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Trade Dispute Adjudication and Trade Unions' Satisfaction of Justice Served in the Nigerian Oil and Gas Industry

Ugochukwu .U. Ikeije[1*], Chinegbonkpa H. A. Nwakanma[1], Mary .I. Johnpedro[2]

[1]Department of Industrial Relations and Personnel Management, College of Management Sciences, Michael Okpara University of Agriculture, Umudike, Umuahia, Abia State, 440001, NIGERIA

[2]Department of Government and Public Administration, Faculty of Social Sciences, Abia State University, Uturu, Abia State, 440001, NIGERIA

*Corresponding Author

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Abstract: This study examines the impact of trade dispute adjudication on the trade unions' satisfaction of justice served in the Nigerian oil and gas industry. This study employs a survey research design, involving the use of in-depth-interview of the officials of the major unions in the oil industry. The population was National Union of Petroleum and Natural Gas Workers (NUPENG) and Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN) officials. The sample was drawn from the trade union officials of five selected oil and gas companies in Nigeria using purposive and stratified random sampling techniques. The purposive sampling technique was used in selecting the secretaries of the unions, whereas stratified random sampling technique was used in electing other officials. Fourteen (14) officials were drawn from NUPENG and sixteen (16) officials were drawn from (PENGASSAN) for the purpose of the interview. The study found that not less than 74% of the trade unions' officials are not very satisfied with the justice served by the National Industrial Court as they reported that the process of adjudicating trade disputes in the oil and gas industry is frustrating, costly and time-consuming. Based on this finding, it was recommended that the Government should enhance the level of satisfaction of the trade unions with the justice served by the National Industrial Court by avoiding unnecessary interference with the processes of adjudication and making the process faster and less expensive in delivering judgement.

Keyword: Trade dispute, adjudication, satisfaction, oil and gas industry, national industry court

1. Introduction

The deregulation of the Nigerian oil industry produced three categories of operators: operators in the upstream segment, downstream segment and the service segment. The upstream segment of the industry is involved in the exploration, mining, production and exportation of crude oil. International oil companies such as Chevron, Shell, Agip, Elf, Texaco, and Esso-Mobil constitute the major operators in the upstream segment. The operators in the downstream segment are concerned with the activities of refining the crude oil as well as distributing the products. The operators in the downstream segment also build petrochemical plants and fuel stations in various locations in the country through which they carry out the operations of distributions of the products. The operators in the service segment carry-out various support services in the form of technical and consultancy services for the operators in the upstream segment. The Nigerian National Petroleum Corporation provides the regulatory framework for the activities of the operators (Onwe, 2014).

In the course of its operations, the Nigerian upstream oil companies employ different categories of employees such as regular employees, labour contract employees, service contract employees and casual employees. The regular

*Corresponding author: uu.ikejie@mouau.edu.ng

workers are the permanent workers with permanent employment agreements, who may be the local people or workers from other nationalities. The permanent employees are divided into three categories made of management staff, senior staff and junior staff. In terms of numbers, the management staff are relatively small but slightly larger than the junior employees as they made up 10% to 15% of the permanent workforce. The senior employees constitute the largest proportion (75% to 80%) of the entire permanent workforce. The percentage of the junior employees to the entire permanent workforce is about 5% to 10%. The senior employees are members of the Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN), while the junior workers are members of the National Union of Petroleum and Natural Gas Workers (NUPENG) (Imafidon, 2009). Besides workers whose contracts of employment are regular, the oil companies also engage workers whose employment contracts are non-standard such as contract staff, casual workers, part-time and temporary workers. The regular workers and the non-standard workers are under different kinds of conditions of service and are paid different wages. While the regular employees are entitled to certain allowances and benefits such as medical allowance, housing allowance, sick leave, maternity leave among others, the non-standard workers within the industry do not enjoy these benefits.

Due to this observed differentials in the reward system in the oil and gas upstream segment, there appears to be an increasing discontentment among the workers which has affected the nature of employment relationships within the industry. This situation has also resulted in a significant increase in trade disputes between the trade unions and the management of the oil companies (Onwe, 2014). Particularly, there has been increasing cases of trade dispute between the trade unions and the management of oil companies over labour contract agreements. Some of these trade disputes which could not be settled by non-adjudicatory mechanisms (such as collective bargaining, mediation, conciliation and arbitration) are referred to National Industrial Court (NIC) for adjudication.

The oil companies in Nigeria are facing a number of challenges which they are grappling with. The quest for solutions to these challenges is one of the reasons for the introduction of the Petroleum Industry Bill (PIB), which recently have been signed into law. As observed by Ogbeifun (2008), some of these challenges confronting the oil industry in Nigeria relate to the nature of the employment contract or arrangement which often result in unfair labour practices. Some of these employment issues include abuse of the quota for foreign nationals in the industry, delay in implementation or non-implementation of the collective agreement, the use of non-standard workers and increasing use of service providers, all of which affect union density and bargaining strength. As such the unions have always condemned these practices which often resulted in face-offs or disagreements between them and the management. The overall effect of these disagreements is an increase in the rate of the trade dispute in the oil industry. Thus, from 2005 to 2018, not less than sixty-four (64) cases of trade disputes bordering on both interests and rights disputes in the oil industry were reported to the Ministry of Labour and Employment (Ministry of Labour and Employment Record, 2005-2018).

Thus, in a brief meeting between representatives of the Federal Government of Nigeria and the leadership of the unions in the oil industry held on July 21, 2016, there was a consensus resolution that the matters responsible for incessant trade disputes in the industry that should be addressed are: "anti-labour practices and unfriendly management disposition to trade unions in the industry; engagement of Labour Contractors without recruiters' license; non-payment of terminal benefits and other remunerations to members of the trade unions; unilateral termination of Contract of Employment of members of the trade unions; non-implementation and renewal of collective bargaining agreement in member companies in the industry; and unilateral lock-outs and strikes by Management and Branch Unions". In a bid to tackle these increasing rates of trade disputes across various sectors, including the oil and gas industry, the government over the years, has responded to labour disputes by enacting legislation to deal with these trade disputes. Such effort was first seen in the 1941 Trade Dispute (Arbitration and Inquiry) Ordinance which was enacted to facilitate government intervention on labour disputes if and when the internal joint machinery for dispute settlement has failed. However, there have been changes in legislation, especially with various amendments to the Trade Dispute Act. The Trade Dispute Degree, 1976 established the National Industrial Court (NIC) to adjudicate labour matters. Since then, there have been other amendments to this statutory instrument for settling trade disputes in Nigeria. Specifically, the Trade Union Act, 2005 introduced changes from compulsory union membership to voluntary union membership. Part of this is the enactment of the National Industrial Court Act, 2005 and the National Industrial Court Act 2016, with some amendments (Anyim, 2009). All these amendments have introduced changes to trade dispute settlement machinery. Especially, the enactment of the National Industrial Court Act has conferred on the Court the status of a court of the last jurisdiction regarding labour disputes and industrial relations matters in the country. Often, most cases that could not be settled using non-adjudicatory mechanisms are referred to the National Industrial Court to adjudicate. However, there has been mixed reactions regarding the operations of the National Industrial Court in trade disputes adjudication in various sectors as well as the oil and gas sector. In other words, how well the court is performing in discharging these duties have been a matter of concern to trade union members. Therefore, this paper aims to examine the impact of trade dispute adjudication on the trade unions' satisfaction of justice served in the Nigerian Oil and Gas industry.

2. Literature Review

2.1 Conceptual Review

Adjudication is a process where a court of competent jurisdiction considers matters in a dispute brought before it and gives an unbiased verdict over the rights and obligations of the disputing parties. International Labour Organization (2013) recognised adjudication as the official and lawful method to the settlement of trade disputes. Here, the parties in dispute hand over the dispute to a specialised court or labour tribunal that has jurisdiction or power to declare final judgement on the dispute. This follows a formal process in line with the provisions of the law, and sometimes places financial obligations on the parties and produces judgement that results in a win-win situation for the parties in dispute. In Nigeria, the sole responsibility of adjudicating over trade disputes lies with the National Industrial Court (NIC) which is a specialised court. Before the establishment of the court by Decree No. 7 of the Trade Dispute Act, 1976, cases on trade disputes were entertained by ordinary courts. However, before 1976, disagreements on employment issues in Nigeria were treated as a feature of the common law of employment agreement and were entertained in the standard civil law courts. Notwithstanding, because of the oil boom and the ensuing fast development in business and industrial activities, work issues turned out to be more mind-boggling than the ordinary courts could agreeably handle and therefore, the government chose to set up a different apparatus for resolving disagreements on employment matters (Borishade, 1990). Although NIC exists to adjudicate trade disputes, it can only resolve trade disputes submitted to it by the Labour and Employment Minister. Such dispute is expected to have gone through conciliation and arbitration. It is only when conciliation and arbitration have failed in resolving the dispute that the honourable Minister can refer it to the National Industrial Court for adjudication. Thus, parties to a trade dispute are restricted from appealing directly to the National Industrial Court and can only do that when the case involves interpretation of the award of the National Industrial Court or the terms reached through bargaining.

2.2 The Nature of Trade Disputes in Oil and Gas in Nigeria

Trade disputes in the industry often times takes the form of a right dispute or interest dispute. Interest dispute (conflict of interests) concerns disagreements in collective bargaining arising out of the negotiation of new agreements on working requirements and conditions or the rekindling of the ones that have expired. While rights disputes involve suspected breach of rights already established in contract of employment or agreements (Otobo, 1997). The Trade Dispute Act No 7 of 1976, section 37 defines a dispute "as any conflict between the employers and workers or between workers which are connected with the employment or physical conditions of work of any person." However, Otobo (2007) pointed out that what makes-up rights disputes at a particular time would depend on, in addition to other factors, the process of production, the kind of workgroup involved, and approaches of management. Typically, the oil and gas industry is involved in the exploration and production of crude oil and therefore has work arrangements with established procedures and agreements in relation to both substantive and procedural issues. Although the majority of trade disputes in this industry come from disputes over rights as these inevitably arise during daily production, however, certain nature of the disputes arise out of interest in agreeing to terms and conditions of service.

The following argument is further buttressed by Fajana (2005) when he identified the following right and interest issues as the causes of the trade dispute in the oil and gas industry:

i. Inability to honour the employment conditions agreed in collective bargainings such as non-payment of wages, demands for back pay, entitlements or early retirement allowance;
ii. Workers' agitation to be involved in the company's decision-making process;
iii. Job losses arising from company restructuring exercise; and
iv. Concerns among Nigerian employees that oil firms have a preference for employees from other nationalities (expatriate) without minding that there are qualified Nigerian workers who can equally do the job.

Generally, issues that constitute right dispute in the industry are negotiated through the instrumentality of collective bargaining. Negotiated agreements expire at the end of every two years in the industry, and always include a renegotiation clause to allow the actors to review for any eventuality before the end of an already made agreement (Fajana, 2005). Such agreement, according to Fajana (2005), covers such employment issues as the duration of probation, deduction of check-off dues and subscription from workers' salaries/wages, grievance and disagreement resolution steps, and steps for industrial action. Thus, Fajana (2005) further contends that also included in the employment issues are: "preparation for joint consultative committees, disciplinary actions, hours of work, shift work, overtime, public holidays, field allowances, compassionate leave, annual paid leave, medical assistance, sick leave, maternity leave, occupational accidents, funeral assistance, merit systems, wage increases as well as all other allowances, bonuses and leave arrangements."

In addition, trade dispute in the industry has been instigated by non-standard work arrangements and unfair labour practices. Oppressive and repressive forms of employment relations that violate employees' entitlements to a decent job and their rights to form their association manifest in unfair labour practices (Afolabi, 2016). The incidence of casualisation and contract work are affecting the rights of the workers since most of the oil companies do not recognise such rights. Some of the industrial actions involving the trade unions in the industry have been the agitation to

decasualize and recognise the casual and contract workers. According to Okafor (2007), casualisation is a dishonest business practice found in the oil industry; it has developed into a social cankerworm in big business wherein managers tend to legitimize with a great deal of monetary suspicion, which they upheld with counterfeit insights - basically revenue-driven amplification. In the past, this form of work arrangement has been visited with fierce resistance from the workers' organizations in the industry in Nigeria. For example, the resistance against excessive use of casuals/contract employees in the industry became popular in the 1980s and 1990s. As casualisation has increasingly become the main point of contention between oil companies and Nigerian oil workers, it has generated violent crackdowns (Solidarity Center, 2011). In its effort to stop the practice of casualisation, NUPENG embarked on strike in 1991. However, before embarking on this strike, an ultimatum was issued to the Nigerian government to arrest this situation. This strike led to a tripartite meeting involving the representatives of the Nigerian government, employers in the oil and gas industry, and labour-union officers (Akinwale, 2014).

According to the past president of NUPENG, Igwe Achese, part of the conditions that fuel trade disputes in the industry is the incessant maltreatment and enslavement of Nigerian Workers through non-standard work arrangements. He further argued that there is nowhere in the world that you can find the kind of unfair labour treatment and hostile labour environment which workers in the Nigerian oil industry are subjected to by the oil majors in Nigeria (The Guardian, Feb. 3, 2017). According to Afolabi (2016), various organisations in the sector have resorted to perpetuating one type of anti-worker or anti-labour syndrome at the expense of the workers. The workers who are victims of this new pattern of labour utilisation by companies in the industry are often denied unionisation and labour rights in contrast to the International Labour Organization (ILO) four cardinal principles/rights at work (Afolabi, 2016). As a result of unfair labour practices, industrial crisis has become rampant and order of the day as it is the only option left for the workers to protest such cruelties of employment.

2.3 Empirical Review

Having exhausted all the non-legal dispute resolution procedures, which include mediation, conciliation and arbitration, and the disputing parties could not settle their differences, the dispute can be passed on to Industrial Court for adjudication. The NIC has the authority to make a final and binding decision on the disagreement. The NIC has exclusive jurisdiction in civil matters and cases relating to employment, including workers' organisations and industrial relations, environment and terms of employment, workers' health, safety, welfare and matters of industrial relations (NIC Act, 2006 cited in Adejumo, 2008). The court also wields similar authority in matters relating to the approval of any directive to holding back any person or body participating in any work stoppage, lock-out or any industrial action, or any question relating to the elucidation of any negotiated agreement; any decision arrived at through arbitration concerning a trade dispute or an enterprise dispute (NIC Act, 2006 cited in Adejumo, 2008).

However, there have been various perceptions regarding how the National Industrial Court has lived up to its expectations in carrying out these responsibilities according to the provisions of the act establishing it. A study carried out by Anyim (2009) found that in terms of the perception of the participants on the efficiency of dispute settlement mechanisms, the parties hold different opinions on the efficiency of the trade dispute settlement mechanisms and therefore rated the performance of the trade dispute settlement machinery as inefficient. This according to the finding has led to a loss of confidence in the dispute settlement mechanism. A study carried out by Owoseni & Ibikunle (2014) on the Academic Staff Union of Universities (ASUU) view of the Industrial Court (NIC) in entertaining disputes between ASUU and the Federal Government of Nigeria reported that greater percentage (61.2%) of the participants were of the view that National Industrial Court (NIC) is biased in settling issues between ASUU and government. On the issue of the success of NIC in settling disputes between ASUU and the Federal Government, 62.3% declared that NIC was not effective. The report of the study also revealed that Federal Government did influence NIC judgement on ASUU. Given this scenario, 47.9% reported that ASUU is reluctant to approach NIC, even as 55.6% of the participants believed that ASUU lacks confidence in NIC. A study by Anyim (2009) showed that about fifty to sixty percent of cases that go to NIC are decided in more than a year. Furthermore, twenty-five percent (25%) of the cases take between six to twelve months. The condition of the execution of the court's judgement is also not very laudable. Incomplete and hasty execution of judgement creates doubts in the minds of workers and weakens their confidence in the settlement mechanism. Some critics also perceive that adjudication is not an open method and may create rancor among the parties. It tends to promote court cases and reckless behaviour among employers and employees. Little wonder why trade unions over the years are reluctant in seeking remedy at the industrial court in employment disputes with the Federal Government, and this has cast aspersions upon the reliability and usefulness of this court of special jurisdiction over labour matters (Owoseni & Ibikunle, 2014). Thus, Amadi (1999) noted that the idea of relying on the Industrial Court, which is a state agency, may not produce any positive result since from the beginning of the military regime of General Buhari in 1983 through the Babangida era (1985-1993) to the current regime, the industrial court evidently is more a political institution than a judicial one. Perhaps, the industrial court would not want to work against the government's determination in its dealing with trade unions.

Given the foregoing, some authors have perceived the adjudicatory powers of the National Industrial Court (NIC) in making a final award in labour disputes as dangerous and may not guarantee a constitutional right for fair hearing since such awards cannot be appealed (Okene, 2010; Essien, 2014; Fagbemi, 2014). Okene (2010) summarised: "these

procedures are fraught with complexities, ambiguities and outright partisanship of the source of law from which they derive….the most outstanding feature of the procedure for settlement of the industrial dispute, when properly analysed, is their cumbersomeness and the fact that they are weighted against the interest of labour." Thus, Odumosu (1987) pointed out that the fault is not all the time one-sided and that the adjudicatory machinery is by no means perfect.

2.4 Theoretical Framework

This paper is anchored on Ralf Dahrendorf (1959) conflict theory. Dahrendorf located conflict within the relations of authority in the social structure. Dahrendorf's stance is that the steady and recurring patterns of formal authority methodically give rise to social contradictions between the group which have some degree of authority and the group which have not. For him, these relations of authority form parts of social structure which allow the systematic derivation of group conflicts...." Moreover, where there are authority relations, those who have dominant authority are socially expected to control the behaviours of those subordinate to them by ordering, commanding, warning and prohibiting them. According to Haralambos & Holborn (2008), Dahrendorf held that the presence of superordinate and subordinate positions creates an environment where individuals exhibit divergent interests. Those occupying principal (superordinate) positions exhibit an interest in consolidating a social system that enables them to exercise more authority than others. In contrast, those in subordinate positions, on the other part, are interested in challenging the existing social structure and possibly changing it.

Based on his beliefs, Dahrendorf contends that society can be segregated into the "command class" and the "obey class" and class conflict should refer to contradictions between those who possess authority and those who do not possess it (Tittenbrun, 2013). Dahrendorf believed in both agreement and disagreement. This is because without disagreement, there can be no agreement, and even though agreement leads to disagreement, disagreement also leads to agreement. This means that the resolution of one conflict (a situation of consensus) leads to another conflict. Thus, the theoretical framework opted in explaining the nature of conflict within the oil and gas industry derived from the forgoing views as espoused in Ralf Dahrendorf (1959) conflict model. The framework is as follows:

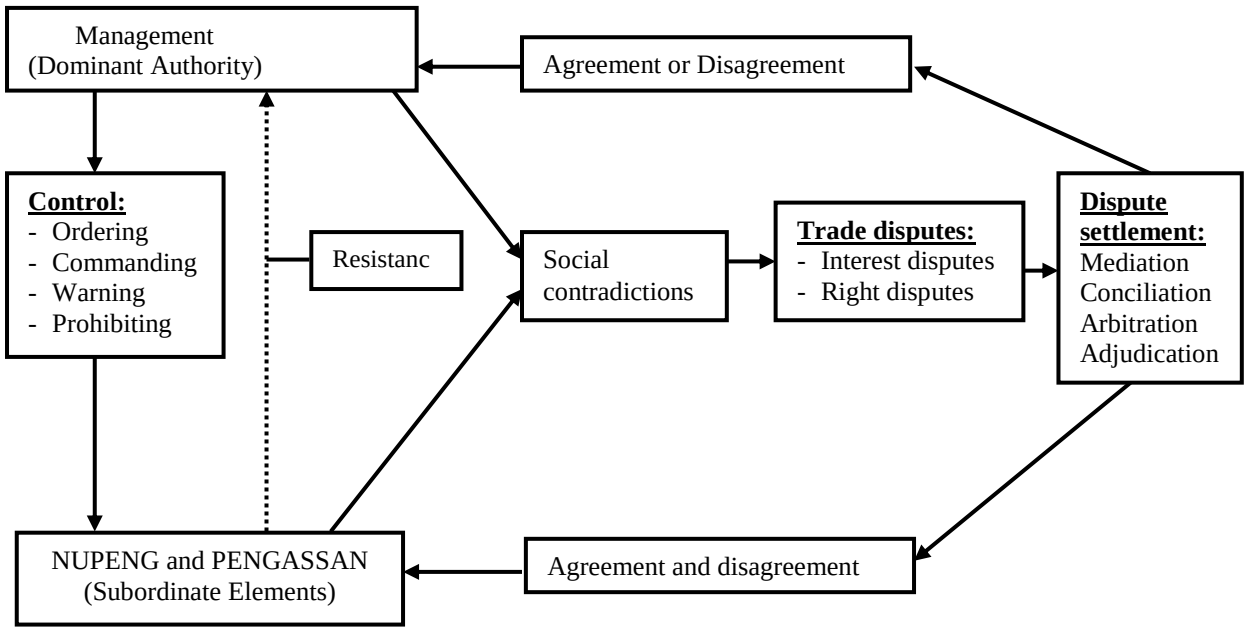

Fig. 1 - Theoretical framework on authority structure, trade disputes and settlement in oil and gas industry in Nigeria

The above theoretical framework captures vividly the situation of trade dispute (which is also a conflict situation) in the oil industry in Nigeria. Within the oil and gas industry, authority structure has been decomposed into different authority structures such as workers' associations, management groups or employers' associations (Ikeije, 2020). The dominant and subordinate elements within the oil industry in Nigeria are the employers (or managers representing them) and the workers' group (represented by their association – NUPENG and PENGASSAN). Each of these elements exercises a certain degree of authority; however, the management group remains the dominant authority and thereby control by ordering, commanding, warning and prohibiting the behaviour of NUPENG and PENGASSAN." In this case, a dispute is inevitable in the unions' bid to counter the authority of the management group which represents the broken line in the framework. In the oil and gas industry, there are various quasi-groups such as casual workers and contract/temporary staff who are not necessarily part of the union, and also interest groups such as trade unions

(NUPENG and PENGASSAN) who want the employers in the industry to accede to their demands. Besides economic interests, other issues which form part of the non-economic interest of NUPENG and PENGASSAN include such issues as abuse of expatriate quota, anti-labour practices and unfriendly management disposition to trade unions in the industry, engagement of Labour Contractors without recruiters' license, and non-placement of Nigerian expert on the same scale with their foreign counterpart.

The exercise of authority by the management and the resistance by the union creates a situation of social contradiction which gives rise to trade disputes. When disputes occur, various types of machinery are deployed to settle the disputes such as mediation, conciliation, arbitration and adjudication. Adjudication is often the last option when other machinery have failed to resolve the trade dispute. However, that does not mean that the parties in dispute will be satisfied with the outcome of the adjudication. Even when it appears that the disagreement has been settled, another dispute of right or interest may arise due to the dissatisfaction of either parties with the outcome of the adjudication. Thus, it appears that the resolution of one conflict generates further or another form of conflict, thereby making the nature of conflict in the oil industry in Nigeria to be in a state of a continuum.

3. Methodology

A survey research design that involved the use of an in-depth-interview was adopted in this study. The interview schedule was developed and used as the instrument for eliciting relevant primary data from the sample population. The interview schedule which was structured and open-ended, allowed the participants the leeway to provide relevant information. The population universe incorporated NUPENG and PENGASSAN officials of the five branches of the selected oil companies (Shell PDC, Schlumberger, Mobile, Total Nig. Plc and Chevron) who are directly involved in negotiation and dispute settlements. The Branch Executive Committee of NUPENG has 12 officials, while the Executive Committee of PENGASSAN, also known as the Central Working Committee (CWC), has 15 officials. There were 60 NUPENG officials in the branches of the selected oil companies and 75 PENGASSAN officials in the branches of the selected oil companies. This brought the total number of officials to 135. The 135 union officials in the oil and gas industry represented the population from where the sample was drawn.

The sample for this study was drawn from among the officials of NUPENG and PENGASSAN in the branches of the selected oil companies in Nigeria. Fourteen (14) officials were drawn from NUPENG while sixteen (16) officials were drawn from PENGASSAN. The sample was drawn in proportion to the number of officials in each union. In all, thirty (30) principal officials were drawn from the branches of the selected five major oil companies. However, for easy identification of the views of the interviewees, codes were allotted to the interviewees. For example, NUP01 represents the first interviewees among the NUPENG officials, while PEN01 represents the first interviewee among PENGASSAN officials.

The study adopted dual sampling techniques, which included purposive sampling technique and stratified random sampling technique. The purposive sampling technique was used in identifying and selecting the union secretaries in the selected oil and gas companies. The justification for this was that the secretaries were custodians of relevant information and documents relating to union administration, negotiated agreements and declared trade disputes and settlements. Therefore, they were in a better position to give relevant information regarding trade dispute settlement in their companies. Stratified random sampling was used in grouping the other union officials alongside their unions and companies, after which they were selected randomly in proportion to the population strength of each company's union officials. This technique gave equal opportunity to the officials other than the secretaries to be selected and removed the tendency of any form of bias in the selection of the sample.

The choice of thirty (30) sample size was due to the fact that this study adopted an in-depth interview technique that was purely qualitative in nature. The sample size of thirty (30) was in line with a recommendation from authorities in the literature. For example, Creswell (1998) suggested that 5 to 25 sample size is adequate for an in-depth interview in a phenomenological study and Morse (1994) suggests at least six. For all qualitative studies, Bertaux (1981) suggested that fifteen is the smallest acceptable sample. In order to select this sample, this study adopted a purposeful sampling technique that aimed at selecting officials who have participated or represented their organisations in trade dispute settlement or negotiation of terms and conditions of service.

The study adopted content analysis in analysing and interpreting the interview questions. In applying this technique, the researcher took time to condense the meaning of the individual views of the participants, developed codes for each condensed meaning, created categories for the participant's responses and developed themes that served as the basis for the discussion of findings.

4. Results and Discussion

The research objective examined the impact of trade dispute adjudication on the trade unions' of satisfaction of justice served. In other words, are trade union officials satisfied with the judgement being handed down to them by the National Industrial Court? Thus, when asked their opinion regarding how National Industrial Court adjudicates trade disputes in the oil industry in Nigeria, there appeared to be a divided opinion. Fifty-eight percent (58%) of the participants were of the view that the judgement of the National Industry Court is skewed against the workers and

judgement takes a very long time before it is delivered. In addition, over 60% of the respondents reported that one of the challenges of the National Industrial Court is that the process is time and money consuming. Specifically, one of the union officials said:

> "the way National Industrial Court adjudicates trade disputes shows the element of bias as it tends to protect the employers against the union, especially when the dispute is between government and workers. The workers are not always satisfied with National Industrial Court judgement because it protects government and employers" (PEN10).

More still, another official said:

> "the court is not totally fair. More credibility still needs to be shown in all cases and not to be partisan especially when cases involving global giants in the oil and gas sector are handled. In such scenarios, they tend to favour these top multinational oil and gas brands more in judgement, killing the spirit of equity and fairness which totally they ought to stand for." (NUP01)

This finding is in complete agreement with Owoseni and Ibikunle (2014) that reported that greater percentage (61.2%) of the research participants maintained the view that the National Industrial Court is biased in settling issues between labour and government. Thus, Anyim (2009) equally reported that National Industrial Court (NIC) is perceived to be ineffective in resolving labour disputes due to its cumbersome and protracted processes.

On the basis of the perceived bias of the judgement of NIC, trade union officials occasionally reject its judgement. It was reported that "over 90% of cases on the workers side loose in the National Industrial Court (NIC). Workers lose cases that ought to be in their favour due to influence on judges which biased their minds against workers. Therefore, most judgments delivered were not fair enough." Fifty-two percent (52%) explained that, "the most challenging issue arising from National Industrial Court is that the affected parties no longer obey judgement. For example, a union official reported that:

> "National Industrial Court has not performed very satisfactorily. There is always apprehension with the judgement of the National Industrial Court. National Industrial Court has not satisfied the expectations of unions in quick resolution of disputes as it takes long legal process and time as well as resources to adjudicate over reported disputes" (PEN11).

In addition, another union official said:

> "considering the Nigerian Judiciary where justice goes to the highest bidder, it affects the workforce greatly and management always has an edge over the union in court cases" (PEN13).

As is always the case in Nigeria, court processes have a lot of delays making it impossible for judgement to be delivered on time. For example, one of the participants said that "adjudication in Nigeria is a painful and tedious process and that most times the award of the NIC is considered a pyrrhic victory" (PEN05). In addition, the participants were asked whether National Industrial Court has been fair to all the parties in trade disputes referred to it in the oil industry in Nigeria. Twenty-six percent (26%) of the officials concurred that the court had tried in maintaining fairness to both parties in dispute.. However, they need to improve, especially in the area of delivering judgement on time. However, 74% of the research participants showed dissatisfaction with the way and manner of dispensing justice in the National Industrial Court. This is because the majority of the interviewed officials maintained the same view that the process of dispensing justice in the court is slow, takes a long time and is very expensive. Specifically, a union official said:

> "the process of adjudication costs a lot of money and also takes a long time before judgement is released. Unions are often frustrated by the court process" (NUP09).
> "the process of adjudication is always time-wasting and costly. It does not guarantee justice" (NUP14)

The foregoing re-echoed the finding of this study which showed that it takes the National Industrial Court a longer time to serve justice. In most cases, reported disputes last more than 12months making the unions to perceive NIC as unreliable. In the case of the Academic Staff Union of Universities (ASUU) and the Federal Government, this feeling is well pronounced. Owoseni & Ibikunle (2014) reported vividly that 47.9% reported that ASUU is reluctant to approach NIC, even as 55.6% of the participants believed that ASUU lacks confidence in NIC. Given this scenario, this study found that the union officials have not always been satisfied with the justice served by the National Industrial Court. Although, Odumosu (1987) pointed out that the fault is not all the time one-sided and that the adjudicatory mechanism is by no means perfect. These scenarios account for the lack of faith that unions often express toward the National Industrial Court.

5. Conclusion

Practically, this paper has revealed that trade unions in the oil and gas industry in Nigeria do not have total confidence in the judiciary arm of government as an unbiased umpire in settling disputes between the union and management. Theoretically, the paper has equally provided a framework for the explanation of the nature of authority relationship, trade dispute and settlement in the oil and gas industry in Nigeria.

Specifically, the results from this study have shown that the process of trade disputes adjudication by the National Industrial Court has not been completely objective. The opinions of the trade union officials in the oil industry regarding the ways and manners of dispensing justice by the industrial court in Nigeria are not in contrast with the views held by unions in other sectors of the Nigerian economy. Thus, a greater percentage (74%) of the officials of the major unions in the oil industry showed dissatisfaction with the way and manner of dispensing justice in the National Industrial Court. Based on this finding, it is recommended that Government should enhance the satisfaction of the trade unions with the justice served by the National Industrial Court by avoiding unnecessary interference with the processes of adjudication and making the process faster and less expensive in delivering judgement.

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