It does not confine itself to the adjudicatory limb of the framework (the National Industrial Court) but examines the framework as a whole: the conceptual foundations of a 'trade dispute'; the sequential machinery of mediation, conciliation, arbitration and adjudication; the statutory regulation of strikes and lock-outs, including the vexed question of 'essential services'; Nigeria's obligations under the relevant Conventions of the International Labour Organisation ('ILO'); and, finally, a critical appraisal of the framework's strengths, weaknesses, and prospects for reform. The article proceeds on the premise, developed more fully in Part 6, that a dispute-resolution framework designed in 1976 around an executive-led, conciliation-first model sits increasingly uneasily with a constitutional order that, since 2010, has vested the resolution of labour disputes in an independent superior court of record, and that the resulting framework, though considerably strengthened, remains in need of legislative modernisation.

2. CONCEPTUAL FOUNDATIONS: WHAT IS AN INDUSTRIAL OR TRADE DISPUTE?

The Trade Disputes Act defines a 'trade dispute' as any dispute between employers and workers, or between workers and workers, connected with the employment or non-employment, or the terms of employment and the physical conditions of work, of any person. [2] Two features of this definition merit emphasis. First, it is deliberately broad, encompassing not only disputes over remuneration and conditions of service in the narrow sense, but any dispute 'connected with' employment, a formulation the Supreme Court has construed liberally so as to embrace inter- and intra-union disputes, disputes over union recognition, and disputes over the interpretation of collective agreements. [3] Second, and by contrast with the individualised language of ordinary contract or tort litigation, the definition is framed collectively: it is a dispute between classes of persons ('employers and workers', 'workers and workers') rather than a dispute between a named employer and a named employee. This collective orientation reflects the historical origin of the Trade Disputes Act as an instrument for the prevention of strikes and lock-outs threatening whole industries or sectors, rather than as a forum for the adjudication of individual wrongful dismissal claims, even though the National Industrial Court's jurisdiction, as reconstituted by the Third Alteration Act, now embraces both categories of dispute.

It is important, for present purposes, to distinguish a 'trade dispute' in this technical, collective sense from the broader category of individual employment or labour disputes (for example, an action by a single dismissed employee for wrongful termination and unpaid entitlements) which, while now also falling within the exclusive jurisdiction of the National Industrial Court under section 254C of the Constitution as altered, are not, strictly, 'trade disputes' within the meaning of the Trade Disputes Act and do not, therefore, engage the elaborate conciliation-and-arbitration machinery discussed in Part 3. That machinery is reserved, in the main, for disputes of a genuinely collective character, capable of leading to a strike or lock-out affecting an entire workplace, industry or sector.

3. THE STATUTORY AND INSTITUTIONAL FRAMEWORK FOR DISPUTE RESOLUTION

3.1 Collective Bargaining and Voluntary Machinery

The Trade Disputes Act itself proceeds from the premise that the primary responsibility for averting and resolving trade disputes lies with the parties themselves. Section 3 provides that where an agreed procedure exists for the settlement of a dispute in the trade, industry or workplace concerned the parties must first exhaust that agreed procedure before either party may take further steps under the Act. [4] Only where no such agreed machinery exists, or where the parties have failed to reach a settlement within seven days of the dispute arising, does the Act's own statutory machinery come into play, triggered by a written report of the dispute to the Minister of Labour and Employment by either party or, in practice, most commonly by the aggrieved trade union. [5] This design reflects a considered legislative preference for voluntarism and collective bargaining as the first line of defence against industrial conflict, consistent with the broader philosophy, endorsed by the ILO, that the state's coercive machinery should intervene only as a last resort.

3.2 Statutory Conciliation

Where a dispute is reported to the Minister and the Minister is satisfied that the parties have substantially complied with the requirement to attempt settlement

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[2] Trade Disputes Act (n 1) s 47(1).

[3] Registered Trustees of National Association of Community Health Practitioners of Nigeria v Medical and Health Workers Union of Nigeria (2008) 2 NWLR (Pt 1072) 575.

[4] Trade Disputes Act (n 1) s 3.

[5] ibid s 4.

through any agreed procedure, the Minister may, within fourteen days, appoint 'a fit person' to act as a conciliator with a view to affecting a settlement. [6] The conciliator, whose qualifications the Act notably declines to specify, is expected to attempt to negotiate a settlement between the parties, and is under a statutory obligation to report the outcome of that attempt to the Minister. [7] Crucially, if a settlement is not reached within seven days of the conciliator's appointment, or if the conciliator is satisfied at any point that a settlement is unlikely to be achieved by negotiation, the conciliator must forthwith report that fact to the Minister, [8] whereupon the Minister's discretion to refer the dispute onward to arbitration is triggered. The conciliation stage is thus deliberately time-limited and executive-supervised: unlike conciliation in many comparable jurisdictions, which is typically administered by an independent tripartite agency, Nigerian statutory conciliation remains, formally, an exercise of ministerial discretion, a feature to which this article returns critically in Part 6.

3.3 Mediation

Mediation occupies a less clearly delineated place within the statutory scheme. Although the Trade Disputes Act does not use the term 'mediation' as a formally distinct stage separate from conciliation, in practice the Ministry of Labour and Employment, and increasingly the National Industrial Court itself through its internal Alternative Dispute Resolution Centre established pursuant to section 254C(3) of the Constitution as altered, deploy mediatory techniques (non-binding facilitation aimed at a mutually acceptable settlement) both before and after a dispute crystallises into formal proceedings. The absence of a clear statutory boundary between conciliation and mediation in the Nigerian framework, in contrast to jurisdictions such as the United Kingdom and the United States, where independent conciliation and mediation services operate as distinct statutory bodies, is itself a source of institutional ambiguity that commentators have identified as ripe for legislative clarification. [9]

3.4 Arbitration before the Industrial Arbitration Panel

Where conciliation fails, section 9(1) obliges the Minister, within fourteen days of receiving the conciliator's report, to refer the dispute to the Industrial Arbitration Panel ('the IAP'), a body established under the Act and consisting of a chairman, a vice-chairman and not fewer than ten other members, drawn in equal measure from persons nominated by employers' organisations and by workers' organisations, together with independent members appointed by the Minister. [10] For the purpose of hearing a particular dispute, the Minister constitutes an arbitration tribunal from among the Panel's membership, which may consist of a sole arbitrator or a tribunal assisted by assessors nominated by the parties. [11] Significantly, the Arbitration and Conciliation Act — Nigeria's general arbitration statute — is expressly excluded from applying to proceedings before an arbitration tribunal constituted under the Trade Disputes Act, underscoring the sui generis, non-consensual character of this form of 'arbitration': the parties do not choose to submit their dispute to the Panel by agreement, as in commercial arbitration, but are compelled to do so by the operation of statute once conciliation fails. The tribunal's award, once made, is published, and either party may lodge an objection within twenty-one days, failing which the award becomes binding as if it were a judgment of the National Industrial Court. [12]

3.5 Board of Inquiry

As an alternative, or occasionally supplementary, mechanism, section 33 of the Act empowers the Minister, where he considers it expedient to do so, to appoint a board of inquiry to investigate the causes and circumstances of a trade dispute and to report its findings, with such recommendations as it thinks fit. [13] Unlike the Industrial Arbitration Panel, a board of inquiry does not issue a binding award; its function is investigative and advisory, and it is typically reserved for disputes of unusual public significance or complexity, where the Minister considers that an authoritative public account of the dispute's origins may itself contribute to its resolution.

3.6 Adjudication by the National Industrial Court

Where an award of the Industrial Arbitration Panel is objected to within the statutory period, section 14 of the Trade Disputes Act requires the Minister to refer the dispute to the National Industrial Court for determination, and the Court's decision on such a reference is, by the terms of the Act itself, final. [14] This route (conciliation, then arbitration, then reference upon objection to the NIC) remains, formally, the pathway prescribed by the Trade Disputes Act for the resolution of collective trade disputes properly so called. It exists, however, alongside the vastly more significant jurisdiction conferred directly on the National Industrial Court by section 254C(1) of the Constitution as altered by the Third Alteration Act, under which the Court exercises original and exclusive jurisdiction over the whole range of labour, employment and industrial relations causes and matters, whether or not those matters

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[6] Trade Disputes Act (n 1) s 6.
[7] ibid s 8(1)–(2).
[8] ibid s 8(5).
[9] See generally B S Wosu, 'The Procedures for Settlement of Trade Disputes in Nigeria' (2021), noting the absence of a standardised, independent mediation framework comparable to the United States Federal Mediation and Conciliation Service or the United Kingdom's Advisory, Conciliation and Arbitration Service (ACAS).
[10] Trade Disputes Act (n 1) s 9(1)–(2).
[11] ibid s 9(3).
[12] ibid s 13.
[13] Trade Disputes Act (n 1) s 33.
[14] Trade Disputes Act (n 1) s 14.

have first passed through the conciliation-and-arbitration machinery of the Trade Disputes Act. [15] In practice, therefore, the great bulk of the National Industrial Court's docket today consists not of references from the Industrial Arbitration Panel under the 1976 Act, but of originating actions (by individual workers, trade unions and employers alike) commenced directly before the Court in the exercise of its constitutional jurisdiction. The 1976 conciliation-arbitration pathway survives, but has been substantially overtaken, in practical significance, by direct constitutional access to the Court, a development this article examines further in Part 6.

4. THE REGULATION OF STRIKES AND LOCK-OUTS

4.1 Statutory Preconditions for Lawful Industrial Action

Nigerian law does not confer upon workers an untrammelled right to strike, nor upon employers an untrammelled right to lock out. Section 30(6) of the Trade Unions Act, as inserted by the Trade Unions (Amendment) Act 2005, provides that no person, trade union or employer shall take part in a strike or lock-out, or engage in any conduct in contemplation or furtherance of a trade dispute, unless four cumulative conditions are satisfied.[16] These are: that the person, trade union or employer concerned is not engaged in the provision of 'essential services'; that the strike or lock-out concerns a dispute of right, rather than a dispute of interest; that the dispute arises from a collective and fundamental breach of the contract of employment or a collective agreement; and that the statutory provisions for conciliation and arbitration under the Trade Disputes Act have first been exhausted.[17] A strike or lock-out that fails to satisfy any one of these conditions is, in the eyes of the statute, unlawful, exposing participating individuals and organisations to criminal liability, and the President is further empowered, on this basis, to proscribe any trade union or association of workers engaged in essential services that embarks on industrial action.[18]

A further, and frequently overlooked, statutory condition applies to workers whose cessation of work would involve danger to persons or property or the maintenance of plant or machinery: section 42 requires such workers to give at least fifteen days' notice of their intention to cease work, a requirement plainly directed at protecting public safety and industrial infrastructure rather than at suppressing the right to strike as such.[19]

4.2 'Essential Services' and the Practical Suppression of the Right to Strike

It is in the statutory definition of 'essential services' that the most trenchant criticism of the Nigerian framework has been directed. The Trade Disputes (Essential Services) Act empowers the President to designate, by order published in the Federal Gazette, any service as an essential service for the purposes of the Act, and the Schedule to the Act (itself periodically expanded by successive Presidential orders) already lists an extraordinarily broad range of services, spanning not only the paradigmatic examples of essential services recognised internationally, such as the police, the armed forces, hospitals and the supply of electricity and water, but also sectors such as postal services, telecommunications, the ports, road, rail and air transport, and the civil service generally. [20] The cumulative effect, as several commentators have observed, is that the statutory category of 'essential services' in Nigeria is drawn so broadly as to encompass, in practice, the great majority of the organised workforce, with the consequence that the precondition in section 30(6)(a) of the Trade Unions Act (that the striking party must not be engaged in essential services) operates, for most Nigerian workers, as a near-total statutory bar on lawful strike action, rather than as the narrow, safety-driven exception recognised under international labour standards. [21]

The National Industrial Court has, in a number of decisions arising from industrial action in the aviation sector, given judicial imprimatur to the proposition that workers engaged in genuinely essential services (there, air transport) may not lawfully embark on strike action, reasoning that the potential harm to the travelling public and to the wider economy from an unregulated stoppage in such sectors outweighs the interest in unrestricted collective action. [22] The difficulty, as this article argues in Part 6, is not with the principle that essential services in the narrow, internationally recognised sense (services whose interruption would endanger the life, personal safety or health of the whole or part of the

[15] Constitution of the Federal Republic of Nigeria 1999 (as altered by the Third Alteration Act 2010), s 254C(1).

[16] Trade Unions (Amendment) Act 2005, s 6, inserting a new s 30(6) into the Trade Unions Act, Cap T14, Laws of the Federation of Nigeria 2004.

[17] ibid, inserting a new s 30(6)(a)–(d).

[18] Trade Unions Act (n 15) s 30(7). See also s 18(1)–(2) of the Trade Disputes Act (n 1), which prohibits strikes and lock-outs before the report of a trade dispute, and during conciliation, arbitration or reference to the National Industrial Court, and prescribes criminal penalties for contravention.

[19] Trade Disputes Act (n 1) s 42.

[20] Trade Disputes (Essential Services) Act, Cap T9, Laws of the Federation of Nigeria 2004, s 1 and the Schedule thereto.

[21] ibid, Schedule.

[22] See eg the discussion in the essay 'A Mirage for Workers in the Essential Services Sector in Nigeria', citing an unreported decision of the National Industrial Court in a dispute involving Aero Contractors of Nigeria Ltd, the National Association of Aircraft Pilots and Engineers and other aviation unions, in which the Court affirmed that workers engaged in essential services, strictly construed, may not lawfully embark on strike action.

population) should be subject to special restriction, a principle endorsed by the ILO's own supervisory bodies. The difficulty lies in the breadth of the Nigerian statutory designation, which extends the label 'essential' far beyond that narrow category to embrace sectors, such as postal services and general civil service functions, whose interruption, however inconvenient, could not plausibly be said to endanger life or health.

4.3 Judicial Attitudes to Strike Action and Injunctive Relief

The courts, for their part, have generally shown a marked reluctance to countenance industrial action that departs from the statutory sequence, readily granting injunctive relief restraining strikes threatened or embarked upon in disregard of the preconditions in section 30(6) of the Trade Unions Act, including, in one widely reported instance, an order of the Federal High Court restraining the Nigeria Labour Congress and the Trade Union Congress of Nigeria, together with their affiliate unions, from proceeding with a nationwide strike pending compliance with the statutory dispute-resolution machinery. [23] This judicial posture, while doctrinally consistent with the plain wording of the Trade Unions Act, has itself attracted academic criticism as excessively deferential to executive and employer interests, and as insufficiently attentive to the qualified, but nonetheless real, protection which the right to strike enjoys under customary international labour law and the ILO's foundational Conventions, discussed in the next Part.

5. NIGERIA'S OBLIGATIONS UNDER INTERNATIONAL LABOUR STANDARDS

Nigeria is a long-standing member of the International Labour Organisation and has ratified, among other instruments, the Freedom of Association and Protection of the Right to Organise Convention 1948 (No 87) [24] and the Right to Organise and Collective Bargaining Convention 1949 (No 98).[25] Although neither Convention expressly guarantees a free-standing 'right to strike' in so many words, the ILO's Committee on Freedom of Association and its Committee of Experts on the Application of Conventions and Recommendations have, over decades of consistent jurisprudence, construed the right to strike as an intrinsic corollary of the freedom of association protected by Convention No 87, subject only to such restrictions as are strictly necessary in a narrowly defined category of essential services (services whose interruption would endanger the life, personal safety or health of the whole or part of the population) and subject further to the requirement that any such restriction be compensated by adequate, impartial and speedy conciliation and arbitration procedures in which the parties concerned can take part at every stage.

Measured against this international standard, the Nigerian statutory framework discloses two principal points of tension. First, as discussed in Part 4.2, the breadth of the statutory designation of 'essential services' under the Trade Disputes (Essential Services) Act extends materially beyond the narrow category recognised by the ILO's supervisory bodies. Second, and relatedly, the 'compensating' conciliation and arbitration machinery which international standards require to accompany any restriction on the right to strike in essential services is, under the Trade Disputes Act, neither markedly speedy (given the multiple sequential stages of report, conciliation, ministerial referral and arbitration, each carrying its own statutory time limit, capable in aggregate of extending over several months) nor, in the strict sense, impartial, given the retained discretion of the Minister of Labour and Employment at several critical junctures in the process. It should be noted, in fairness to the Nigerian framework, that neither Convention No 87 nor Convention No 98 has been domesticated by an Act of the National Assembly in the manner required by section 12 of the Constitution for treaties generally to have the force of law in Nigeria, [26] so that Nigerian courts, including the National Industrial Court, have generally treated the Conventions as persuasive rather than directly binding sources of law, save to the extent that section 254C(2) of the Constitution as altered may be read as conferring on the National Industrial Court a more direct mandate to apply ratified international labour instruments — a question this article has examined more fully elsewhere and does not revisit in detail here.

6. CRITICAL APPRAISAL OF THE FRAMEWORK

6.1 Strengths

The Nigerian legal framework for the resolution of industrial disputes possesses several genuine strengths, which any critical appraisal must acknowledge before turning to its shortcomings. First, the framework is comprehensive and graduated, contemplating a coherent sequence running from voluntary negotiation through conciliation and arbitration to final adjudication,

[23] See the discussion in Punuka Attorneys, 'Navigating the Controversial Concept of Worker's Rights to Strike vis-à-vis the Federal High Court's Injunction Restraining the Nigerian Labour Congress, Trade Union Congress and Other Allied Trade Unions from Embarking on a Strike Action' (2023).

[24] ILO, Freedom of Association and Protection of the Right to Organise Convention 1948 (No 87), ratified by Nigeria on 17 October 1960.

[25] ILO, Right to Organise and Collective Bargaining Convention 1949 (No 98), ratified by Nigeria on 17 October 1960.

[26] Constitution of the Federal Republic of Nigeria 1999, s 12(1); General Sani Abacha v Chief Gani Fawehinmi (2000) 6 NWLR (Pt 660) 228.

rather than leaving the parties to a stark choice between negotiation and unregulated confrontation. Second, the constitutional entrenchment of the National Industrial Court by the Third Alteration Act 2010 has, as this article has argued elsewhere, resolved decades of uncertainty over the Court's status and jurisdiction, and has furnished Nigerian workers and employers with an independent, specialised judicial forum of unquestionable constitutional standing, a considerable improvement on the pre-2010 position, in which the Court's very legitimacy as a superior court of record was open to challenge.[27] Third, the establishment of an Alternative Dispute Resolution Centre within the Court, pursuant to section 254C(3) of the Constitution as altered, reflects a welcome institutional recognition that adjudication should not be the sole, or even the primary, mode of resolving labour disputes, and situates Nigeria's framework closer to comparative best practice than its 1976 statutory origins might suggest.

6.2 Weaknesses

Against these strengths must be set at least four significant weaknesses. First, the conciliation-and-arbitration machinery of the Trade Disputes Act remains, at its core, an executive-led process, in which the Minister of Labour and Employment retains discretion over the appointment of conciliators, the referral of disputes to the Industrial Arbitration Panel, and the constitution of arbitration tribunals. This concentration of discretion in a political office is difficult to reconcile with the ILO's requirement of impartial dispute-resolution machinery, and exposes the process to the risk, whether realised or merely perceived, of executive or governmental influence over the resolution of disputes to which the Government or its agencies are themselves frequently party.

Second, the process is slow. Even confined strictly to its own statutory time limits; seven days for internal settlement, fourteen days for ministerial referral to conciliation, seven days for the conciliator's attempt at settlement, and a further fourteen days for referral to arbitration, the Trade Disputes Act's machinery contemplates a minimum of several weeks before a dispute reaches the Industrial Arbitration Panel, and considerably longer in practice, given the well-documented tendency of these statutory time limits to be honoured more in the breach than the observance. For a category of dispute in which delay itself compounds economic harm (wages unpaid, production halted, services interrupted) this is a serious structural defect.

Third, and as discussed at length in Part 4, the statutory concept of 'essential services' is drawn so expansively as to place the great majority of organised Nigerian labour beyond the practical reach of lawful strike action, a state of affairs that sits uneasily with Nigeria's ratification of ILO Conventions Nos 87 and 98 and with the broader international consensus that the right to strike, while not absolute, is an indispensable corollary of freedom of association. The consequence, as more than one commentator has observed, is that Nigerian trade unions in practice resort to strike action outside the strict letter of the law with some regularity, precisely because lawful compliance with the statutory preconditions is, for many categories of worker, functionally unattainable. [28]

Fourth, the coexistence of two parallel jurisdictional pathways to the National Industrial Court (the 1976 Trade Disputes Act pathway of report, conciliation, arbitration and reference upon objection, on the one hand, and the direct, original jurisdiction conferred by section 254C(1) of the Constitution as altered, on the other) has never been squarely rationalised by the National Assembly. The result is a degree of statutory redundancy: the elaborate conciliation-and-arbitration architecture of the 1976 Act persists on the statute book largely unused in its original form, since parties (and particularly individual litigants and trade unions alike) now generally prefer, where available, to invoke the Court's direct constitutional jurisdiction rather than await the conclusion of the slower statutory sequence. A comprehensive legislative harmonisation of the Trade Disputes Act with the post-2010 constitutional settlement, discussed further below, is overdue.

7. CONCLUSION AND RECOMMENDATIONS

This article has traced the legal framework governing the resolution of industrial disputes in Nigeria from its origins in the Trade Disputes Decree of 1976 through to its present constitutional foundation in the Third Alteration Act 2010. The framework, considered as a whole, reflects a legislative philosophy that prizes orderly, sequential dispute resolution (negotiation, conciliation, arbitration, adjudication) over unregulated industrial confrontation, and the constitutional entrenchment of the National Industrial Court has, without question, strengthened the legitimacy and authority of the adjudicatory limb of that framework. Yet the appraisal offered in Part 6 demonstrates that considerable work remains to bring the framework as a whole into full alignment with international best practice and with the practical realities of contemporary industrial relations in Nigeria.

[27]See generally the discussion of the constitutional status of the National Industrial Court following the Third Alteration Act 2010, and the resolution of the National Industrial Court's status in National Union of Electricity Employees v Bureau of Public Enterprises (2010) 7 NWLR (Pt 1194) 538.

[28]See the discussion of this phenomenon in the literature on the right to strike in essential services in Nigeria, noting the recurring resort to industrial action outside the strict statutory framework by unions in sectors such as aviation, health and education.

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Accordingly, the article offers the following recommendations for legislative reform:

(i) The Trade Disputes Act should be comprehensively reviewed and re-enacted to replace the present Minister-centred conciliation and referral process with an independent, tripartite conciliation and mediation service, insulated from executive discretion and modelled on comparable independent agencies such as the United Kingdom's Advisory, Conciliation and Arbitration Service, so as to secure both the reality and the perception of impartiality required by international labour standards.

(ii) The Trade Disputes (Essential Services) Act and its Schedule should be substantially narrowed, through legislative amendment, to confine the category of 'essential services' to those services whose interruption would genuinely endanger the life, personal safety or health of the whole or part of the population, in line with the jurisprudence of the ILO's supervisory bodies, with a corresponding statutory requirement that any sector so designated be furnished with genuinely speedy and impartial compensatory dispute-resolution machinery.

(iii) The National Assembly should undertake a formal harmonisation of the Trade Disputes Act with the jurisdictional settlement introduced by the Third Alteration Act 2010, either by repealing and replacing the 1976 Act's now largely superseded conciliation-arbitration-reference pathway, or by expressly integrating it as an optional, expedited first-instance track feeding into the National Industrial Court's constitutional jurisdiction, so as to eliminate the present redundancy and uncertainty between the two pathways.

(iv) Consideration should be given to the domestication, by Act of the National Assembly pursuant to section 12 of the Constitution, of ILO Conventions Nos 87 and 98, so as to place Nigeria's international obligations on the right to organise and to strike on an unambiguous footing of direct domestic legal force, rather than leaving their status to be inferred, uncertainly, from section 254C(2) of the Constitution as altered.

It is only through such continued legislative attentiveness, building on the undoubted gains secured by the Third Alteration Act 2010, that Nigeria's legal framework for the resolution of industrial disputes can be brought into full alignment with the demands of a modern, rights-respecting and genuinely productive system of industrial relations.

BIBLIOGRAPHY

Primary Sources

- Constitution of the Federal Republic of Nigeria 1999 (Nigeria).
- Constitution of the Federal Republic of Nigeria (Third Alteration) Act 2010 (Nigeria).
- Trade Disputes Act, Cap T8, Laws of the Federation of Nigeria 2004 (originally Trade Disputes Decree No 7 of 1976).
- Trade Disputes (Essential Services) Act, Cap T9, Laws of the Federation of Nigeria 2004.
- Trade Unions Act, Cap T14, Laws of the Federation of Nigeria 2004.
- Trade Unions (Amendment) Act 2005 (Nigeria).
- National Industrial Court Act 2006 (Nigeria).
- Arbitration and Conciliation Act, Cap A18, Laws of the Federation of Nigeria 2004.
- Labour Act, Cap L1, Laws of the Federation of Nigeria 2004.
- ILO, Freedom of Association and Protection of the Right to Organise Convention 1948 (No 87).
- ILO, Right to Organise and Collective Bargaining Convention 1949 (No 98).
- General Sani Abacha v Chief Gani Fawehinmi (2000) 6 NWLR (Pt 660) 228.
- National Union of Electricity Employees v Bureau of Public Enterprises (2010) 7 NWLR (Pt 1194) 538.
- Registered Trustees of National Association of Community Health Practitioners of Nigeria v Medical and Health Workers Union of Nigeria (2008) 2 NWLR (Pt 1072) 575.
- Skye Bank Plc v Iwu (2017) 16 NWLR (Pt 1590) 24.

Secondary Sources

- Adeogun, A A, 'The Legal Framework for Industrial Relations in Nigeria' (Faculty of Law, University of Lagos).
- Ekumankama, D U, 'Revisiting the Right to Strike in Nigeria vis-à-vis the Trade Unions (Amendment) Act 2005 and the Trade Disputes Act 2006' (2023) Journal of Public and Private Law.
- Emiola, Akintunde, Nigeria Labour Law (Emiola Publishers 2000).
- Punuka Attorneys, 'Navigating the Controversial Concept of Worker's Rights to Strike vis-à-vis the Federal High Court's Injunction Restraining the Nigerian Labour Congress, Trade Union Congress and Other Allied Trade Unions from Embarking on a Strike Action' (2023).
- Ukhuegbe, S O, 'The Right to Strike Action in Nigeria: An Aspect of Industrial Law' (Legal Ideas Forum).
- Wosu, B S, 'The Procedures for Settlement of Trade Disputes in Nigeria' (2021) African Journal of Law, Human Rights and Justice.
- Nigerian Association of Law Teachers, NALT Uniform Format and Citation Guide for Legal Research Writing in Nigeria (2nd edn, NALT/NIALS 2021).