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EXAMINING THE PLACE OF TRADE UNIONS IN NEGOTIATING COLLECTIVE AGREEMENT IN A CAPITALIST ECONOMY LIKE NIGERIA

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Abstract

Negotiation is considered as a preeminent mode of dispute resolution, it is hardly surprising to see negotiation being used in virtually all aspects of everyday life, whether at individual, institutional, national or global levels. Nigeria which operates a capitalist economy, has its trade unions taking the lead and playing a crucial role in negotiating collective agreements, which are legally binding agreements between employers and employees, often represented by unions, that outline terms and conditions for employment. These agreements help to ensure fair wages, benefits and working conditions. They also address issues related to job security and worker welfare. Trade unions however face challenges, but despite these challenges, they remain vital for protecting and promoting worker rights and contributing to a more equitable and democratic society. This paper undertakes an examination of the role of trade unions, with focus on the Nigeria Labour Congress (NLC) and the Academic Staff Union of Universities (ASUU), in negotiating collective agreements in Nigeria. It aimed to investigate the efficacy of trade unions in promoting collective bargaining and industrial harmony, amidst challenges posed by the non-enforceability of collective agreements by parties. This research largely employed the empirical method of conducting research, and doctrinal research by considering the provisions of the law, alongside some judicial pronouncements. The research analyzed information from primary and secondary sources, including interviews with trade union officials, government representatives, and employers, as well as reviews of relevant literature, collective agreements, and policy documents. The findings contained in this work highlighted the complexities of collective bargaining in Nigeria, including the weaknesses in the legal framework, inadequate institutional capacity, and power imbalances between employers and employees and sometimes the negotiating parties. It identified the need for strengthened institutional frameworks, enhanced trade union capacity, and improved enforcement mechanisms to ensure effective implementation of collective agreements.

Keywords: Trade Unions, Collective Agreements, NLC, ASUU, Industrial Relations, Collective Bargaining.

1.0 INTRODUCTION

It's widely known that a nation's growth and development depend largely on the systems it puts in place. In Nigeria, while the different branches of government have been working hard to support the country's progress, trade unions have also emerged as a key force in driving and sustaining national development. The development of trade unionism has been a significant development in the annals of labor history, providing a platform for workers to collectively bargain for their rights and interests[1]. In Nigeria, trade unions such as the Nigeria Labour Congress (NLC) and the Academic Staff Union of Universities (ASUU) have fought to promote the welfare of workers and advocating for better working conditions. Collective agreements, which are negotiated between trade unions and employers, are a crucial instrument for regulating employment relationships and promoting industrial harmony.[2] These agreements typically cover issues such as wages, working hours, benefits, and grievance procedures.[3] However, the negotiation and implementation of collective agreements in Nigeria have been fraught with challenges, particularly with regards to the non-enforceability of these agreements by parties. The impact of these trade unions on the Nigerian government cannot be over emphasized.[4] Their persistent push and prowess have always put the government/agencies on their toes hoping to meet the workers' demands for improved national output and national development.

Despite the crucial role of trade unions in negotiating collective agreements, the non-enforceability of these agreements remains a significant challenge. This issue has led to persistent industrial conflicts, strikes, and work stoppages, which have had far-reaching consequences for the economy, workers, and the general public.

It is in light of this situation, this study seeks to appraise the role of trade unions like the NLC and ASUU in the negotiation of collective agreements and the non-enforceability of these agreements by parties. The study aims to examine the factors that contribute to the non-enforceability of collective agreements, the impact on industrial relations, and the strategies, or mechanisms that trade unions can adopt to promote the effective implementation of collective agreements.

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[1] L. I. Omonokhua and E. Amah, 'The Effects of Trade Unions on Labour Market outcomes' *British Journal of Management and Marketing studies,* (2024) 7 (2), 157-166

[2] I. C. Igbokwe, 'Collective bargaining as a catalyst to industrial harmony in Nigeria's Public Service. South East Public Service in perspective' (2024) 15(2) *Journal of Policy and Development Studies.*

[3] Ibid

[4] C. N. Okolie, 'Trade Unionism, Collective Bargaining and Nation Building: The Nigerian Experience', 137

2.0 CLARIFICATION OF KEY CONCEPTS

In order to properly appreciate this topic, it is necessary to expatiate and provide a clear view on a key concept that would aid comprehension for readers. These concepts include: Negotiation, Trade Unions, Collective Agreement.

a) NEGOTIATION

Negotiation is the art of reaching a mutual agreement through discussion and compromise. It is a strategic discussion between two or more parties to resolve an issue and reach an acceptable outcome. It can occur between buyers and sellers, employers and employees, or governments.

Negotiation has been defined as any form of direct or indirect communication whereby parties who have opposing interests discuss the form of any joint action which they might take to manage and ultimately resolve the dispute between them.[5] Negotiation is a soft skill that is used to achieve a desired outcome between two or more parties. You have a vested interest in getting an outcome that's favorable for you or your business, and you need to employ negotiation tactics to convince the other party that they should enter into an agreement with you. In the meantime, you need to show the other party that you can be trusted, are interested in listening to their concerns, and crafting a contract or agreement that works in favor of both parties.[6]

The term negotiation refers to a strategic discussion intended to resolve an issue in a way that both parties find acceptable. Negotiations involve give and take, which means one or both parties will usually need to make some concessions.[7] Negotiation can take place between buyers and sellers, employers and prospective employees, two or more governments, and other parties. Here is how negotiation works and advice for negotiating successfully.

In terms of procedure, negotiations are probably the most flexible form of dispute resolution process because it involves only those individuals or parties who are interested in the matter. They shape the process of negotiation as per their own needs and at their own convenience. The chances of reaching a mutually acceptable agreement is high in this process since the acceptance by all the parties is ensured. Since the process of negation uses the interests-based approach instead of the generally used positional-based approach, it provides a greater possibility of a successful outcome.

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[5] The Law Society of Upper Canada, *Short Glossary of Dispute Resolution Terms* (Toronto: 1992) 6.
[6] What are the best negotiation strategies? at <https://www.vistage.com/research-center/business-growth-strategy/six-successful-strategies-for-negotiation/> Accessed 5 March 2024
[7] Investopedia, what is Negotiation, at <https://www.investopedia.com/terms/n/negotiation.asp> Accessed 5 March 2024

As mentioned above, there is no compulsion for either of the parties to participate in the process which makes negotiation a voluntary process. Once an agreement is reached between the parties, negotiation may also enhance the relations between them. Apart from all of this, opting for negotiation over litigation may also reduce the number of delays and turn out to be less expensive as well.[8]

b) TRADE UNIONS

The concept of trade union is one that has been defined differently by writers or thinkers, but there are statutory definitions which seem to have a more global recognizance. These will be treated here. A trade union, which is also sometimes referred to as a Labour Union, is an organization made up of members, i.e. a membership based organization whose membership must be made up mainly of workers. A trade union means any combination of workers or employers, whether temporary or permanent, the purpose of which is to regulate the terms and conditions of employment of workers, whether the combination in question would or would not, apart from this Act, be an unlawful combination by reason of any of its purposes being in restraint of trade, and whether its purposes do or do not include the provision of benefits for its members.[9] A trade union is an association of workers formed with the object of improving the conditions of workers. It is a voluntary organization of workers which may be formed on industry basis, firm basis, regional basis or national basis to protect and promote their interests through collective action. Trade unions are by nature independent of any employer. In Nigeria, the primary trade union is the Nigerian Labour Congress (NLC) to which a number of other trade unions are affiliated with, some of which include: Academic Staff Union of Universities (ASUU), National Union of Chemical, Footwear, Rubber, Leather and Non-Metallic Employees (NUCFLANMPE), National Union of Electricity Employees of Nigeria (NUEEN), Nigeria Civil Service Union (NCSU), Nigeria Union of Journalists (NUJ), Joint Health Sector Unions (JOHESU), Nigeria Union of Petroleum and Natural Gas Workers (NUPENG), etc.

c) COLLECTIVE AGREEMENT

According to the International Labour Organisation,[10] collective agreement is any agreements in writing regarding working conditions and terms of employment concluded between an employer, a group of employers or one or more employers' organisations, on the one hand, and one or more

[8] Ibid.
[9] Section 1(1) Trade Unions Act,
[10] Collective Agreements Recommendation 91 of 1951

representative workers' organisation, or, in the absence of such organisations, the representatives of the workers duly elected and authorised by them in accordance with national laws and regulations.

These agreements are key to industrial relations, fostering dialogue and reducing workplace disputes. It is the result of a voluntary process called collective bargaining, where representatives of trade unions negotiate with employers on behalf of their members.[11] It represents the agreements reached during the process of bargaining which has been reduced into writing. It is therefore a product of collective bargaining. It also sets rules on how workers should be treated, to ensure that management decisions concerning workers meet the demands of justice and fairness.[12] A collective agreement is intended to protect the socially weaker party against the socially stronger party to a contract.[13]

Collective agreements under the Nigerian labour and industrial law, is defined and regulated by the Labour Act, Trade Dispute Act, National Industrial Court Act and importantly the Common Law

According to the Trade Dispute Act, it is any agreement in writing for the settlement of disputes and relating to terms of employment and physical conditions of work concluded between –

a) an employer, a group of employers or organisations representing workers or the duly appointed representative of any body of workers, on the one hand; and
b) one or more trade unions or organisations representing workers, or the duly appointed representative of any body of workers, on the other hand.[14]

The condition for the rule above to manifest is as expressed by the Court of appeal in *Oguejiofor v. Siemens Ltd*.[15] That, a collective agreement becomes enforceable only upon incorporation into the contract of service of individual employee.[16] This position prescribes the need for parties to take extra steps of good faith towards legalizing their agreements. The implication of this is that a collective agreement only becomes binding when it has been made an enforceable part of the existing contract between the parties.

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[11] A. Emiola, *Nigerian Labour Law* (Emiola Publishers Limited 2008) 459.
[12] P. C. Weiler, *Governing the Workplace: The future of labour and Employment Law* (Harvard 1990) 181.
[13] O. Kahn-Freund, 'Collective Agreements'. *Modern Law Review* (1940), 225.
[14] Section 48, Trade Disputes Act.
[15] *Oguejiofor v. Siemens Ltd* (2007) LPELR-8401(CA).
[16] *Osoh & Ors v Unity Bank Plc* (2013) 9NWLR (Pt 1358).

According to the Labour Act[17], collective agreement means "an agreement in writing regarding working conditions and terms of employment concluded between-

(a) an organisation of workers or an organisation representing workers (or an association of such organisations) of the one part; and
(b) an organisation of employers or an organisation representing employers (or an association of such organisations) of the other part".[18]

The National Industrial Court Act,[19] defines collective agreement, and this definition aligns with that of the Labour Act. According to the Act:

Collective agreement means any agreement in writing regarding working conditions and terms of employment concluded between –

(a) an organisation of employers or an organisation representing employers (or an association of such organisations) of the one part; and
(b) an organisation of employees or an organisation representing employees (or an association of such organisations) of the other part".[20]

Nigeria is a common law country and our courts have consistently followed the common law principle that collective agreements are binding only in honour and also not enforceable, i.e. non justiciable due to the absence of privity. Our courts have in several cases, declined to enforce them as a matter of course when relied upon by an individual employee. This is however no longer the situation following the enactment of the Third Alteraction Act of 2010 which empowered the National Industrial Court (NIC) with the exclusive jurisdiction to determine any question arising from the implementation and application of collective agreements.[21]

There are two types of collective agreements, i.e. the procedural and the substantive agreement.

(a) The procedural agreement deals with the procedure for reaching the substantive agreement; that is the basic rules and procedure that enable smooth negotiation of the substantive issue that constitute substantive agreement.

[17] Cap L1 Laws of the Federation of Nigeria 2004.
[18] Section 91, Labour Act, 2004.
[19] The National Industrial Court Act No 38 of 2006.
[20] Section 54(1), National Industrial Court Act 2006.
[21] Section 254C (1)(j)(i) 1999 CFRN.

(b) The substantive agreements on the other hand are concerned with the substantive subject matter for bargaining and pertain to terms and conditions of employment.

Parties to a collective agreement are guided by their respective interests, which are always conflicting because while the employer primarily pushes for an efficient, productive workforce and increased profits, the employees and their representatives usually push for better terms and conditions of employment. The implication is that a collective agreement depicts a natural instinct of defense inherent in human, whereby people either demand satisfaction or promotion of the interest of one another.[22] This important instinct has driven industrial relations between employers and employees' organization in trade disputes mediation, negotiations and awards in Nigeria, in particular, and other countries of the world.[23] The kinds of terms and conditions covered by a collective agreement typically includes wages and benefits, as well as terms and conditions of employment that relate to job posting, obligations and responsibilities of the employer, the employee and the union; and a dispute resolution process (usually a grievance and arbitration procedure).[24]

The concept of collective agreement which is arrived at from collective bargaining, started at different times in different countries of the world. Its practice was and is not universal both in form and substance. In some jurisdictions, the phenomenon is regulated by common law while in some others; it is governed by statutory law. Also, in others, it is both the practice of statutory and common laws that regulate collective agreement.

Collective agreements are not legally binding in all countries. In Britain, their application depends on the goodwill of the signatories. In some countries including Germany, France, and Australia, the government may require that the terms of negotiated settlements be extended to all firms in an industry. In the United States, similar results have been achieved, albeit less formally, by unions that select a target employer in a particular industry: the negotiation of a new agreement with the targeted employer then sets the pattern for other labour contracts in the same industry.[25]

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[22] M. J. Akpan, 'Nature of Collective Agreements in Nigeria: A Panoramic Analysis of Inherent Implementation Challenges'. *Global Journal of Politics and Law Research* (2017) 5(6), 19-28.
[23] Ibid.
[24] Human Resources, Frequently Asked Questions (2011) at https://www.uoguelph.ca/hr/system/files/Labour%20Relations%20FAQs.pdf accessed 5th May, 2025.
[25]L. Blum and M. Pitney, collective bargaining, (2025) <https://www.britannica.com/topic/collective-bargaining> accessed on May 10, 2025.

3.0 HISTORICAL BACKGROUND OF TRADE UNIONS

The concept of Trade Unionism is one that dates back to the early times, therefore this discussion will do justice by covering the history globally, and in Nigeria.

Our colonial masters; Britain are attributed with the credit of originating the concept of trade unionism.[26] The Industrial Revolution that started in Britain in 1760, provided the conditions for the growth of trade unions.[27] Before, there was the existence of craft unions, such as those of the hatters, tailors and printers, and shoemakers, these crafts established local trade unions or clubs in various towns, but they were generally small and scattered.[28] It was the growth of factories through the use of water power, and later steam power that trade unionism, as we know it today, began. Factory employment began to grow and cottage industries began to dwindle. Villagers had to move into towns which were sprouting up and around a factory or group of factories in search of employment.

These groups of workers, men and women, as succinctly put by Feather in his book, "The Essence of Trade Unionism", slaved night and day for meagre livelihood.[29] Children became wage earners at the age of five and were carried to work by their parents to toil twelve hours a shift, day or night. In thousands of cases, homeless and orphaned children worked, ate and slept on the factory premises; if they died at work, as many did, their bodies were thrown into limepit kept open for that purpose. The same happened in the newly-opened coal mines and steel works. This was the situation that led to the growth of trade clubs, which were small and local and confined to one trade or occupation. It was difficult for members to meet, but they used to meet in each other houses, ale houses or on hillsides out of town.[30] Their discussions centered on wages, hours of work, conditions of work, benefits, etc.

They initiated sick and burial funds to help those of their members in need. Gradually, these "trade clubs" began to link up with their counterpart organisations in the other areas leading to the formation of loose federations. This culminated in the formation of a national federation by the hatters in 1771.[31] First, the employers, and later successive governments became apprehensive as

[26] O. J. George et al., 'Trade Unions and Unionism in Nigeria: A Historical Perspective'. *Research in World Economy,* (2012)(3)(2), 63.
[27] V. L. Allen, *Power and Trade Unions* (1956, Longman, London).
[28] W. Ananaba, *The Trade Union in Africa* (Brewster eds., C.Hurst & Co (Publishers) Ltd, London in association with Nwamife Publishers Ltd. Nigeria, 1979)
[29] Fajana, S. (2007). "The development of industrial relations in Nigeria: 1900-2006". In G. Wood and C. n
[30] Ibid.
[31] S. Webb & B. Webb, *The History Of Trade Unionism* (London: Longman and Green Co., 1920) 12

the federations developed and became stronger. In 1799, the British Parliament passed the Combination laws banning trade unions, and making it illegal for any group of workmen to combine together for any purpose relating to employment. In order to give the Act of 1799 an appearance of fairness, according to Victor Feather, "there was a similar ban on employers, but it was easy to enough for two or three employers to meet socially without causing any comment, and there reach a "gentleman's agreement" about wage rates and then impose these rates without fear of resistance from their workmen, as organization was unlawful".

In spite of the law, workers protested and resisted. Many of them were prosecuted and given stiff prison terms. Long hours of work, rising prices, low wages, bad housing, degrading living and working conditions, demotion of skilled craftsmen to unskilled workers, etc. led to strikes, lockouts, resentment and violence. Widespread strikes took place in textile industry in 1808, and in the mines in 1810. The Combination Law were consequently repealed in 1824, 25 years after its enactment. In 1825, another law was passed in parliament which gave legal recognition to the right to combine for collective bargaining and the right to strike, and the right to pay off union dues (check-off dues).[32] The year 1825 marked the beginning of the legal history of trade unions in Britain.[33]

The origin of trade union in Nigeria can be traced back early 18th century when the British invaded and seized cities like Bonny, Calabar, Opobo and Lagos and placed their inhabitants under the gun. After the invasion and seizure of Lagos in 1861, the colonialists had to set up an administrative structure.[34] They had to employ some of the colonized people to serve this administration. This was the nucleus of what became the Nigerian public service. The Royal Niger Company seized the Niger Delta area and was recognized as the political authority in that area of Nigeria by the British which granted it a "Royal Charter" until Britain took possession of the Niger Delta in 1900.[35] As a result of these events, some locals were employed. The churches, with their strong connections to the colonial government, established schools primarily for evangelizing purposes. They also needed local teachers to run these schools. To facilitate the quick and inexpensive transport of raw materials from the Nigerian hinterland to British seaports,

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[32] Ibid.
[33] G. D. H. Cole, *An Introduction to Trade Unionism*, (1917).
[34] How Nigerian Trade Uniona were bron, The Vanguard News Paper (2012) at < https://www.vanguardngr.com/2012/08/how-nigerian-trade-unions-were-born/#google_vignette> accessed May 17, 2025
[35] ibid.

the colonialists began constructing the railway in Iddo in 1898. [36]The railway was eventually extended to Ibadan, where cocoa was collected, to the north for tin, cotton, groundnuts, hides, and skin, as well as to Enugu, the coal city, and Port Harcourt, a major seaport. These developments led to a significant increase in worker recruitment and highlighted the need to protect their collective interests. The Nigerian Trade Unions emerged from this context. In 1900, a growing workforce was formed, driven by the expansion of the civil and public services following the transfer of the "Protectorate" territories from the Royal Niger Company. Additional workers were drawn from the marine sector, newly developed railways, teaching, and commercial industries. Five years later, the Civil Service Clerks Association was established in Lagos, followed by a similar group in commercial establishments in 1911.

The first recorded trade union was the Nigeria Civil Service Union (NCSU) which was inaugurated on August 19, 1912 at a meeting attended by 33 employees. The meeting was convened by Mr. H. Libert, a Sierra Leonian who had been transferred from his country to Nigeria. A similar organisation had existed in Sierra Leone and Libert and some of the men who attended the meeting were conversant with the Sierra Leonian example.[37] By the fifth meeting on November 15th 1912, a union was formed with the aim of promoting the welfare and interests of the indigenous workers of the Nigerian Civil Service.[38] The new union was known as the Civil Service British Workers Union but later replaced with the name "Nigerian Civil Service Union**"** prior to independence. The union fought against discrimination in salary scale in favour of Europeans against African workers performing same jobs, and solicited for the abolition of unwarranted and frequent imposition of fines on Africans as a 'disciplinary measure'.[39]

In 1931, the Railway Workers Union and the Nigeria Union of Teachers were formed, separating from the Nigerian Civil Service Union. The 1930 economic crisis also led the Mechanic Union to break away, though clerical railway staff stayed with the Civil Service Union. The 1938 Trade Union Ordinance spurred growth in union numbers and membership—from 14 unions with 4,629 members in 1940 to 91 unions with over 30,000 members by 1944.

By 1975, under General Murtala Muhammed's regime, about 1,000 unions were registered. That year, a Commission of Enquiry was set up to investigate union activities due to internal

[36] Ibid.
[37] T. Falola, *Colonial Societies. In: Understanding Colonial Nigeria: British Rule and Its Impact (*Cambridge University Press 2024) 171-452.
[38] Ibid .
[39] Ibid.

divisions. The government restructured the unions into 42 industrial unions and established the Nigerian Labour Congress (NLC) in 1978, with legal backing through the Trade Union Decree. Another restructuring in 1989, under Decree 22 (amending the 1978 decree), reduced the number of unions to 29, all affiliated with the NLC.

FUNCTIONS OF TRADE UNION

Trade Unions, have a plethora of functions in modern Nigeria. Some of the functions a trade union serves are as follows:

1. Collective bargaining: Trade unions negotiate with employers on behalf of their members to improve pay and working conditions.
2. Industrial action: Trade unions can organize strikes or resist lockouts to further their goals.
3. Promoting industrial peace: Trade unions help maintain balance between the bargaining power of workers and employers.
4. Providing benefits: Trade unions can provide members with legal advice, professional training, and financial assistance.

4.0 THE NIGERIA LABOUR CONGRESS (NLC)

The Nigerian Labour Congress (NLC), was established in December 1978 through the merger of four labour organizations: the Nigerian Trade Union Congress (NTUC), the Labour Unity Front (LUF), the United Labour Congress (ULC), and the Nigerian Workers' Council (NWC).[40] Its creation was met with resistance from the military government led by General Yakubu Gowon, which responded by setting up the Adebiyi Tribunal to probe trade unions and their leaders. The tribunal's 1976 report alleged that the existing labour centers were influenced by Cold War ideologies, relied heavily on international funding, and misused union finances.[41] As a result, the government banned all four labor federations and appointed M.O. Abiodun to oversee union affairs. He approved the formation of the NLC on the condition that the over 1,500 unions be consolidated into 42 industrial unions and 19 senior staff unions.[42]

In 1978, the NLC was formally inaugurated with the 42 industrial unions as affiliates, becoming the sole legally recognized trade union federation. Key leaders from the predecessor unions held

[40] C. E. Okwara, 'Pressure Group Politics in Nigeria: A Critical Examination of The Nigerian Labour Congress, 2000—2014'. *University of Nigeria Journal of Political Economy*, (6).
[41] Ibid.
[42] O. O. Okereke, *Public Policy Analysis and Decision Making* (Abakaliki: Willi Rose & Appleseed Publications, 1998) 9.

leadership roles, with Wahab Omorilewa Goodluck serving as the NLC's first president.[43] The NLC faced severe repression under military regimes, with its national structures dissolved twice first in 1988 under General Ibrahim Babangida, and again in 1994 under General Sani Abacha.[44] In 1996, an Act of Parliament further restructured the NLC, merging its affiliates from 42 to 29 unions. Throughout Nigeria's military rule, labour activism was suppressed: union leaders were detained, and meetings disrupted. However, with democratic reforms in 1999, several anti-union policies were repealed, and Adams Oshiomhole was elected NLC President.[45]

By 2005, legislation was amended to allow for multiple trade union federations to gain official recognition and for senior staff unions to affiliate with the NLC.[46] In 2016, a group of 25 unions broke away to form the United Labour Congress (ULC), though they rejoined the NLC in 2020. Currently, the NLC comprises 43 affiliates representing over four million workers.[47]

A significant moment in the NLC's activism occurred on January 2, 2012, when it led a national strike in opposition to President Goodluck Jonathan's abrupt removal of fuel subsidies. The removal, backed by Finance Minister Ngozi Okonjo-Iweala, was announced without public warning. The government claimed it would redirect funds to infrastructure and public services, arguing that fuel subsidies mainly benefited the wealthy and encouraged smuggling.[48]

However, most Nigerians saw the subsidy as one of the few tangible benefits from a government perceived as corrupt and inefficient. With limited domestic refining capacity, Nigeria imported about 70% of its refined petroleum. Many citizens doubted the government would reinvest savings from subsidy removal in a transparent or effective way. They also pointed to rising subsidy costs in preceding years as evidence of corruption, believing the extra spending had lined officials' pockets rather than benefited the public.[49]

Fuel prices spiked from ₦65 to ₦141 per liter, triggering a rapid increase in transport and food costs. Protests erupted in Lagos, Abuja, and Kano, spreading nationwide by January 6 and paralyzing economic activity in major cities like Ibadan and Kano.[50] Protesters diverse in background but largely working-class rallied against government corruption and the loss of the

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[43] H. Morganthau, *International Politics. The Struggle for Power* (New Jersey: Kpnof Publishers, 1995) 23.
[44] Ibid.
[45] E. Idachaba, *Chronology of Major Political Events in the Abacha Era* (1993-1998) (Ibadan: French Institute for Research in Africa, Nigeria, 2013)341-363.

[46] Ibid.
[47] Ibid.
[48] The Economist, 'Let Them Have Fuel.' (2012) at http://www.economist.com/node/21543199 Accessed May 17, 2025.
[49] H. Greve & J. Lay, 'Stepping down the ladder: The impact of fossil fuel subsidy removal in a developing country'. *Journal of the Association of Environment and Resources Economists,* (2013) 10,(1), 121-158.
[50] Ibid.

subsidy. In Kano, a city marked by religious divisions, Muslim and Christian communities united to protect each other during demonstrations.[51] Violence flared on January 5 when police injured 44 protesters in Tahir Square, while in Lagos, some police officers joined the demonstrations.[52]

On January 9, the NLC and Trade Union Congress (TUC) declared a nationwide strike. They received support from major professional groups like the Nigerian Medical Association and the Nigeria Bar Association, and the protests gained momentum under the banner "Occupy Nigeria." Oil and gas workers joined the strike, further crippling the economy. [53]By this time, 11 protesters had been killed by security forces. Prominent Nigerians like Chimamanda Ngozi Adichie and Chinua Achebe publicly endorsed the movement.[54] Facing mounting pressure, President Jonathan announced a panel to oversee savings from the subsidy removal and pledged a 25% pay cut for government officials, along with plans to improve public transportation. However, he did not reinstate the full subsidy or remove Finance Minister Okonjo-Iweala, a key demand of the protesters. While the military and most state governors supported Jonathan, some police continued to side with protesters.[55]

The strike persisted and intensified, drawing in more sectors and shutting down oil production. Given that 90% of Nigeria's exports and 80% of government revenue came from oil, both domestic and international stakeholders were alarmed.[56] On January 16, Jonathan bowed to pressure and partially reinstated the fuel subsidy, reducing pump prices to ₦97 per liter. The unions ended the strike following this concession.[57] Currently, NLC is led by Comrade Joe Ajaero, who was elected President on February 8, 2023, during the 13th National Delegates' Conference held at the International Conference Centre in Abuja.

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[51] Ibid.
[52] Ibid.
[53] W. Adebanwi & E. Obadare, *Democracy and Prebendalism in Nigeria*(Palgrave Macmillan, 2013)
[54] E. R. Aiyede, Elite Competition, Institutional Change, and Political Responsibility. In: W. Adebanwi, & E. Obadare (eds) *Democracy and Prebendalism in Nigeria* (New York: Palgrave Macmillan, New York, 2013) at https://doi.org/10.1057/9781137280770_5 accessed May 17, 2025.
[55] C. Osborne, Nigerian president pleads with public over fuel subsidy removal (2012) at https://www.zdnet.com/article/nigerian-president-pleads-with-public-over-fuel-subsidy-removal/ accessed May 17, 2025.
[56] A. Ibrahim, Declining oil output to hit Nigeria's dollar earnings (2025) at https://businessday.ng/energy/article/nigerias-oil-output-hits-lowest-in-2025/#google_vignette accessed May 17, 2025.
[57] Ibid.

5.0 THE ACADEMIC STAFF UNION OF UNIVERSITIES (ASUU)

The Nigerian Association of University Teachers (NAUT) was established in 1965 and originally represented academic staff at several major universities, including the University of Ibadan,[58] University of Nigeria, Nsukka, Ahmadu Bello University, Zaria, University of Ife (now Obafemi Awolowo University), Ile-Ife, and the University of Lagos.[59] Within this structure, the Academic Staff Union of Universities (ASUU) operated as a subgroup. In 1978, ASUU gained full independence and began operating as a distinct union dedicated to protecting and promoting the rights of academic staff.[60]

While NAUT primarily focused on improving its members' working conditions and contributing to the country's socio-economic and political development, ASUU has adopted a more active role in defending the interests of its members through direct actions, such as strikes.[61] These industrial actions are typically a response to what ASUU describes as the government's repeated failure to honor agreements previously signed with the union.[62] The most recent strike, which lasted eight months, began on February 14, 2022, and concluded on October 14, 2022.[63]

Since becoming autonomous in 1978, ASUU has been led by 11 presidents, with the current president being Professor Victor Emmanuel Osodeke.

6.0 THE ROLES OF TRADE UNIONS IN NEGOTIATING COLLECTIVE AGREEMENTS

The NLC and ASUU, play important roles in the negotiation of collective agreements between themselves and the government to protect the interests of their members. These roles are what this discussion sets out to adumbrate on with the use of case-studies.

6.1 NLC AND COLLECTIVE AGREEMENTS

The NLC which is the prominent trade union in Nigeria has been at the helm of representing the interest of workers in the service of the Federal Government since its birth. This is carried out by reaching collective agreements between themselves and the FG after engaging in national

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[58] O. K. Ben & F. S. James, 'Impact Of Academic Staff Union Of Universities (Asuu) Strike Actions On Undergraduate Programmes At The University Of Ibadan (1999-2022): A Critical Evaluation.' *Journal of Education Review*, (2024) 15(1)
[59] Ibid.
[60] S. I. Alabi, 'Student's perception on the impact of Academic Staff Union of Universities (ASUU) industrial Actions on university development in Nigeria'. *Journal of Sociology and Anthropology*, 2019 3(3), 95-104.
[61] Ibid.
[62] Ibid.
[63] Ibid.

collective bargaining for however long it takes to find a common ground between their demands and the offer being made by the Federal Government.

The most recent and fresh in the memories of every Nigerian citizen collective agreement would be that of a new national minimum wage which is currently governed by the Minimum Wage (Amendment) Act of 2024[64] signed into law by President Bola Ahmed Tinubu on 28 July, 2024 to promote fair labour practices in Nigeria. A minimum wage has been defined as the minimum amount of remuneration that an employer is required to pay wage earners for the work performed during a given period, which cannot be reduced by collective agreement or an individual contract.[65] The Amendment Act of 2024 increased the national minimum wage from N30,000 (thirty thousand naira only) to N70,000 (seventy thousand naira only). This increase was strongly pushed for by the NLC and the Trade Union Congress (TUC) owing to:

1. The increased cost of living experienced by Nigerian workers and masses all over the country.
2. The failure of the President to appoint members of the Tripartite Committee on National Minimum Wage to make recommendations on the national minimum wage from a period not later than six months to the expiration of the existing national minimum wage.
3. The expiration of the N30,000 (thirty thousand naira only) which was set by the Minimum Wage Act of 2019[66] on 18 April 2024, which was the prescribed 5-year period provided by this Act for its lifeline.[67]
4. The increase in the inflation rate from 11.4% in 2019 when the last minimum wage was set to a whopping 33% in less than five (5) years.[68]
5. The increase in naira-dollar exchange rate from N360 per dollar to N1,516 per dollar within the five-year period.[69]

The NLC began by proposing a N615,000 (six-hundred and fifty thousand naira only) new minimum wage in a press release dated May 2, 2024.[70] The press release contained a tabular data

[64] National Minimum Wage Act, 2024 (Act No. 8 of 2024).
[65] I. Tijani, Issues in minimum wage (Amendment) Act 2024 (2024), at https://tribuneonlineng.com/issues-in-minimum-wage-amendment-act-2024/amp/ accessed May 17, 2025.
[66] National Minimum Wage Act, 2019 (Act No. 8 of 2019)
[67] Section 3(4), National Minimum Wage Act 2019.
[68] I. Oyedeyi, 'Twists and turns of FG, Labour's protracted minimum wage negotiations' *Punch Newspaper,* 15 June 2024, at https://punchng.com/twists-and-turns-of-fg-labours-protracted-minimum-wage-negotiations/ accessed May 17, 2025.
[69] Ibid.
[70] C. Akasike, et al., 'Labour submits N615,000 minimum wage demand in fresh proposal' *Punch Newspaper* (2024)at https://punchng.com/labour-submits-n615000-minimum-wage-demand-in-fresh-proposal/ , accessed May 17, 2025.

collected via a questionnaire sent out to all the State Councils of the NLC and TUC in the country to gather the average cost of living for the average Nigerian family, detailing how it was able to arrive at this amount, and also stated that the amount was also with the exclusion of expenditure data and calls, offering in churches and mosques, community dues, entertainment, savings and security, etc. The data was taken before the increase in electricity tariff by the government and the scarcity of fuel which led to an increase in transport in the county.[71]

The table with the data is provided below:

TABLE: COST OF LIVING ESTIMATE

S/N	**DETAILS**	**UNIT COST**	**TOTAL**
1.	Housing/Accommodation	40,000	40,000
2.	Electricity/Power	20,000	20,000
3.	Utility Water	10,000	10,000
4.	Kerosene/Gas	35,000	35,000
5.	Food	9,000 X 30	270,000
6.	Medical	50,000	50,000
7.	Clothing	20,000	20,000
8.	Education	50,000	50,000
9.	Sanitation	10,000	10,000
10.	Transportation	110,000	110,000
	TOTAL		**615,000**

This amount was negotiated down to N494,000 (four-hundred and ninety-four thousand naira only), and a further N250,000 (two hundred and fifty thousand naira only) which the organised labour refused to go below. The Federal Government proposed various offers including N48,000 (fourty-eight thousand naira), N54,000 (fifty-four thousand naira), N57,000 (fifty-seven thousand naira), and N60,000 (sixty-thousand naira),[72] before settling on N62,000 (sixty-two thousand naira) offer with the OPS.[73] This offer was rejected by the organized labour. The State Governors

[71]Ibid.
[72]F. Okeregbe, 'Labour Shifts To N497,000, Rejects FG's Fresh N57,000 Wage Proposal', *Channels News*, 22 May 2024 <https://tinyurl.com/2c3sskr2> accessed on December 24 2024.
[73]F. Okeregbe & D. Anichukwueze., 'FG Offers N62,000 As New Minimum Wage, Labour Demands N250,000' *Channels News,* June 7, 2024 <https://tinyurl.com/26aovnsu> accessed on December 2024.

via the Nigerian Governors Forum (NGF), vehemently opposed the offer made by the government, the organized labour and the OPS stating that it was unrealistic and not all states can afford it without running into debt. They requested the NLC to allow them fix an independent minimum wage to reflect their financial reality, and as expected, it was rejected as the union viewed the request as one that undermined the entire concept of a national minimum wage.[74]

On July 18, 2024, there was an agreement to settle for a national minimum wage of N70,000 (seventy-thousand naira) at a meeting between President Bola Ahmed Tinubu and the leaders of the NLC and TUC in Abuja.[75] A bill to this effect was prepared and presented to the National Assembly for consideration and it was successfully passed into law on 28 July, 2024.

On this note, one can come to the conclusion that the NLC is a very powerful organisation which serves as a unified voice for amplifying the interests, desires, clamours for a better condition of work and in turn, living, etc. of its over 4,000,000 (four million) members. Sufficiency does not end with the union's ability to reach agreements that reflects these desires with the appropriate institutions, organisations, etc. It must see out this journey by ensuring that these agreements are strictly complied with by every concerned person. The methods and mechanisms in ensuring full compliance will be addressed later in this work.

6.2 NLC AND CONSEQUENTIAL ADJUSTMENTS OF SALARIES

Consequential adjustment of salaries is simply the effect of increase or decrease of salaries. In the context of national minimum wage, it refers to the process of adjusting salaries of public sector employees to reflect the new minimum wage. This adjustment aims to maintain a fair and equitable salary structure, ensuring those who already earn above the minimum wage also receive an increase that is proportional. Consequential adjustment is usually negotiated between the Government and Organised Labour, i.e. NLC and TUC and the factors usually taken into consideration include the cost of living, inflation, government's capacity, etc. The aim is to find a common ground between the needs of the employees and the capacity of the government.

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[74]E.l Egobiambu, 'Minimum Wage: You Can't Dictate What To Pay, NLC Replies Govs', *Channels News*, 28 June 2024<https://tinyurl.com/227uveu6> accessed on December 24 2024

[75]E.r Simon & K. Oyero, 'FG, Labour agree on ₦70,000 Minimum Wage – Minister', Channels News, 14 July, 2024<https://www.channelstv.com/2024/07/18/breaking-fg-labour-agree-on-%e2%82%a670000-national-minimum-wage-minister/> accessed on December 24 2024.

After securing a new national minimum wage, the NLC advocated for a corresponding salary adjustment. This led to the formation of a committee to implement the 2024 Minimum Wage Act, outlining percentage increases across grade levels under the CONPSS, the salary structure for federal ministries and agencies introduced in 2007. The percentage increase is as follows:

i. CONPSS 01-06: 80.81% - 64.73%.

ii. CONPSS 07-14: 45.59% - 19.35%.

iii. CONPSS 15-17: 14.35% - 4.41%.

The factors considered in considering the adjustments to be made include the current economic situation, the impact of these adjustments on the other employers and sectors of the economy, and the capacity of the Federal Government to fund and sustain these adjustments.[76]

6.3 ASUU AND COLLECTIVE AGREEMENTS

At the institutional level, relations between university staff and the Federal Government have been strained. Through ASUU, staff express their dissatisfaction by embarking on strikes—sometimes indefinite, disrupting academic activities and forcing students and staff into involuntary breaks. Since its inception in 1978, ASUU has gone on 25 strikes.77 The prolonged ASUU-government disputes have weakened Nigeria's public universities, extending four-year degree programs to six. Many parents now opt for expensive private universities to avoid strike disruptions. Though ASUU has signed several collective agreements to resolve these issues, confidence in public institutions continues to decline.

The concept of collective agreements is one that ASUU is relatively familiar with as it has over the years, reached a few of them with the Federal Government in its strife to:

i. Achieve quality education and international standards of education.
ii. To implement a remuneration structure that reflects the current realities of the society.
iii. To mandate the Government to address issues of unpaid salaries.
iv. To fix the entire university system, among others.

This discussion will focus on some of the collective agreements reached between the ASUU and the FG, also appreciating its enforceability.

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[76] N. Chiejina, FG, Trade Unions agree on consequential salary adjustments, *The Nation, Abuja,* September 20 2024, <https://thenationonlineng.net/fg-trade-unions-agree-on-consequential-salary-adjustments/>accessed on 9 January 9, 2025.
[77] Ibid.

ASUU's most recent strike lasted from February 14 to October 14, 2022, spanning eight months (enough time to complete an entire academic semester and begin another). Initially six months long, the strike was extended indefinitely after failed talks with the Federal Government on July 29, 2022, at 12:01 a.m. Former ASUU President, Professor Emmanuel Osodeke, later described the strike as necessary to "save public universities." The strike was triggered by several unresolved issues, including the government's failure to release the promised ₦1.1 trillion revitalization funds, delay in publishing the Visitation Panel's White Paper reports, refusal to adopt UTAS for salary payments instead of IPPIS, non-payment of outstanding Earned Academic Allowances, stalled renegotiation of the 2009 FGN/ASUU Agreement based on the Nimi Briggs Committee's 2021 draft, and lack of action on amending the NUC law to curb the unchecked establishment of universities by state governments.[78]

These issues that brought about the indefinitely extended strike stemmed from the failure of the Federal Government to fully implement the agreements listed in the December 22, 2020 FGN and ASUU Memorandum of Action (MoA).[79] Another reason the strike was extended was because the FG refused to pay the union members salaries, for not working for six months.[80] The strike still continued, and the government resolved to a "no work, no pay threat" which also did not deter the union and this let the government resolve to seeking an injunction ordering ASUU to resume work from the National Industrial Court of Nigeria (NICN). This injunction was duly granted and it was appealed at the Court of Appeal, but ASUU was compelled to obey the order of the lower court before filing an appeal, hence, the strike ended on October 14, 2024.[81]

While no agreement was reached at the time, ongoing talks between ASUU and the Federal Government continued. Key issues include finalizing the 2009 FGN/ASUU Agreement (based on the 2021 Nimi Briggs draft), payment of withheld salaries from the 2022 strike, unpaid wages for sabbatical and part-time staff, the illegal dissolution of Governing Councils, and replacing IPPIS with UTAS. ASUU also noted the government's failure to act on non-monetary concerns, like removing universities from IPPIS, despite a presidential directive and court order.[82]

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[78] J. Erunke, 'Our indefinite strike is to save public universities', Vanguard News, 29 August, 2022 <https://www.vanguardngr.com/2022/08/our-indefinite-strike-is-to-save-public-universities-asuu/ >accessed on May 17, 2025.

[79]Ibid.

[80] C. C. Okeke, 'ASUU strike, out-of-school children, other issues that shaped education sector in 2022', *Daily Trust*, 30 December 2022< https://dailytrust.com/asuu-strike-out-of-school-children-other-issues-that-shaped-education-sector-in-2022/> accessed on May 17, 2025.

[81] Ibid.

[82] Ibid.

In December 2024, the Chairman of ASUU reiterated plans of the union to commence a nationwide strike in January 2025 after several months of threats do so if the Government still fails to address the concerns of the union which borders largely on the issues highlighted earlier on in this work.[83]

Clearly, reaching agreements with ASUU is difficult, as the union must resort to extreme measures to be heard. Even when agreements are made, the government often fails to implement them, with no enforceable mechanism to ensure compliance raising doubts about the rule of law in Nigeria. Another agreement has been reached, as at December 11, 2024. It has not been signed and it is fueling new threats of industrial action within the University community. This article will explore steps to improve enforcement.

7.0 CHALLENGES THAT SERVES AS A HINDERANCE TO THE ENFORCEABILITY OF COLLECTIVE AGREEMENTS IN NIGERIA

Some of the issues that serves as challenges to the enforceability of collective agreements, include:

1) Lack of Uniform Position on the Legal Status of Collective Agreements.

One of the most pressing challenges to the enforceability of collective agreements in Nigeria is the legal status of collective agreements. In Nigeria, collective agreements are not automatically binding or enforceable unless it is incorporated into an individual contract. It is viewed as a ***"gentleman's agreement"*** unless it is specifically incorporated. This was the common law position, and since it was applicable in Nigeria, the courts were bound by it. It was seen as a simple legal agreement which lacked the parties' intention to create a legal relation, a very important element of a valid contract[84] and offended the principle of privity of contract as it was usually between organization or association of employers and trade unions, so the individual employee is no privy to it. This was the major reason for many industrial actions as one of the parties especially the employer, usually refused to honour it. This position was upheld by the court in the case of Union *Bank of Nigeria v Edet,*[85] where it was held that employees cannot litigate over an alleged

[83] Unini Chioma, 'ASUU President: Union's Patience Running Thin Over Unresolved Issues', *The Nigeria Lawyer*, 30 December 2024. <https://thenigerialawyer.com/asuu-president-unions-patience-running-thin-over-unresolved-issues/> accessed on 7 January 2025.
[84] E. Chianu, Employment Law (Bemicov Publishers (Nigeria) Ltd 2004), 75.
[85] *Union Bank of Nigeria v. Edet* (1993) 4 NWLR (pt 287) 288.

breach of terms of collective agreement which has not been adopted by parties as forming part of terms of employment.

This position was however changed following the coming into force of the Third Alteration Act, 2010,[86] which gave the National Industrial Court (NIC) exclusive jurisdiction to interpret collective agreements and to apply it. The NIC by virtue of this Alteration, has been conferred with the exclusive jurisdiction to hear and determine civil causes and matters relating to the determination of any question regarding the interpretation and application of any ***'collective agreement.'***[87]

What this means is that, no need for parties to have the terms of a collective agreement contained in their employment term before seeking to enforce it. A party can enforce this agreement once he can establish and prove his membership of the said trade union. This was reiterated in the case of *Gbadegesin v Wema Bank PLC,*[88] *where* the NIC in interpreting who can sue for breach of collective agreement, held that a party can take the benefit of a collective agreement only when it is a party to it; but as regards individual employees who are members of a union, they can take the benefit only through their unions of it, if the union is not minded to sue on their behalf, then they must show evidence of membership of the union in question.

This then means that any argument or opinion that a collective agreement is not enforceable as it is merely a ***"gentleman's agreement"*** will not fly. This point was also made clear in the case of *Chiazor v Union Bank of Nigeria Plc.*[89]

Although there is now a new position on the enforceability of collective agreements provided by the NIC, another issue that now contradicts this can be drawn from the ruling of the court in the recent Supreme Court case of *BPE v Dangote Cement Plc,*[90] where the court applied the common law position that collective agreements are not enforceable except where they have been incorporated by the parties and that enforcement of such agreement is only by negotiation between the parties to the agreement. This ruling now opens the door for arguments that incorporation of the terms of a collective agreement into an employment contract is a requirement for its enforceability, and following the principle of *'stare decisis'* which mandates lower courts to be bound by the decision of superior courts on issues of the same subject matter, the NIC is expected

[86] An amendment to CFRN 1999.
[87] Section 254C(1)(j)(i) 1999 CFRN as amended.
[88] *Gbadegesin v. Wema Bank PLC* (2012) 28 N.L.L.R (Pt 80) 304.
[89] *Chiazor v. Union Bank of Nigeria* unreported, Suit No: NICN/LA/122/2014, delivered on 12th July, 2016
[90] *BPE v. Dangote Cement Plc* (2020) 5 NWLR (PT. 1717) 322.

to maintain this stance. Refusal to comply will be seen as *"judicial impertinence", "gross insubordination", "undesirable"* and *"distasteful"* as highlighted by the Supreme Court in *Osakwe v FCE (Tech) Asaba & Ors*.[91]

Regardless of the judgment delivered in the BPE[92] case, it is the humble submission of this group that it does not serve as a judicial precedent for the NIC to abide by, or even for the Court of Appeal if hearing an appeal from the NIC on a related subject. Our reason being that the cause of action in the instant case was brought before the courts prior to the coming into force of the Third Alteration Act in 2010, and as such belonged to the old labour law Jurisprudence in Nigeria, and an attempt to apply this will only plunge the labour force back into the hardship caused by the common law position which the Alteration sought to address, and has successfully done.

2) Lack of Awareness and Advocacy

Lack of awareness and advocacy are significant hindrances to the enforceability of collective agreements in Nigeria. Many workers, most especially those in rural areas, are unaware of their rights under collective agreements. This lack of awareness makes it difficult for workers to claim their rights, and employers may take advantage of this knowledge gap to violate the terms of the collective agreement.

3) Power Imbalance

This is a huge hindrance to the enforceability of collective agreements and this arises from the powers that the employers wield over employees which automatically sets the employees at the back foot. For instance, there is imbalance where the Managing Director of a company threatens to sack a member of staff for persistently requesting that the terms of the agreement be honoured. This shows the power imbalance and abuse of power because such staff with no power to fight back will be faced with the possibility of being on the job market in a job scarce economy if he tries to keep pushing for the enjoyment of his right.

4) Resistance of Employers to Honour Agreements

This is also a very serious issue. Many a times, even after reaching these agreements and signing them, employers refuse to implement the terms of this agreement and resort to stalling, silence or even false promises. This issue is one that is evident in the Nigerian labour where some states are

[91] *Osakwe v. FCE (Tech) Asaba & Ors* (2012) 27 NLLR (Pt. 76) 1.
[92] Ibid.

yet to implement the new national minimum wage even after it has been signed into law, and all State Governors mandated to start the payment immediately. Measures need to be put in place to ensure that employers do not use this technique in denying the labour force of their benefits.

8.0 MEASURES TO ENSURE THE ENFORCEABILITY OF COLLECTIVE AGREEMENTS

To address the challenges hindering collective agreement enforcement, we will propose several key measures designed to strengthen their implementation and effectiveness.

1) Establishment of Supervisory Bodies or Committees

A body to supervise the implementation of the agreement reached between the parties, is necessary. For example, a task-force comprising members of the Organized Labour, i.e. (NLC and TUC), some staff of the Federal Government and appointed members of the Organised Private Sector, etc. and any other committee created, given the particular circumstance which will be saddled with the sole responsibility of monitoring, conducting investigations, escalating disputes to the appropriate channels, submitting reports, and making recommendations to the appropriate authority on how to further ensure full compliance with the terms of collective agreements, is desirable.

2) Implementation of Penalties to Defaulters

Introducing penalties into law would compel ministries and organizations to uphold collective agreements. A key reason for non-compliance is the absence of consequences. Clear sanctions—such as fines, employee compensation, staff suspensions or dismissals, and legal action—should be enforced consistently. This would strengthen accountability and improve adherence to collective agreements, promoting better industrial relations.

3) Educating Workers on their Rights

Lack of knowledge about workers' rights, particularly among government employees, allows employers to deprive them of benefits. To address this, awareness campaigns, workshops, media outreach, and accessible hotlines should be used to educate workers on their rights and enforcement methods. These initiatives, organized by labor unions, the government, NGOs, and private organizations, are essential for ensuring the enforceability of collective agreements.

4) Legislative Reforms

To further strengthen the enforcement of collective agreements in Nigeria, it is pertinent that some of our laws regulating labour undergo reform that aligns with the current realities and international best practices. Laws such as the Labour Act, Trade Dispute Act, etc, all need to be critically looked at by the law-makers and necessary reviews made by expunging sections that are disadvantageous to workers and making sure that the Act is in line with the International Labour Organisation (ILO) standards on labour protection.

5) Provisions of Functioning and Accessible Customer Services Department

Establishing an accessible customer service department is key to addressing the non-enforceability of collective agreements in Nigeria. This department would handle complaints and inquiries, staffed by trained professionals, knowledgeable in labor law and dispute resolution. Proper funding and infrastructure will ensure its efficiency, while transparency in addressing complaints will build trust among workers and employers, helping promote fair labor practices.

9.0 CONCLUSION

In conclusion, trade unions like the NLC and ASUU, play a vital role in negotiating collective agreements to advance workers' rights and improve labor relations in Nigeria. However, the lack of enforceability of these agreements remains a major obstacle. Without legal mechanisms to hold parties accountable, agreements are often ignored, leading to frequent disputes and strikes. This research examined the Third Alteration Act, 2010, which empowered the National Industrial Court of Nigeria (NICN) to adjudicate matters related to collective agreements under Section 254C. Despite this, enforcement challenges persist. Addressing these issues, as discussed, is essential for the government to ensure that collective agreements are upheld. Only then can unions like the NLC and ASUU, achieve their full potential in securing better working conditions and safeguarding the welfare of their members.