

**THE DISPUTE STATE: A LEGAL INQUIRY INTO PERSISTENT EMPLOYMENT
DISPUTES AND INSTITUTIONAL BREAKDOWN IN NIGERIA**

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Abstract

Persistent employment disputes in Nigeria's public sector reflect a deeper crisis of institutional fragility, legal inadequacy, and state unresponsiveness. This paper undertakes a legal inquiry into the root causes, systemic patterns, and institutional failures that have allowed industrial unrest especially in education, healthcare, and civil service sectors to become endemic. Drawing on a doctrinal and comparative methodology, the study critically examines the limitations of Nigeria's current legal frameworks, including the Trade Disputes Act, Labour Act, and Arbitration and Mediation Act 2023, in resolving employment disputes effectively. Despite statutory provisions for mediation, arbitration, and adjudication through the Industrial Arbitration Panel and National Industrial Court of Nigeria, the dispute resolution system remains marred by bureaucratic delays, poor enforcement of agreements, and a lack of institutional autonomy. These deficits undermine the right to decent work and contradict Nigeria's commitments under Sustainable Development Goals (SDGs) 8 and 16, which call for inclusive economic growth, decent employment, and accountable institutions. Through a comparative analysis of successful institutional models such as ACAS (UK), CCMA (South Africa), and FMCS (USA), the paper proposes the establishment of an independent, public-sector-focused dispute resolution body in Nigeria. It further argues for the constitutional recognition of social dialogue mechanisms and stronger legal protections for collective bargaining outcomes. Ultimately, the article contends that until Nigeria transforms from a reactive to a rights-based and preventive approach to employment dispute resolution, its public institutions will remain locked in cycles of unrest, weakening governance and stalling development.

Keywords: Employment Disputes, Public Sector, Dispute Resolution, Institutional Breakdown, Legal Reform, Nigeria, SDGs.

1. Introduction

Employment disputes within Nigeria's public sector have become a recurrent and destabilizing feature of national governance, manifesting in prolonged strikes, legal deadlocks, and the erosion of public trust in state institutions.¹ From university closures resulting from Academic Staff Union of Universities (ASUU) disputes to healthcare disruptions due to frequent strikes by resident doctors, these conflicts signal not just industrial disharmony but deeper systemic failures.² Despite an elaborate framework of employment law and dispute resolution mechanisms, the inability of the Nigerian state to prevent, manage, or resolve such disputes effectively has resulted in institutional paralysis and widespread public disillusionment.³

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¹ National Bureau of Statistics, "Social Statistics Report 2022" (Abuja: NBS, 2023), 45.

² O A Ogunniyi, "Industrial Conflicts in Nigeria's Health and Education Sectors," *African Journal of Labour Studies* 17, no. 2 (2022): 112.

³ International Labour Organization (ILO), "Nigeria: Decent Work Country Programme Evaluation" (Geneva: ILO, 2021), 28.

These persistent disputes are not isolated grievances but symptomatic of wider constitutional and institutional deficiencies.⁴ The repeated inability of the Nigerian state to anticipate, manage, or resolve employment disputes reflects an absence of institutional preparedness and a failure to internalise global standards on dispute resolution.⁵ The legal architecture for employment relations anchored in the Trade Disputes Act, the Labour Act, and supported more recently by the Arbitration and Mediation Act 2023 has failed to deliver durable industrial peace.⁶ Instead, employment disputes have become cyclical, with negotiated agreements often abandoned or unimplemented, and with workers resorting to strikes as the only viable mode of resistance.⁷

This paper interrogates the phenomenon of recurring public sector employment disputes as a symptom of institutional breakdown and regulatory inefficiency.⁸ It situates the discussion within the broader constitutional and legal framework governing labour relations in Nigeria and explores the disjunction between statutory dispute resolution mechanisms and their practical implementation.⁹ Although Nigerian law provides for conciliation, arbitration, and judicial adjudication, the enforcement of collective agreements remains weak, and mechanisms for early intervention are underutilized or non-existent.¹⁰ The result is a reactive, fragmented system that fails both workers and the state.¹¹

Moreover, these disputes carry significant socio-economic costs.¹² The disruption of essential services undermines public welfare and the right to development, while the politicization of industrial conflict erodes the autonomy of labour institutions.¹³ More broadly, the failure to resolve disputes in a timely and just manner contravenes Nigeria's commitments to Sustainable Development Goals (SDGs), particularly SDG 8 (decent work and economic growth) and SDG 16 (peace, justice, and strong institutions).¹⁴ These failures also affect the credibility of public institutions and weaken democratic accountability.¹⁵

This study adopts a doctrinal and comparative approach, combining legal analysis with institutional critique.¹⁶ It evaluates the effectiveness of Nigeria's existing statutory framework particularly the Trade Disputes Act, Labour Act, and Arbitration and Mediation Act 2023 in addressing public sector employment disputes.¹⁷ In doing so, the article identifies normative gaps, enforcement challenges, and governance failures that contribute to the deepening crisis of labour relations in the

⁴ C Odinkalu, "Constitutional Deficits and Labour Rights in Nigeria," *Journal of African Law* 65, no. 1 (2021): 67.

⁵ ILO, "Global Commission on the Future of Work Report" (Geneva: ILO, 2019), 41.

⁶ Trade Disputes Act Cap T8 LFN 2004; Arbitration and Mediation Act 2023.

⁷ A S Ahmed, "Cyclical Strikes and Collective Bargaining Failures in Nigeria," *Employee Relations Law Journal* 48, no. 3 (2022): 88.

⁸ T O Elias, *The Nature of African Customary Law* (Manchester: Manchester University Press, 1956), 204.

⁹ Constitution of the Federal Republic of Nigeria 1999 (as amended), s. 254C.

¹⁰ National Industrial Court of Nigeria (NICN), Annual Report 2022 (Abuja: NICN, 2023), 15.

¹¹ O O Olatunji, "Fragmentation in Nigeria's Labour Dispute Resolution System," *Nigerian Journal of Industrial Law* 12 (2021): 33.

¹² World Bank, "Nigeria Development Update" (Washington, DC: World Bank, 2023), 19.

¹³ J U Udochu, "Politicisation of Labour Disputes in Nigeria," *Governance Review* 8, no. 1 (2022): 54.

¹⁴ United Nations, "Sustainable Development Goals Report: Nigeria" (New York: UN, 2022), 10.

¹⁵ D D Dodo, *Democratic Accountability and Public Institutions in Nigeria* (Lagos: Malthouse Press, 2020), 77.

¹⁶ A A Adeogun, "Doctrinal Research in Nigerian Labour Law," *Journal of Law and Method* 7 (2021): 23.

¹⁷ Labour Act Cap L1 LFN 2004; Arbitration and Mediation Act 2023.

country.¹⁸ The research also draws upon secondary sources, including case law, legal commentary, and reports by labour unions, government agencies, and international organisations.¹⁹

Furthermore, the paper draws insights from comparative jurisdictions specifically, the United Kingdom's Advisory, Conciliation and Arbitration Service (ACAS), South Africa's Commission for Conciliation, Mediation and Arbitration (CCMA), and the United States' Federal Mediation and Conciliation Service (FMCS).²⁰ These models demonstrate how independent, well-resourced institutions with clear mandates can facilitate early dispute resolution and institutional accountability.²¹ By contrast, Nigeria's public sector dispute system lacks autonomy, capacity, and coherence, rendering its legal remedies largely ineffective or inaccessible to the average worker.²²

The phrase "The Dispute State," as used in this paper, reflects the entrenched nature of conflict within Nigeria's public sector employment system.²³ It symbolizes a state in which the default mode of engagement between workers and the government is adversarial rather than collaborative, legalistic rather than dialogic, and reactive rather than preventive.²⁴ This characterization challenges the normative expectation that the state, as employer, should model compliance with labour law, respect for collective bargaining, and uphold constitutional values of fairness, justice, and dignity in work.²⁵

2. Nigeria's Legal and Institutional Framework for Employment Dispute Resolution

Nigeria's framework for managing employment disputes is anchored in a variety of legal instruments and institutional mechanisms designed to promote industrial harmony and protect the rights of workers and employers alike.²⁶ Central among these are the Trade Disputes Act Cap T8 LFN 2004, the Labour Act Cap L1 LFN 2004, the National Industrial Court Act 2006, and more recently, the Arbitration and Mediation Act 2023.²⁷ These laws provide the statutory foundation for dispute prevention, conciliation, arbitration, and adjudication.²⁸ Yet, despite their comprehensive appearance on paper, practical implementation remains fraught with systemic inefficiencies.²⁹

The Trade Disputes Act (TDA) outlines the formal process for reporting, conciliating, and arbitrating disputes.³⁰ It mandates that all trade disputes must first be reported to the Minister of Labour and Employment, who may refer them to conciliation or, if unresolved, to the Industrial

¹⁸ Federal Ministry of Labour and Employment, "Review of Industrial Relations Framework" (Abuja: FML&E, 2022), 8.

¹⁹ Academic Staff Union of Universities (ASUU), "Memorandum on the State of Nigerian Universities" (Lagos: ASUU, 2021), 6.

²⁰ T Hanami, *Comparative Labour Law: Industrial Relations in Industrialized Market Economies* (Tokyo: Japan Institute of Labour, 2019), 132.

²¹ R Blanpain, *Comparative Labour Law and Industrial Relations* (Alphen aan den Rijn: Kluwer, 2022), 215.

²² O O Olatunji, "Institutional Capacity Deficits in Nigerian Labour Administration," *African Governance Review* 14 (2023): 62.

²³ C Offiong, *The Nigerian State and Industrial Relations* (Enugu: Fourth Dimension, 2020), 3.

²⁴ S Lukes, *Power: A Radical View* (London: Macmillan, 2005), 64.

²⁵ Constitution of the Federal Republic of Nigeria 1999 (as amended), s. 17(3)(a).

²⁶ F O Okere, *Labour Law in Nigeria* (Lagos: MIJ Professional, 2021), 45.

²⁷ National Industrial Court Act No. 3 of 2006; Arbitration and Mediation Act No. 18 of 2023.

²⁸ S I Ameh, "Statutory Mechanisms for Labour Dispute Resolution in Nigeria," *Nigerian Bar Journal* 10, no. 4 (2021): 67.

²⁹ P E O Elechi, *Administration of Justice in Nigeria* (Port Harcourt: Pearl, 2020), 89.

³⁰ Trade Disputes Act Cap T8 LFN 2004, s. 1.

Arbitration Panel (IAP).³¹ If dissatisfaction persists, parties may proceed to the National Industrial Court of Nigeria (NICN).³² The TDA is therefore central to the architecture of statutory dispute resolution in Nigeria.³³ However, the Act remains outdated in several respects and fails to accommodate evolving employment dynamics or informal conflict resolution mechanisms.³⁴

The Labour Act governs the relationship between individual workers and employers, focusing primarily on issues such as contracts of employment, conditions of service, and protection of wages.³⁵ Although the Act has not been comprehensively reviewed since its enactment in 1971, it remains a crucial reference point in employment disputes, especially in the private sector.³⁶ However, its application in the public sector remains limited, as many public service employees are governed by statutory instruments such as civil service rules, rather than the Labour Act itself.³⁷

The National Industrial Court of Nigeria (NICN) was established to adjudicate on labour and employment-related matters.³⁸ The NICN has exclusive jurisdiction over civil causes and matters relating to labour, trade unions, industrial relations, and the interpretation of collective agreements.³⁹ Its establishment as a superior court of record under the 1999 Constitution (as amended) enhanced the legal authority and independence of employment dispute adjudication in Nigeria.⁴⁰ Yet, challenges remain in terms of access to justice, prolonged adjournments, and limited enforcement of judgments.

The Arbitration and Mediation Act 2023 repealed the Arbitration and Conciliation Act of 1988, introducing new provisions for domestic and international arbitration, and recognizing mediation as a formal dispute resolution method.⁴¹ However, the Act does not provide a specialised framework for employment-related mediation, particularly in the public sector.⁴² This omission represents a lost opportunity for mainstreaming alternative dispute resolution (ADR) in employment disputes, despite global trends favouring such mechanisms for speed, flexibility, and cost-effectiveness.⁴³

3. Persistent Disputes and the Crisis of Implementation in Nigeria's Public Sector

The recurrence of employment disputes in Nigeria's public sector reflects more than episodic grievances, it signifies a chronic breakdown in the implementation of legal frameworks, collective agreements, and institutional commitments.⁴⁴ Despite elaborate procedures enshrined in the Trade Disputes Act and related statutes, government agencies and public institutions often fail to uphold their statutory and negotiated obligations.⁴⁵ This implementation crisis undermines not only labour relations but also the broader integrity of public institutions.⁹⁸

³¹ Ibid., ss. 4–6.

³² Ibid., s. 9A.

³³ C C Nweze, *Labour Law and Industrial Relations in Nigeria* (Abuja: LawLords, 2022), 112.

³⁴ O O Olatunji, "Outdated Labour Legislation in Nigeria," *Journal of African Law* 66, no. 2 (2022): 220.

³⁵ Labour Act Cap L1 LFN 2004, ss. 7–9.

³⁶ U U Chukwuma, *Evolution of Nigerian Labour Law* (Ibadan: Heinemann, 2019), 75.

³⁷ Public Service Rules 2008 (Revised), PSR 020101.

³⁸ National Industrial Court Act 2006, s. 1.

³⁹ Constitution of the Federal Republic of Nigeria 1999 (as amended), s. 254C(1).

⁴⁰ *Skye Bank v. Iwu* (2017) 16 NWLR (Pt. 1590) 24.

⁴¹ Arbitration and Mediation Act 2023, ss. 1–3.

⁴² UNCITRAL Model Law on International Commercial Mediation (2018), Art. 1.

⁴³ C Offiong, *Implementation Failures in Nigerian Labour Agreements* (Enugu: Fourth Dimension, 2023), 5.

⁴⁴ *ASUU v. FG* (2022) LPELR-57821(CA), 25–26.

At the heart of the crisis is the repeated failure of government to honour collective bargaining agreements signed with labour unions.⁴⁵ Prominent among these are the prolonged disputes involving the Academic Staff Union of Universities (ASUU), the Joint Health Sector Unions (JOHESU), and the Nigerian Union of Local Government Employees (NULGE).⁴⁶ In each case, collective agreements are routinely reached following extensive negotiations, only to be shelved, delayed, or selectively implemented by the government. This pattern of non-compliance erodes confidence in the system and normalizes industrial action as a means of enforcement.

Furthermore, the crisis of implementation is aggravated by weak monitoring and accountability mechanisms.⁴⁷ Once agreements are signed, there is rarely a functional structure for periodic review or enforcement.⁴⁸ The Ministry of Labour and Employment lacks a statutory mandate to compel implementation, while the National Salaries, Incomes and Wages Commission (NSIWC) struggles with inter-agency coordination.⁴⁹ Even where budgetary allocations are made, funds are often delayed or reprogrammed without consultation, deepening mistrust and volatility.⁵⁰

The role of political leadership is also central to the implementation gap.⁵¹ Employment disputes in the public sector are often politicized, with state actors prioritizing electoral timelines or fiscal populism over long-term institutional stability.⁵² Governments routinely delay negotiations until industrial actions become imminent, then hastily sign agreements as a temporary measure to restore calm only to renege once public pressure subsides.⁵³ This short-termism and reactive governance approach erode credibility and institutional legitimacy.⁵⁴

Moreover, Nigeria's fiscal federalism complicates the situation.⁵⁵ While many collective agreements are negotiated at the federal level, their implementation often requires the cooperation of state governments, especially where salary structures or infrastructural upgrades are involved.⁵⁶ However, states frequently cite financial incapacity or policy autonomy to resist enforcement, creating fragmentation in the treatment of workers across regions.⁵⁷ The absence of binding enforcement mechanisms for vertically integrated agreements fosters inconsistency, legal ambiguity, and systemic delays.⁵⁸

⁴⁵ ILO Committee on Freedom of Association, Complaint against Nigeria (Case No. 3342) (Geneva: ILO, 2021), para. 45.

⁴⁶ National Industrial Court, "Compendium of Labour Disputes 2015–2022" (Abuja: NICN, 2022), 33.

⁴⁷ Public Accounts Committee, "Hearing on Wage Allocation Compliance" (Abuja: National Assembly, 2022), 9.

⁴⁸ NSIWC, "Annual Report 2021" (Abuja: NSIWC, 2022), 11.

⁴⁹ *NULGE v NSIWC* (2020) 15 NWLR (Pt. 1747) 210.

⁵⁰ Budget Office of the Federation, "Budget Implementation Report 2022" (Abuja: BOF, 2023), 17.

⁵¹ P D Ocheje, "Political Economy of Labour Disputes in Nigeria," *Governance* 35, no. 4 (2022): 1102.

⁵² The Punch, "ASUU Strike: Political Will Lacking," 15 August 2022, 12.

⁵³ ASUU, *Press Release on Reneged Agreements* (Lagos: ASUU, 2022), 3.

⁵⁴ World Bank, *Nigeria Public Expenditure Review* (Washington, DC: World Bank, 2023), 32.

⁵⁵ *AG Federation v AG Lagos State* (2013) 16 NWLR (Pt. 1380) 31.

⁵⁶ *NULGE v. Governor of Kano State* (2021) 7 NWLR (Pt. 1774) 210.

⁵⁷ Revenue Mobilisation and Fiscal Commission, Report on State Finances (Abuja: RMAFC, 2022), 8.

⁵⁸ O O Olatunji, "Intergovernmental Labour Coordination in Nigeria," *Federal Governance* 19, no. 1 (2023): 45.

4. Comparative Institutional Models: Global Best Practices in Employment Dispute Resolution

In addressing the systemic failures of Nigeria's employment dispute resolution mechanisms, it is imperative to draw from comparative institutional models that have demonstrated resilience, efficiency, and fairness in managing public sector employment disputes.⁵⁹ Jurisdictions such as the United Kingdom, South Africa, and the United States offer compelling frameworks specifically the Advisory, Conciliation and Arbitration Service (ACAS), the Commission for Conciliation, Mediation and Arbitration (CCMA), and the Federal Mediation and Conciliation Service (FMCS), respectively. These institutions function with a high degree of independence, statutory authority, and procedural innovation.⁶⁰ They serve as instructive examples of how dispute systems can transition from reactive litigation-based models to proactive, dialogue-driven mechanisms anchored in early intervention and mutual respect.

4.1 The United Kingdom's Advisory, Conciliation and Arbitration Service (ACAS)

Established in 1974, ACAS is an independent, publicly funded body tasked with improving workplace relationships through conciliation, arbitration, and advisory services. Its legal foundation lies in the Trade Union and Labour Relations (Consolidation) Act 1992, which grants ACAS statutory authority to intervene in individual and collective labour disputes. What distinguishes ACAS is its commitment to early resolution, neutrality, and its reputation as a credible, non-partisan body.⁶¹

ACAS operates with a mandate to provide impartial advice to both employers and employees. It deploys early conciliation mechanisms, which require disputing parties to engage with ACAS before lodging a tribunal claim. This pre-emptive approach has significantly reduced the number of formal cases reaching employment tribunals.⁶² In 2021–2022 alone, ACAS handled over 500,000 calls and resolved tens of thousands of disputes through early intervention.

ACAS also publishes codes of practice and guidance on employment issues, thereby contributing to legal clarity and workplace best practices. Its model ensures that dispute resolution is not merely reactive but embedded in broader efforts at education, prevention, and systemic reform. Importantly, ACAS decisions, while non-binding, are influential in tribunal decisions and carry considerable weight.⁶³

For Nigeria, ACAS offers a blueprint for establishing an autonomous employment dispute resolution body, distinct from political and ministerial interference. The emphasis on early conciliation and institutional credibility is particularly relevant in addressing Nigeria's protracted public sector disputes.⁶⁴

⁵⁹ R Blanpain, *Comparative Labour Law and Industrial Relations* (Alphen aan den Rijn: Kluwer, 2022), 210.

⁶⁰ T Hanami, *Comparative Labour Law: Industrial Relations in Industrialized Market Economies* (Tokyo: Japan Institute of Labour, 2019), 143.

⁶¹ ACAS, Annual Report 2021/22 (London: ACAS, 2022), 4.

⁶² Ministry of Justice (UK), Employment Tribunal Statistics 2022 (London: MoJ, 2022), 7.

⁶³ *Lock v. Cardiff Railway Co.* [1998] IRLR 358.

⁶⁴ ILO, ACAS as a Model for Developing Countries (Geneva: ILO, 2020), 8.

4.2 South Africa's Commission for Conciliation, Mediation and Arbitration (CCMA)

The CCMA, established under the Labour Relations Act 1995, is an independent statutory body designed to promote fair labour practices through conciliation, mediation, and arbitration. It is empowered to resolve both individual and collective disputes and is widely lauded for its accessibility, efficiency, and legal authority.⁶⁵

What sets the CCMA apart is its compulsory conciliation process for disputes of right, particularly unfair dismissals and wage disagreements. Where conciliation fails, the matter proceeds to arbitration or the Labour Court. The CCMA's structure allows for swift timelines: conciliation is expected to occur within 30 days of referral, and arbitration within 60 days.⁶⁶

The CCMA also administers sector-specific bargaining councils and supports workplace forums for dispute prevention. It maintains a searchable database of awards and decisions, promoting transparency and consistency. In 2020–2021, it handled over 140,000 cases, with resolution rates exceeding 70% in early stages.⁶⁷

Nigeria's employment dispute environment can draw from the CCMA's institutional design. The CCMA demonstrates how statutory independence, time-bound processes, and decentralized dispute centers can enhance trust and reduce strike frequency. For Nigeria, especially within federal and state contexts, adopting a decentralized mediation system may improve responsiveness and reduce bureaucratic delay.⁶⁸

4.3 United States Federal Mediation and Conciliation Service (FMCS)

The FMCS was created in 1947 through the Taft-Hartley Act to provide voluntary mediation services in labour-management disputes. It functions as an independent government agency and is noted for its strategic focus on relationship-building, conflict prevention, and high-stakes mediation in essential services, including transport and healthcare.⁶⁹

4.4 Strategic Insights and Reform Pathways for Nigeria's Employment Dispute System

Comparative analysis of ACAS, CCMA, and FMCS reveals several critical lessons for Nigeria's employment dispute regime:

1. **Institutional Independence:** All three bodies operate independently of ministerial control, which enhances their neutrality and public trust. Nigeria's current reliance on politically supervised agencies undermines the legitimacy and predictability of dispute outcomes.⁷⁰
2. **Early Intervention and Conciliation:** Mandatory or incentivized pre-dispute conciliation, as seen in ACAS and CCMA, reduces the caseload of formal adjudication bodies and preserves employment relationships. Nigeria's system still treats dispute resolution as an event rather than a process.⁷¹

⁶⁵ CCMA, *Annual Report 2021/22* (Johannesburg: CCMA, 2022), 5.

⁶⁶ CCMA, *Rules and Procedures* (Johannesburg: CCMA, 2021), Rule 14.

⁶⁷ CCMA, *Annual Report 2021/22*, 10.

⁶⁸ ILO, *CCMA Case Study for Africa* (Geneva: ILO, 2021), 12.

⁶⁹ FMCS, *Annual Report 2022* (Washington, DC: FMCS, 2023), 4.

⁷⁰ O O Olatunji, "Political Interference in Nigerian Labour Institutions," *Governance* 36, no. 1 (2023): 112.

⁷¹ National Industrial Court, "Case Statistics Report 2022", 11.

3. **Time-Bound Procedures:** The CCMA's emphasis on short, defined timelines is crucial in avoiding the protracted nature of Nigerian disputes. Delays in Nigeria often stretch into years, eroding confidence in the system.⁷²
4. **Decentralised Access:** Both CCMA and FMCS operate through decentralized offices, making dispute resolution accessible to local and rural workers. Nigeria's dispute mechanisms remain overly centralized in Abuja and a few zonal centers.⁷³
5. **Transparency and Institutional Memory:** Regular reporting, published case law, and searchable databases help preserve consistency and institutional learning in CCMA and ACAS.¹⁹⁴ Nigeria lacks a reliable archive or database of resolved disputes, leading to repetition of errors.⁷⁴
6. **Capacity Building and Preventive Education:** FMCS and ACAS integrate workplace education, negotiation training, and capacity development into their core mandates. Nigeria's institutions are yet to invest seriously in preventive labour education for public officials and union leaders.⁷⁵

5. Recommendations for Strengthening Nigeria's Employment Dispute Resolution Framework

The preceding sections have illuminated Nigeria's chronic weaknesses in employment dispute management, particularly in the public sector, where the erosion of trust, institutional paralysis, and poor implementation of agreements have resulted in recurrent disruptions.²⁰⁰ These systemic failures call for deliberate, multidimensional reforms anchored in both legislative and institutional realignment. This section identifies strategic imperatives for overhauling the existing framework to build a more responsive, transparent, and sustainable dispute resolution system.⁷⁶

5.1 Establishment of an Independent National Employment Dispute Resolution Commission

A major weakness in Nigeria's employment dispute system is the absence of an independent, professionally managed body dedicated solely to employment disputes. The current framework relies on ministerial intervention, which compromises neutrality and increases politicization. Establishing a National Employment Dispute Resolution Commission (NEDRC) would mirror successful institutions like South Africa's CCMA and the UK's ACAS. The Commission would possess the authority to conciliate, mediate, arbitrate, and monitor the implementation of collective agreements across both public and private sectors.⁷⁷

5.2 Legislative Reform and Harmonization

Nigeria's legal framework for labour and dispute resolution is outdated, fragmented, and inconsistent with international best practices.²¹⁰ Key statutes such as the Trade Disputes Act, Labour Act, and Public Service Rules require urgent amendment.²¹¹ The Arbitration and Mediation Act 2023, although progressive, does not adequately cater to employment-specific mediation in the public sector. A harmonized legislative framework must clarify timelines, enforceability of mediation outcomes, and the binding nature of collective agreements.⁷⁸

⁷² *ASUU v FG* (2022) LPELR-57821(CA), 32.

⁷³ Federal Ministry of Labour and Employment, Zonal Office Review (Abuja: FML&E, 2021), 5.

⁷⁴ ILO, "Diagnostic Report on Nigeria's Labour Administration System", 31.

⁷⁵ Tripartite Committee on Labour Law Review, Report, 15.

⁷⁶ World Bank, *Institutional Reform Options for Nigeria* (Washington, DC: World Bank, 2023), 19.

⁷⁷ ILO, Recommendation No. 163 on Collective Agreements, Art. 6.

⁷⁸ UNCITRAL Model Law on International Commercial Mediation (2018), Art. 14.

Nigeria should also domesticate core ILO conventions on collective bargaining, freedom of association, and dispute resolution. By aligning domestic law with treaty obligations, Nigeria can improve clarity, reduce legal ambiguities, and reinforce the credibility of its dispute mechanisms.⁷⁹ Codifying the right to strike, outlining the role of unions, and strengthening the status of mediation outcomes will close many existing legal loopholes.

5.3 Mandatory Pre-Dispute Conciliation and Mediation

A proactive dispute prevention model demands compulsory conciliation or mediation before parties escalate disagreements to strikes or litigation.⁸⁰ This model has proven effective in multiple jurisdictions. In Nigeria, public sector disputes frequently bypass early resolution attempts, leading to prolonged disruptions. Mandating structured conciliation and mediation facilitated by trained professionals could significantly reduce the number and severity of work stoppages.

Incentives such as expedited timelines, cost savings, and legal recognition of mediated agreements should be integrated into procedural rules, particularly at the National Industrial Court of Nigeria (NICN). The institutionalization of ADR mechanisms would contribute to a shift from adversarial litigation to interest-based problem-solving.⁸¹

5.4 Establish a National Employment Dispute Resolution Commission (NEDRC)

The creation of an autonomous and statutorily backed National Employment Dispute Resolution Commission (NEDRC) would mark a turning point in Nigeria's management of industrial relations. This Commission should function independently of ministerial influence, with decentralized offices across geopolitical zones and jurisdiction over disputes involving both public and private sector employees. Its mandate should include early intervention, structured conciliation, institutional mediation, and binding arbitration where applicable.⁸² The institutional model could draw inspiration from South Africa's CCMA or the UK's ACAS, while being tailored to Nigeria's federal structure and administrative capacity.

5.5. Institutionalize Mandatory ADR Mechanisms

Alternative Dispute Resolution (ADR) mechanisms must become mandatory first steps in resolving employment disputes. Prior to any industrial action or litigation, parties should be required to undergo structured conciliation and mediation supervised by an independent third party. This approach will reduce the incidence of prolonged strikes and promote resolution without costly court processes. Legislation should provide enforceable deadlines, formalize the status of conciliation agreements, and penalize parties that frustrate the process without just cause.⁸³

6. Conclusion

This paper has examined, through a critical legal and institutional lens, the persistent failure of Nigeria's employment dispute resolution framework, with particular focus on the public sector. It identified core structural and legal deficiencies, including outdated labour laws, ineffective dispute

⁷⁹ *Abacha v. Fawehinmi* (2000) 6 NWLR (Pt. 660) 228.

⁸⁰ Labour Relations Act 1995 (South Africa), s. 135(1).

⁸¹ R Fisher and W Ury, *Getting to Yes* (New York: Penguin, 2011), 42.

⁸² ACAS, Annual Report 2021/22, 6.

⁸³ Trade Disputes Act (Amendment) Bill 2023 (Proposed), s. 9B.

resolution procedures, inconsistent implementation of agreements, and the lack of a centralized, independent dispute resolution authority. These systemic challenges have created a volatile industrial relations environment, with recurrent strikes, poor service delivery, and eroded public trust in state institutions.

One of the key insights from this inquiry is that the breakdown of employment relations in Nigeria reflects a much deeper governance crisis, one in which the state has consistently failed to honor its obligations under collective agreements and constitutional provisions. The recurring strikes by academic staff, judiciary workers, and health sector unions underscore the ineffectiveness of existing laws such as the Trade Disputes Act and Labour Act, both of which are relics of a bygone era and no longer suited to contemporary realities.

As illustrated through comparative analysis of best-practice jurisdictions like the UK's ACAS, South Africa's CCMA, and the US's FMCS, institutional independence, early dispute intervention, structured conciliation, and legal enforceability are the hallmarks of an effective employment dispute system. These countries have demonstrated that dispute resolution mechanisms must not only be legally sound but institutionally robust and socially responsive.⁸⁴ In contrast, Nigeria's current regime remains entangled in political interference, under-resourced bureaucracies, and weak enforcement frameworks, all of which contribute to persistent industrial disharmony.

The strategic imperatives articulated in this paper propose a multidimensional reform blueprint aimed at transforming Nigeria's employment dispute resolution landscape. These include the establishment of an independent National Employment Dispute Resolution Commission (NEDRC), legislative harmonization of labour and ADR laws, mandatory ADR mechanisms, digitalization of dispute resolution processes, coordinated federal-state labour governance, and enhanced stakeholder engagement. Each of these measures is designed to address specific fault lines in the current framework while collectively advancing the goal of a fair, efficient, and just labour dispute system.

It must be emphasized, however, that legal reform alone is insufficient. The political economy of labor relations in Nigeria is fraught with mistrust, rent-seeking behavior, and institutional inertia. Ministries often treat dispute resolution as an ad hoc crisis-management function rather than a core governance obligation. Likewise, many unions have adopted a reactionary posture, relying on strikes as the primary tool for negotiation in the absence of effective institutional mechanisms. Addressing this complex terrain requires more than statutory change it demands a shift in institutional culture, political incentives, and policy priorities

⁸⁴ FMCS, Annual Report 2022, 6.