INTRODUCTORY STUDY TO POLITICAL SCIENCE

3rd Edition.

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ISBN: 978-9970-597-14-4

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Published by:

Panamaline Books Distributors Limited

P.O. Box 153557, Kampala, Uganda

Tel: +256-775 152 762/753057 999

Email: *panamalinebooks@gmail.com*

TABLE OF CONTENTS

TITLE… ……(AUTHOR)……PAGENUMBER.

PREFACE..... v

ACKNOLEDGEMENTS.....vi

ABOUT THE AUTHORS.....vii

CHAPTER ONE.....(PROF.E.O.ABAH).....1

INTRODUCTI.ON.....1

CHAPTER TWO...(DR. iFEOMA C. NDEFO).....20

THE STATE, GOVERNMENT AND THE NATION.....20

CHAPTER THREE.....(JOHN WALTER OWINO).....42

POWER AND AUTHORITY.....42

CHAPTER FOUR....PROF E.O.ABAH).....47

CLASSIFICATION OF GOVERNMENT.....47

CHAPTER FIVE.....(DR. IFEOMA C. NDEFO).....56

TYPES OF REGIMES IN MODERN GOVERNMENT .56

CHAPTER SIX.....(JOHN WALTER OWINO).....60

INTERNATIONAL RELATIONS.....60

CHAPTER SEVEN.....(PROF E.O. ABAH).....71

GLOBALIZATION & THE EVOLUTION OF INTERNATIONAL SOCIETY.....71

CHAPTER EIGHT.....(PROF E.O.ABAH).....74

THEORIES OF INTERNATIONAL RELATION.....74

CHAPTER NINE.....(DR. IFEOMA C. NDEFO).....77

INTERNATIONAL POLITICAL ECONOMY.....77

CHAPTER TEN...(JOHN WALTER OWINO).....89

GLOBAL GOVERNANCE AND INTERNATIONAL ORGANIZATIONS.....89

CHAPTER ELEVEN.....(PROF E.O. ABAH).....101

PUBLIC ADMINISTRATION.....101

CHAPTER TWELVE..(DR.IFEOMA C. NDEFO).....118

CHAPTER THIRTEEN.....(JOHN WALTER OWINO).....133

INDUSTRIAL RELATIONS AND LABOR LAW.....133

CHAPTER FOURTEEN....(DR. IFEOMA C. NDEFO).....141

PROCESSES AND PRACTICES IN INDUSTRIAL RELATIONS.....141

CHAPTER FIFTEEN.....(PROF E.O. ABAH).....153

GRIEVANCE HANDLING PROCEDURES.....153

CHAPTER SIXTEEN.....(DR. IFEOMA C. NDEFO).....162

DISCIPLINARY ACTION IN INDUSTRIAL RELATIONS.....162

CHAPTER SEVENTEEN...(JOHN WALTER OWINO)...173

INDUSTRIAL CONFLICTS AND UNRESTS.....173

CHAPTER EIGHTEEN.....(DR. IFEOMA C. NDEFO)....203

JOINT CONSULTATION.....203

CHAPTER NINETEEN.....(PROF. E.O.ABAH).....240

EVOLUTION OF IR'S SYSTEM IN UGANDA.....240
CHAPTER TWENTY.....(DR. IFEOMA C. NDEFO)....262
LABOUR LAW.....262

CHAPTER TWENTY-ONE..(DR. IFEOMA C. NDEFO)...296

INSTITUTIONS IN INDUSTRIAL RELATIONS.....296

CHAPTER TWENTY-TWO....(DR. IFEOMA C. NDEFO).....321

OTHER PLAYERS IN INDUSTRIAL RELATIONS…….321

PREFACE

This book provides a general comparative introduction to the major concepts and themes in political science. For a number of years, I have taught course that attempted to accomplish this aim, and that experience showed me how badly we need a text that is conceptually alive and that engages students with concrete examples for analysis without losing them in clutter of definitional minutiae. That is what I aimed for when I first wrote this book, and I've been very pleased at the response it has elicited.

The title of the book "Introductory study to Political science", reviews politics as (1) the use of power
2) the production of public choice.
The book is written in twenty-two chapters but sub-divided in to four main themes; Political science, International Relations, Public administration and Human Resource Management (Industrial Relations). I think that students who approach this book from a multi-disciplinary background will stand to gain very significantly in their understanding of Political Science.

Prof. Abah, E.O.
Prof. Ifeoma Comfort. Ndefo
Owino, J. W.

ACKNOLEDGEMENTS

I have been very pleased by the responses to this book. It is a wonderful experience to run in to people who have used it and feel that it has helped them.

I benefited greatly from comments by the reviewers of the maiden draft, who will notice many of their suggestions have been incorporated.

I would like to acknowledge my co-authors and my colleagues in the faculty of socio-economic sciences, who provided materials for this book.

Thank you all.

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Ifeoma Comfort Ndefo (PhD, fnipr) is an accomplished Communication and Public relations expert with over 30 years of training and industry experience. She is currently a volunteer lecturer and researcher at the University of the Gambia and a Visiting Professor of Communication at the SUPdeCo University Dakar Dakar, Global Business School

Banjul Campus. Dr. Ndefo holds a PhD in Mass Communication, an MSc in Political Science (International Relations), and a BSc in Mass Communication.

As a distinguished Fellow of the Nigerian Institute of Public Relations and an affiliate of the Global Alliance for Public Relations and Communication Management, Dr. Ndefo has also been recognized as a Fellow of Biovision.Nxt (2007) in Lyon, France. Her international training includes courses in Strategic Communication in Kigali, Rwanda; Agricultural Biotechnology Advocacy in Ghent, Belgium; and Communications and Issues Management in Johannesburg, South Africa. With numerous journalistic and peer-reviewed publications, her research interests focus on public relations, science communication advocacy, political public relations, and new media communication. Dr. Ndefo is married and has children.

John Walter Owino is a Kenyan Member of parliament representing Awendo Constituency in Migori County. In addition to other qualifications, he is graduate student in International Relations and diplomatic studies from Cavendish University, Uganda.

CHAPTER ONE

INTRODUCTION

E. O. Abah

The concept of Political Science

Political Science is defined differently by different scholars. Four definitions will suffice to explain the meaning of Political Science. These include;

1. Political Science can be defined as the study of politics and the way that political power is used in a country.
2. Political Science can be defined as a scientific study of politics. It is the application of empirical and scientific methods to the analysis of political matters.
3. Scholars like Hari Hara Das defined Political Science as a social science focusing on the political behaviour of individuals and groups in the realm of public affairs (Das et al 1997).
4. The American Political Science Association defines political science as the study of governments, public policies and political processes, systems, and political behavior.

Political Science includes a number of fields such as National politics, Comparative politics, International politics, International relations, Political theory and Philosophy, Political ideology, Political economy, Public administration and Public law, Policy studies and analysis and a host of related fields.

Political scientists use both humanistic and scientific perspectives and tools and a variety of methodological approaches to examine the process, systems, and political dynamics of all countries and regions of the world.

What is Politics?

On hearing the word politics, what usually springs to mind are images of government, politicians and their policies or more negatively the idea of corruption and dirty tricks. The actual definition seems to have been obscured and almost lost by such representations and clichés that tend not to pinpoint the true essence, which defines this thing, called politics. Politics is a 'loaded' term. Whereas most people think of, say, religious studies, chemistry, economics, geography, history and physics simply as academic subjects, few people come to politics without preconceptions. Many, for instance,

automatically assume that students and teachers of politics must in some way be biased or are troublesome (Heywood, 2002). To make matters worse, politics is usually thought of as a 'dirty' word meaning trouble, disruption, violence, deceit, manipulation and lies.

What is Politics indeed seems like a simple question to answer. What immediately comes to mind is the kind of activities usually associated with politicians. These include elections, electoral campaigns, legislative/parliamentary debates, speeches by politicians, etc. One also thinks of international
Political activities such as the debate at the United Nations, summit meetings between the heads of state like the recently concluded Common Wealth Heads of State and Governments Meeting (CHOGM) in Kampala Uganda.

Everybody knows about politics but one can argue that nobody understands it. It is like how everybody talks about the weather but nobody does anything about it All of us know that politics affects our lives, but do we realize the full extent of its importance: the cleanliness of the cities and towns, the water we drink, the air

we breathe, the safety of our streets, the health of our old, education – all these are bound up with the political decisions. Indeed, Aristotle felt that the science of politics is the master science on which all other aspects of civilization depend.

In order to make an attempt at a definition of politics a systematic approach is required. To begin with, a brief historical overview will be considered, to understand the origins of politics. The word politics comes from the Greek word *"polis"*, meaning the state or community as a whole. The concept of the *"polis"*was an ideal state and came from the writings of great political thinkers such as Plato and Aristotle. In his novel "The Republic", Plato describes the ideal state and the means to achieve it. Hence, the word politics originally has connotations in the ways in which to create the ideal society. An ideal society is in practice a rather difficult aim and even an impossible aim to achieve. Politics implies measures which could and should, in the views of their devisor, be implemented in the hope to create a better society, than that which is already present. The very fact that Plato and Aristotle saw imperfections in the societies, in which they lived, prompted them to write their political philosophies. These philosophies

provided the first written recognition of politics. In his writings his "The Politics", Aristotle states that "Man is by nature a political animal"(The Politics,) in another words, it lies deep within the instinct of man. It is almost primal. Due to his nature man should consider and realize his role within the *"polis"*. So according to Aristotle Politics is not a dreamt-up concept, but rather an inherent feature of mankind. By the expression that "man is a political animal", Aristotle also meant that the essence of social existence is politics and that two or more men interacting with one another are invariably involved in a political relationship. As men seek to define their position in society, and as they try to influence others to accept their points of view, they find themselves engaging in politics. In this broad sense everyone is a politician.

Political scientists have tried to identify factors which are shared by all forms of political activity and which, therefore might be said to define the essence of politics. There are some universal definitions of politics that have been suggested by political scientists like the great Nigerian political scientist, Okwudiba Nnoli. In his book Introduction to Politics, Nnoli

identifies definitions like politics - the struggle for power, politics – who gets what when and how, politics – the authoritative allocation of values and politics – the governing of men.

Politics – the struggle for power - referring to politics as the struggle for, and exercise of, power and influence in society. It is clear that both the struggle for and exercise of political power and influence in society is a very obvious aspect of political life.

Politics – who gets what, when and how - This was coined by an American political scientist, Harold Lasswell who defined politics as, who gets what, when and how. This definition reflects certain aspects of political reality. It is particularly realistic in describing what goes on in African politics where politicians use access to political office as a means of acquiring wealth. Those of them who control state power use it to divert all kind of resources, including state funds, to themselves their relations, their communities, and their ethnic groups. A politician spends most of his time in scheming and bargaining about what proportion of the national wealth should go to him and his constituency.

David Easton defines politics as the authoritative allocation of values. According to David Easton the study of politics is concerned with the understanding of how authoritative decisions are formulated and executed in society.

Politics has also been defined as the governing of men. In his book, the Governing of Man, (1958), the American political scientist, Austin Ranney, discusses the relationship between those who govern and those who are governed, between the ruler and the ruled. He argues that this relationship is very crucial to political life. To some degree this definition reflects political reality. All contemporary societies have governments. Some people are members of this government and take part in the process of governing, while others, who are not part of it, submit to its will and decisions and constitute the governed or the ruled.

Politics is also seen as the means to creating a more organized and peaceful society, by providing methods to resolve conflict that naturally occurs between men, by means of civil discussion and rational compromise. In this

definition, politics is taken as a particular means of resolving conflict, that is, by compromise, conciliation and negotiation, rather than through force and naked power. This is what is implied when politics is portrayed as 'the art of the possible'. For example, the description of a solution to a problem as a 'political' solution implies peaceful debate and arbitration, as opposed to what is often called a 'military' solution (Heywood, 1997). One of the leading modern exponents of this view is Bernard Crick. In his classic study In Defense of Politics, Crick offered the following definition:

> Politics is the activity by which differing interests within a given unit of rule are conciliated
> by giving them a share in power in proportion to their importance to the welfare and the survival of the whole community.

Today politics is associated with state power. The President is associated with state power while the Archbishop is not. In fact not only the President but also other politicians are directly or indirectly associated with state power. When the President issues a command he does so with the full knowledge of the army, the

police and the bureaucracy, the major instruments of state power, are behind him, ready to enter his service. Thus, politics may be correctly defined as all those activities which are directly or indirectly associated with the seizure of state power, the consolidation of state power, and the use of state power.

Feminists and Marxists have also looked at politics as, quite simply, about oppression and subjugation. These have portrayed politics in largely negative terms. The feminist view is summed up by Kate Millet in Sexual Politics, in which she defined politics as 'power structured relationships, arrangements whereby one group of persons is controlled by another'. This arises from the fact that men have always dominated conventional politics and other areas of 'public' life and women have traditionally been confined to a 'private' sphere of existence, centered on the family and domestic responsibilities. On the other hand, Marxists have looked at politics in a conventional sense to refer to the apparatus of the state. In the Communist Manifesto, Marx referred to political power as 'merely the organized power of one class for oppressing another'.

What is clear in all the above definitions is that politics broadly means activities associated with the process and institutions of government, or the state, but in the context of wider power relations and struggles (Burnell& Randall, 2005).

To sum it all, the study of politics, is the study of government and the use of power and its allocation in society. When we study national politics, we concentrate on the national government, its powers, and the powers of other groups than can influence the national government and its behavior. In Public Administration classes, we learn about governmental administration and the role of civil servants and their organization. The study of international relations, on the hand, focuses on relations among nations and on international laws and organizations. Whatever you study in Political Science, the subject will invariably touch on government.

Political Science as a Science: Is Political Science really scientific?

There is a good deal of controversy over the question whether Political Science can be regarded as a science or not. To settle this

controversy it is necessary to know what science is. Science comes from a Latin world *scientia*meaning knowledge. Science is a systematic knowledge of things. Science can be defined as the study and knowledge of the physical world and its behavior that is based on experiments and proven facts and is organized into a system. It is the process of acquiring knowledge by observing, classifying, measuring and experimenting. Any scientific inquiry uses one or a combination of the following methodologies;

1. Empiricism: This means that any conclusion should be made on the basis of observation or based on real experience or scientific experiments rather than on theory.
2. Experiments: A scientific inquiry is based on experimentation under controlled conditions determined by the researcher and experiments which if repeated will lead to the same results.
3. Measurements: This is the allocation of numerals to specific objects.
4. Objectivity: This implies that the researcher's personal interests should not be reflected in the object being analyzed.

5. Value free: This means that the researcher should be detached from the observation
6. Search for universal general laws and explanations that are relevant across space and time.
7. Scientific inquiry aims at the following objectives;

- Prediction – that is using existing knowledge to predict the likely outcome of a given phenomenon
- Control – using existing knowledge, you can control the occurrence of a certain phenomenon you may not be interested in.

Considering the main characteristics of scientific method let us discuss how far political science is amenable to scientific treatment. Normally all serious studies must be scientific because all conclusions you arrive at must be based on research. In other words all serious study in whateverfields we study must be science because all conclusions must be based on ascertainable facts. However, it has to be conceded that there are reasons why political science cannot be studied scientifically as materials under natural sciences. For instance;

A Political scientist can't come out with exact results in any study that involves

human relations. For example, you cannot tell what human beings will do in a particular situation. Because of the variability of human nature, it is difficult, if not impossible, to draw precise conclusions to make forecasts about it. Any conclusion about human behavior may prove false, for the same may change under the impact of a different set of circumstances.

Political scientists only make generalizations about various economic, social and political issues. Formulation of general laws and views is what a political scientist does.

Most literature in political science tell us what we already know through common knowledge.

It is also extremely difficult to study a human brain. All scientists know that the human brain cannot be comprehended because of its fluidity (it is likely to change)

It is not easy to come up with laws and theories capable of explaining every political phenomenon across space and time.

It is not easy to carry out experiments under controlled conditions determined by the researcher. The objects of study for political scientists are human beings who are relatively difficult to be subjected to

conditions determined by the researcher. Because of the complex nature of humanity, the people you are studying may at the same time be studying you. In other words, we cannot experiment with human society or political order in the way in which a scientist can experiment with physical and chemical substances, and thereby arrive at a particular formulation about political behavior. A nation's behavior for example is not easily predictable.

The researcher is part and parcel of the object being analyzed. So he/she may not be very objective.

Most of the concepts which are central in the study of politics such as power, authority, democracy, freedom, and justice cannot be subjected to measurement. In other words, it is not easy to allocate numerals to a number of concepts used in politics such as power and democracy.

Explanations in scientific inquiry means establishing causal relationships between variables e.g. A causes B like Malaria is caused by Mosquitoes. Explanations in politics are a bit of a problem for a number of reasons, one of which is that political

phenomenon may have multiple causes; you cannot reduce it to a single cause.

Biasness: It is argued that a political scientist unlike a natural scientist tends to be influenced in his or her analysis of politics by his/her social situation. In other words, it is argued that a value free Political Science or social science is almost impossible.

Despite the limitations of political science as a field of scientific inquiry, some people believe the study of politics can be scientific for the following reasons;

1. Political scientists use the same data collection methods like the natural scientists. These methods include sampling which involves a small group of items and taking the group to be a representative of larger group and then studying this small group intensively and then make generalizations.
2. There are general methodologies in the study of politics which are based on the observation of political actions and events that is the study of politics is not speculative. It is based on what exists on the ground. For instance, by a prolonged observation of the international events we can arrive at

general laws and principles governing the conduct of nation states.

3. Comparative politics: This is a methodology in political science which compares similar or different countries and the similarities which exist in the different political systems e.g. for a political system to qualify as a federal system, it should have identifiable characteristics like other federal systems. Likewise for a political system to qualify as a democratic system, it should have similar characteristics like other democratic countries.

4. Prediction: Though not with high levels of accuracy, most of the opinion polls conducted by political scientists are capable of predicting electoral outcomes that is the study of politics may not be as accurate/scientific as the natural scientists, nevertheless the same tools of scientific inquiry are used and what differs is the degree.

5. Many scholars of political science are now adopting empirical method, inductive reasoning and comprehensive testing of deductive hypotheses. Of course, we cannot draw conclusions with mathematical precision in political science, because here, unlike the natural sciences, we are dealing

with purposeful action, and therefore, cannot avoid value judgments. But still we can discover certain truths that are probable. For instance, by studying the decision making process of several nations objectively we can forecast their future behavior with some accuracy.

Why Study Political Science?

- To prepare individuals to think more clearly about themselves and about their relationship with others.
- To be more tolerant of diversity and to be less hasty[2].
- To give reasoned and synthesized solutions to conflicts and problems
- For awareness of what is taking place in the world and then give strategies for political development
- To study the various ways of a society and adopt what is good and leave what is bad.
- To learn how government works.
- To know the various political systems and how they affect the whole behaviour and impact they may have on us.
- Helps us to know our responsibilities and rights in society

There are terms in this world which politicians speak and we may not understand. So we learn these concepts to understand each other.

Helps to sharpen one's thinking to handle certain things effectively and this trains one's

leadership skills.

Political science students can gain a versatile set of skills that can be applied in a wide range of exciting careers in national, regional and local governments; law; business; international organizations; nonprofit associations and organizations; campaign management and polling; journalism; electoral politics; research and university teaching.

Discussion Questions

- Why is it useful to study political science?
- How scientific can we be in our attempt to understand politics?
- Evaluate the meaning of some universal definitions of politics that have been suggested by different political scientists.
- Why has politics so often carried negative associations?
- To what extent is it true to say that politics is about disagreement or conflict?

- Compare and contrast the Feminist and Marxist view of politics
- What did Aristotle mean when he said "man by nature is a political animal"?

Further Reading

1. Heywood A. (2002) Politics, New York: Palgrave Macmillan:

2. Okwudiba N. (1996) Introduction to Politics, Longman Publishing.

CHAPTER TWO

THE STATE, GOVERNMENT AND THE NATION

Ifeoma, C. N.

The concept of the State

Definition

The state is a political association that establishes sovereign jurisdiction within defined territorial borders, and exercises authority through a set of permanent institutions. These institutions are those that are recognizably 'public' in that they are responsible for the collective organization of communal life, and are funded at the public expense. The state thus embraces the various institutions of government, but it also extends to the courts, nationalized industries, social- security system, and so forth. It can be identified with the entire 'body politic'. For the German sociologist, the state was defined by its monopoly of the means of 'legitimate violence' (Heywood, 2002) meaning monopoly of institutions like police, army and prisons.

Key Features of the State

Heywood (2002) outlines some of the key features of the state as listed below;

1. Territoriality: A state is a territorial association, it is geographically defined and it includes all those who live within its borders.

2. Population: The state possesses people who claim certain political and civil rights.

3. Autonomy. On the international stage, the state is regarded (at least in theory) as an autonomous entity.

4. Existence of a government. Every state must have a government that is responsible for public policy making.

The state is an instrument of domination. State authority is backed up by coercion; the state must have the capacity to ensure that its laws are obeyed and that transgressors are punished.

State institutions are recognizably 'public', in contrast to the 'private' institutions of civil society. Public bodies are responsible for making and enforcing collective decisions, while private bodies,

such as families, private businesses and trade unions, exist to satisfy individual interests. The decisions of the state are usually (although not necessarily) accepted as binding on the members of society because, it is claimed, they are made in the public interest or for common good; the state supposedly reflects the permanent interests of society.

Government: Definition

State and Government are two words that are used interchangeably. So how can the concept government be defined?

Government is one of those concepts that we often use and know, but we have difficulty explaining. Like the concept of love, we all know what it is, but we can't easily define it. Government by definition is a group of people responsible for public policy making within the state. Government is that agency of the ruling class which is charged with the responsibility of exercising state power on behalf of the whole class. Simply put, government is the institution and processes that societies employ to organize their affairs and to protect them form internal or external threats (Payne & Nasser, 2003).

Forms of Government

Two basic forms of government are often cited: monarchy and republic. A monarchy is distinguished by having a monarch like United Kingdom, Saudi Arabia and Swaziland. A monarch may be called a king, queen, prince, sultan, emperor or even tsar. A country that has no monarchy can be called a republic like the United States, Uganda and Kenya.

However, this is rather a simplistic distinction. Saudi Arabia is for example very different from the British government. Iraq does not have a king and is a republic, but we probably know that the Iraq and the South African governments though both republican are not alike. Therefore, there is a need for further distinctions among governments besides those of monarchy and republic.

There are different types of monarchies and republics. Among the monarchies, we have;

1. A Limited Monarchy: This is where the monarch's powers are limited to ceremonial functions. Real power for

example in Britain is in the hands of Prime Minister and not the Queen.

2. A Constitutional Monarchy: This has powers that are allocated in the constitution. In such a case, the monarch has real political power, but remains subject to the law. Other governmental institutions check the monarch's powers. The traditional rulers in Uganda like the Kabaka of Buganda are good examples of constitutional monarchs.

3. Absolute Monarchy: This is where the monarchy has absolute power. Here, the monarch is above the law and often makes the law. Prior to the 1789, French Revolution, France for example had an absolute monarch.

There are different types of republics also. They are listed under here;

1. A Dictatorship: This has absolute power vested in a single person who is not a monarch.
2. An Oligarchy: These can be defined as a rule by the few. The term oligarchy came from the old European feudal systems where the nobility ruled. It is now also

applied to military regimes where a junta, or a small group of military officers, is in charge of a country.

3. Democracy: Any republic where the majority rules is said to be a democracy.

Another distinction among governments revolves around the distribution of power. Some countries have power centralized in the national government. Others have decentralized systems. Often, governments that have a decentralized system also have a federal structure.

In summary, although all governments are similar in that they have the power to manage society, they can be very different from each other.

Differences between the State and Government

Government is part of the state and therefore the state is more extensive than government.

The state is an inclusive association that encompasses all the institutions of the public realm and embraces all the members of the community in their capacity as citizens.

The state is a continuing, even permanent entity. Government is temporary: governments come and go but the state remains.

Government is the means through which the authority of the state is brought into operation.

In making and implementing state policy, government is 'the brains' of the state, and it perpetuates the state's existence.

The personnel of state bodies is recruited and trained in a bureaucratic manner and is expected to be politically neutral, enabling state bodies to resist the ideological enthusiasms of the government of the day.

The state represents the permanent interests of society, that is, the common good or general will. Government, on the other hand, represents the partisan sympathies of those who happen to be in power at a particular time.

The Role of the State

To provide a framework of peace and social order within which citizens can conduct their lives as they think best.

To intervene in economic life with the specific purpose of promoting industrial growth and economic development.

To rectify the imbalances and injustices of a market economy. In practice, this boils down to an attempt to eradicate poverty and reduce social inequality.

Diminished Capacity of the State

Although the state has traditionally been regarded as the central feature of political life, its role and significance are threatened by developments that have become increasingly pronounced. These have been brought about by four distinct developments: globalization, the growing importance of international bodies, privatization, and localization.

1. Globalization: This is, broadly, the process through which events and decisions in one part of the world have come to affect people in quite another part of the world for example the recession in the United States of America can have a big effect on other countries as they depend on America economically. A good example is the December 2007 and January 2008 political instability in Kenya as a result of the disputed elections that affected Uganda,

Tanzania, Sudan, Rwanda and the Democratic Republic of Congo (DRC).

2. The growing importance of international bodies such as the United Nations and the European Union (EU). It is clear, for instance that membership of the EU threatens state sovereignty, because a growing range of decisions are made by European states rather than member states.
3. The process of privatization that is shifting responsibilities of the state to private institutions within the nation itself.
4. Localisation: That is the tendency to transfer responsibilities from national or central bodies to a local or community level.

Theories of the State

Heywood (2002) identifies four contrasting theories of the state; the pluralist state, the capitalist state, the leviathan state and the patriarchal state. We shall consider what I consider the two most important theories; the pluralist rooted in the Social Contract theory and the Capitalist state rooted in the Marxist theory.

1. The pluralist theory of the state: The origins of this theory of the state can be traced back to the writings of social-contract theorists

such as Thomas Hobbes and John Locke. The theory stems from the belief that the state acts as an 'umpire' or 'referee' in society. Hobbes and Locke argued that the state had risen out of a voluntary agreement, or a social contract, made by individuals who recognized that only the establishment of a sovereign power could safeguard them from the insecurity, disorder and brutality of the state of nature. Without a state, individuals abuse, exploit and enslave one another; with a state, order and civilized existence are guaranteed and liberty is protected. As Locke put it, 'where there is no law there is no freedom.' In Hobbes view, stability and order could only be secured through the establishment of an absolute and unlimited state, with power that could neither be challenged nor questioned. He held that citizens are confronted by a stark choice between absolutism and anarchy. Locke on the other hand, views the purpose of the state as very specific: it is restricted to the defense of a set of natural or God-given individual rights, namely, 'life, liberty and property'. Since the

state may threaten natural rights as it may uphold them, citizens must enjoy some form of protection against the state, which Locke believed could only be delivered through the mechanisms of constitutional and representative government.

2. The Capitalist state: This represents the Marxist theory of the state. Marxists have always typically argued that the state cannot be understood separately from the economic structure of society. The view is that the state is nothing but an instrument of class oppression; the state emerges out of, and in a sense reflects, the class system. This theory looks at the state as an instrument for the oppression of the exploited class. Accordingly, the state cannot be understood except in a context of unequal class power. Marx believed that the state is part of a 'superstructure' that is determined or conditioned by the economic base, which can be seen as the real foundation of social life.

The overthrow of capitalism would see the destruction of the bourgeoisie state and the creation of an alternative, proletarian one. The proletarian state would eventually repress and

subdue other classes and in that way class antagonisms would fade and the state would wither
away meaning that a fully communist society would also be stateless. Since the state emerged out of the class system, once the class system had been abolished, the state, quite simply, loses its reason for existence.

Comparison of Marxist and Social Contract Theory of State Formation

Similarities

1. According to both theories, the state is not natural. It was not created by God neither did it exist before human beings. It only emerged at a particular point in the history of human existence.
2. According to both theories, the state emerges as a result of social conflict in society. With the Marxist, the conflict is between those with property that is class conflict. According to social contract theory, the conflict is partly over property and partly over interpreting what is right and what is wrong.
3. Both theories are ahistorical. In short both theories cannot be supported with concrete historical facts

Differences

1. According to the social contract theory, the state is a good thing. It is positive and its purpose is to protect life and property. According to Marxism, the state is negative. It is an instrument of exploitation and oppression.
2. According to social contract theory, the state is neutral. It is there for everybody. According to Marxism, the state is not neutral; it is an instrument of class domination by one group over other groups.
3. The Marxist theory predicts the withering away of the state that is the state will come to the end. Social contract theory on the other hand assumes that once the state has been created, it becomes a permanent institution in society.
4. Both theories start with a description of the situation before the state was created. To the social contract, it was a state of nature; to the Marxist it was a primitive communalistic society. According to the social contract theory of Hobbes, state of nature was characterized by conflict and anarchy. According to Marxist theory, the primitive communalistic society was

characterized with harmony, equality and absence of conflict.

5. Both theories agree that conflict was central to the formation of the state. They however disagree on the cause of conflict. According to the social contract theory, the causes of conflict are psychological inherent in human behavior. According to Marxists, they have a materialistic interpretation of conflict; they believe that conflicts are a result of struggle for property.
6. The social contract theory has a static view of the state. It assumes once the state has been formed, it remains the same throughout its existence. The Marxist theory has got the evolutionary interpretation of the state. After its formation the state continues to change from one form to another, from slave state to feudal state to capitalist state and continue to communist state.

Organs of Government

Modern governments generally tend to be organized in terms of the executive, legislative and judicial functions. These are the executive, legislative and judicial functions. Therefore there arethree component arms or substructures of government, namely the Executive,

Legislature, and the Judiciary. The executive arm of government has the responsibility of implementing the decisions arrived at by the legislature. And the judiciary has the task of interpreting these decisions and ensuring that they, as well as the actions of the executive arm and the rest of the society, conform to the laws of the society.

The functions of government

The government is charged with the task of exercising state power on behalf of the ruling class. The most important function in the performance of this duty is to ensure that the hegemony or domination of the class in the society is not only protected but indeed consolidated and perpetuated.

To make regulations governing the activities of all members of the society.

The government seeks to create a stable pattern of expectations in all spheres of the life of the society. The government performs the function of pattern maintenance through 'tension management". It seeks to resolve conflicts in the society in such a way that they do not get out of hand and cause severe difficulties for the hegemony of the ruling class.

To bring people into production under conditions in which they are clearly aware of their role in the production process as well as the roles of other workers.

The distribution of the material rewards of production to the people in the form of social amenities and welfare services is the other function of government.

The government is also supposed to ward off the designs of foreign ruling classes and their societies against the security of the domestic class hegemony, against the lives, property and freedom of the domestic population and against the territorial integrity of the country.

To procure as cheaply as possible external resources urgently and vitally needed for activities in the country but which are lacking locally or which are very expensive to produce locally.

The government must also endeavor to integrate the various elements and sections of the society. Associated with the integration point is the symbolic function of generating loyalty to the regime and government by the manipulation of emotive

symbols like singing of the national anthems and national parades and the salute of the national flag.

Other functions associated with that of integration are those of socialization, political communication, recruitment of political personnel, aggregation of interests expressed within the society, and the function of responsiveness to popular and specialized demands.

Finally, in addition to these functions and the broader executive, legislative and judicial functions of the government, it must also perform another which is directly of interest to it. That is the function of self preservation. Usually the government organizes itself and its activities in such a way as to ensure its continuity in office.

Factors that affect the ability of a government to perform

1. The solidarity of the ruling class: the greater the degree of consensus within the ruling class regarding what is to be done and how is to be done the greater the effectiveness of the government.

2. The degree of governmental control over national resources.
3. The level of mass support of the government.

4. The level of available local resources is important.
5. The level of skills available to a government, including organizational and managerial skills.
6. Alliance potential; the ability of a government to win friends and influence people particularly in the international community enhances it capability.
7. The level of resoluteness of the leaders of the government: The more determined the leaders of a government in executing their programs the mores successful the government will be.
8. Level of good judgment: A government which can quickly and correctly assess issues and events, and correctly identify their implications is likely to be effective.
9. The morale of government officials critically affects governmental performance. Such morale is usually affected by very poor conditions of service, nepotism, bribery and corruption, and interethnic antagonisms.

10. Governmental effectiveness is affected by the government's capacity to sell its programs to the population. A good public relations posture is useful to the population. Finally the capacity of a government to survive in office is in itself an asset.

Defining a Nation

A nation is a historically constituted, stable community of people, formed on the basis of a common language, territory, economic life, and psychological make-up manifested in a common culture.

No obvious technical definition exists, but any working definition in the social sciences would include most of the following criteria. A nation is a body of people who possess some sense of a single communal identity, with a shared historical tradition, with major elements of common culture, and with a substantial proportion of them inhabiting an identifiable unit.

While membership in a state is defined by citizenship, membership in a nation is dependent on the feeling of belonging.

Most states today are nation-states. This means that nations and states have acquired similar boundaries having people identifying with the nation and establishing a state for themselves. As such, one can say that most states are homogenous, or have a single nation within their boundaries. Some states are however heterogeneous. These are states that have more than one nation inhabiting them.

Discussion Questions

1. Does the state control government, or does government control the state?
2. Do globalization and the growing importance of international bodies mean that the state has become irrelevant?

.3. The only justification for the existence of the state is to "stop people fighting each other."

Evaluate the validity of the statement.

4. Compare and contrast John Locke and Thomas Hobbes views on the purpose of the state.
5. Is Uganda a state, a nation, a country or a collection of tribes?
6. Define the concept "State"
7. How different is state from government?

8. What are the functions of government?
9. What explains why most states today are referred to as "nation-states"?
10. What are some of the factors that may affect the ability of a government to perform?
11. Compare and contrast the Marxist and Social-Contract Theories of State Formation

Further Readings

1. Payne R. &Nassar J. R., **Politics and Culture in the Developing World: The Impact of Globalization**, New York: Longman

2. Heywood A. (2002**) Politics**, New York: Palgrave Macmillan

3. Johari J.C (1982) **Comparative Politics**, New Delhi: Sterling Publishers Private Limited

CHAPTER THREE

POWER AND AUTHORITY

John, W. O.

The concept of Power

Power is the "currency" of politics. Power is the tool which enables rulers to achieve collective goals. Max Weber defines power as "chance of a man or a number of men to realize their own in communal action even against the resistance of others who are participating in the action".

For a power relation to exist there must be conflict of interests of values between two or more persons or groups. Secondly, a power relationship exists if a particular individual bows to the wishes of the other. Thirdly, a power relationship can exist only if one of the parties can threaten to invoke sanctions.

Authority

Authority is the right to rule. It exists when subordinates acknowledge the right of superiors to give orders. Robert Dahl defines authority as legitimate power.

Types of Authority

The German sociologist Max Weber provided a path-breaking analysis of the bases of authority

Traditional Authority.

This rests on an established belief in the power of tradition and accepting rulers to rule in accordance with the customs and history.

It is mostly gained from inheritance.

Traditional leaders do not need to justify their authority. However, obedience is demanded as part of the natural order. However, in modern times because of social change, traditional authority is fast losing its grip over society.

Charismatic Authority.

Here leaders are obeyed because they inspire their followers, who credit their heroes with exceptional and even supernatural qualities.

The charismatic leader looks forward, convincing followers that the Promised Land is within reach. The leader's decisions and declarations are seen as solutions to the crisis.

Charismatic leaders are normally seen as inspiring and they emerge in times of crisis and upheaval.

This type of authority usually has its greatest impact on the masses, because it is grounded more on emotion rather than reason.

Charismatic authority is short-lived unless it can be transferred to a permanent office or institution.

Legal-rational authority

This is the opposite of charismatic authority. It means that obedience is owed to principles rather than individuals: in other words government by rules.

The authority is vested not in individuals per se but in the offices they hold and the mechanisms which placed them there. One virtue of legal-authority is that it limits the abuse of power because it derives from the office rather than the person.

This authority is characterized by the political office held by an individual on the basis of constitutional sanction.

Distinction between authority and power

1. Authority means ability to get consent while power means capacity to influence others.
2. Authority is an embodiment of reason while power is not.
3. Authority is based on willing obedience while power is based on force. The exercise of authority is sanctioned by those who approve the particular act and is tolerated by those who disapprove.
4. Authority means legitimate power while power if not backed by law is illegitimate authority.

   In other words, authority is power that is recognized as rightful. Authority is a rule which all accept as valid.
5. Resistance to power is lawful; resistance to authority, unlawful.
6. Power is naked; authority is power clothed in the garments of legitimacy

To sum up, what demarcates authority from power is that the former is power recognized as rightful. Authority is a rule which all accept as valid. Its exercise is therefore sanctioned by those who approve the particular act or agent and is tolerated by those who disapprove. Confronted with power, a citizen has a choice:

whether to support or oppose. Confronted with authority, it is one's duty to obey.

Discussion Questions

1. How different is power from authority?
2. Discuss the role of traditional authority in a modern political setting.
3. How different is legal-rational authority from charismatic authority?

Further Reading

1. Lipson Leslie, (1993) **The Great Issues of Politics: An Introduction to Political Science**, Englewood Cliffs: Prentice-Hall, Inc.
2. Das Hara Hari&Choudhury B.C (1997) **Introduction to Political Sociology**, Vikas PublishingHouse Pvt Ltd

CHAPTER FOUR

CLASSIFICATION OF GOVERNMENT

E. O. Abah

Classification of Governments of Aristotle:

Some writers do not make any distinction between state and government. They use government and state in one and the same sense while giving a classification of states. Modern writers do not agree with this type of classification.

According to them, there can be no classification of states, as all the states are equal in so much as the four attributes-population, territory, government and sovereignty-are essential for all the states. American writer Willoughby is of the view that there can be no classification of states; the states can be classified only on the basis of administration. In fact, the classification of the governments is the classification of the states. State expresses its will through the government. Leacock and Gilchrist also agree

that there should be the classification of governments.

Aristotle's Classification:

Aristotle's classification of states is based on two principles:

(1) The number of persons who exercise supreme power;

(2) The ends they seek to serve self-interest or benefit of the community.

Aristotle was of the view that when the rulers aimed at the good of the community, the states would be a pure form of state. When the rulers in such a state became selfish, the state would be called a perverted state.

Aristotle's classification is given in the following table.

	Normal	Perverted
Rule by one	Monarchy	Tyranny
Rule by a few	Aristocracy	Oligarchy
Rule by many	Polity	Democray

According to Aristotle, if sovereignty resides in one person, it is Monarchy. Its perverted form is Tyranny. If sovereignty resides in a small minority of the population, it is Aristocracy. If this small minority uses the sovereignty for its own selfish ends, it is Oligarchy. If the

sovereign power resides in a large proportion of the population, it is polity. Its perverted form is Democracy.

Aristotle's Cycle of political change:

Aristotle has not only given the classification of states or governments, he has also tried to investigate their development and cycle of change. According to him, change has taken place in all the forms of administration as a natural process, because the forms of state revolve like the wheels of a cycle.

According to him, "The first governments were kingships; probably for this reason, in olden times, when cities were small, men of eminent virtues were few. They were made kings because they were made benefactors and hence benefits could only be bestowed by virtuous men. But when many persons equal in merit arose, against the pre-eminence of one, they formed a Commonwealth and set up a constitution. The ruling class soon deteriorated and enriched themselves out of the public treasury. Riches became the path to honor and hence oligarchies grew up.

They passed into tyrannies, and tyrannies into democracies. The love of gain in the ruling classes always tended to diminish their number and so it strengthened the masses. The masses, in the end, set upon their masters and established democracies".

It is clear from this statement of Aristotle that first of all monarchy war established in the society and the superior person in the society was elected as king. After some time when the kings began to exploit the masses for their selfish ends, tyranny was established.

People did not tolerate this type of administration for long and they gave the sovereign power to a few intellectuals. Thus, Aristocracy was established. With the lapse of time, the character of Aristocracy deteriorated and Oligarchy was established. But the people could not, for long, tolerate a government, the aim of which was the benefit of the ruling class-alone. When opportunity came, citizens as a whole made a successful revolt against such authority and established a Polity, the supreme power being vested in the hands of a large proportion of the population.

It was used by them for the common good, "hen Polity became perverted, it was substituted by Democracy. Democracy degenerates and people rise in revolt against it and thus democracy disappears. Again the people elect a warrior-statesman as their administrator and Monarchy is established. In this way, Aristotle's cycle of political change revolves.

Criticism of Aristotle's classification:

The cycle of political change given by Aristotle is fully corroborated by the history of the Greek city-states. Several examples are available in modern history which proves that anarchy inDemocracy is abolished by a military dictator. For example, General Ayub Khan in Pakistan, Col. Nasser in Egypt, Gursell in Turkey and Ne Win in Burma ended anarchy in democracy.

In spite of all this, the classification given by Aristotle has been criticized as under: (1) Aristotle's classification is unscientific and quantitative:

It is argued that his classification is not based on any scientific principle as it lays emphasis on quantitative rather than qualitative aspect. But this criticism does not hold good Aristotle, being a disciple of Plato, could not ignore its spiritual

aspect. He has emphasized the aim of the state along with his classification. Burgess has rightly said that Aristotle's classification is spiritual rather than numerical.

(2) **Aristotle does not distinguish between State and Government:**

Criticizing Aristotle's classification, Dr. Garner has said, "Aristotle does not distinguish between state and government, with the result that his classification is the classification of states, while it ought to be of governments. This criticism of Aristotle is not justified because the distinction between the state and the government is a modem concept". According to Burgess, "Aristotle's classification is logical and the best, if his words 'State' and 'sovereignty' are substituted with government and Rule respectively".

(3) Aristotle's classification does not cover all the modem forms of Governments:

According to Seeley and Leacock, Aristotle could not conceive the modern 'country-states'. His classification is of small city-states and not of big states. If his classification is accepted, we shall have to place Absolute Monarchy,

Constitutional, Elected and Hereditary Monarchy in one and the same category.

This will bring similarity between the Monarchy as it prevails in Saudi Arabia and Great Britain, while both are not the same. Besides, modern forms of government are Parliamentary, Presidential, Unitary and Federal types. Aristotle's classification does not include and explain these forms of governments.

(4) Democracy is not the worst form of Government:

According to Aristotle, Democracy is the worst form of government and he has used it in the sense of a Rule of crowd. This type of condition prevailed in Greece in Aristotle's time, but this is not the condition in modern times. In modern times, the term democracy is used in a good sense and it is considered to be the best form of government.

(5) Aristotle's cycle of change does not fit in with the development of modern state:

The cycle of political change given by Aristotle is applicable only to ancient Greece and Rome and not to modern states. For example, dictatorship of

the Communist Party was established after absolute Monarchy in Russia.

In Germany after the First World War Emperor William II was dethroned and Democracy was established. Democracy also failed in Germany and Dictatorship was established. After World War II, Hitler's Dictatorship was ended and Democracy was established again in that country's one part (West Germany).

(6) There is no place for mixed Forms of Government in Aristotle's classification:

Modern governments are mixed governments. For example, Great Britain is Monarchy, and the government in that country is Unitary and Parliamentary. There is Federal, Parliamentary and Democratic Government m India. The U.S.A. is a democratic and the government in that country is Presidential and Federal. These forms of government have no place in Aristotle s classification.

(7) Aristotle's classification is not applicable to ideocracy or theocracy:

According to Bluntschli, Aristotle's classification is not applicable to Ideocracy or

Theocracy, because in this type of government the supreme power is attributed to God or some other superhuman being or to an idea. The men who exercise authority are deputies or vice-regents of God on this earth.

(8) Aristotle's classification is also criticized for differentiating between Aristocracy and Oligarchy, while modern political thinkers do not attach any importance to this difference. It is also not possible to say where Aristocracy ends and Polity begins.

CHAPTER FIVE

TYPES OF REGIMES IN MODERN GOVERNMENT

Ifeoma, C. N.

Five regime types of the modern world:

1. Western polyarchies
2. New democracies
3. East Asian regimes
4. Islamic regimes
5. Military regimes

Western Polyarchies-

•Polyarchy= 'rule by many'; the institutions and political processes of modern representative democracy that operate by forcing rulers to take account for the public's wishes

•Equivalent to liberal-democracies (North America, western Europe, and Australia)

•Polyarchial regimes are distinguished by two main features: A high tolerance of opposition (i.e. political party competition, healthy civil society). The opportunities for political participation are widespread in order to guarantee responsiveness

•These regimes respect the idea of liberal individualism by protecting individual rights, encouraging choice and competition, and implementing some fear of government

•A Polyarchy can either have majoritarian tendencies or consensual tendencies

New Democracies-

•New democracies followed the fall of communism and the overthrow of right-wing dictatorships(Greece, Portugal, Spain)
•Multi-party elections and market-based economic reform
•Lack political culture and must handle strains caused by external forces of globalization
•Re-emergence of military forces into politics
•Post-communist regimes must deal with the consequences of communist rule but this usually is difficult to repair- leads to discrepancies between parties
•The transition from central planning to capitalist economies can lead to insecurities and social inequality
•The weakness of state power can lead to the emergence of ethnic and nationalist tensions

East Asian Regimes-

•Orientated more around economic goals than around political goals. Focus on boosting growth and prosperity than individual freedoms
•Broad support for 'strong' government and a general respect for the state

•Respect leaders because of a stress on loyalty, discipline and duty which at times invests East Asian regimes with authoritarianism
•Large emphasis on community and social cohesion, as well as family ('group think')

Islamic Regimes-

•Islam is not just a religion, it is a complete way of life, defining moral, political and economic behaviour for people and nations
•Political Islam aims at the construction of a theocracy in which political and other affairs are structured according to 'higher' religious principles.

Military Regimes

•Military regimes belong to a broader category of dictatorship
•The leading positions in the government are filled on the basis of the person's position within the military chain of command
•Military junta= thearmed forces assumedirect control of government and there is a rivalry between the three categories of military (army, navy and air force)
•Another form of military regime is a military-backed personalized dictatorship

•Final form of military regime is where the military works 'behind the scenes' as leaders (through the front of another face).

CHAPTER SIX

INTERNATIONAL RELATIONS

John, W. O.

INTRODUCTIONTO INTERNATIONAL RELATIONS/GENESISOF INTERNATIONAL RELATIONS

International relations emerged as an academic discipline in the years following the First World War.

The tragedy of the First World War encouraged early IR thinkers to focus on finding ways to build a more peaceful world.

The ideas of political philosophers can be used to analyze various aspects of current events, such as the causes of and potential solutions to conflict.

THE INTER-WAR YEARS (1919 - 1939)

The treaties that ended the First World War settlement led to what E.H. Carr calls the twenty years' crisis – a period of political, economic and social unrest that spanned the interwar years between 1919 and 1939.

Carr saw that powerful revisionist states like Germany and Japan were dissatisfied with the status quo created after the Great War and pushed hard to change the international system in their favour

POLITICAL PHILOSOPHERS

THOMAS HOBBES (1588 - 1672)

In his most important book, The Leviathan, published in 1651, he claims that all humans are relatively equal in their ability to harm and injure one another.

In a world without a government to enforce order – a condition that Hobbes calls the state of nature

– every human must be vigilant against threats to their survival.

This condition – in which there is no ruler or judge who can resolve disputes and establish security – is called anarchy

JOHN LOCKE (1632-1704)

The defining experience of his life was not the civil war but the so-called Glorious Revolution of 1688.

According to Locke, all humans have natural rights to life, liberty and property.

Government, according to Locke's theory, is based on a social contract between rulers and their subjects. If kings, generals, prime ministers or theocrats fail to uphold their side of the social contract by violating the natural rights of their subjects, those subjects are immediately freed from their duty to obey government decisions.

KARL MARX (1818-1883)

Marx was interested in how the unequal distribution of wealth among factory workers and factory owners might impact on the political systems of the day.

Marx interpreted the world through the lens of materialism – the belief that any understanding of political community must be based on the physical

and economic conditions in which that community exists.

Marx combines materialism and the dialectical approach by focusing on class conflict between modern society's two main socio-economic groups – the bourgeoisie, which controls the way goods are made and distributed, and the proletariat, which sells its labour to the bourgeoisie in return for a small portion of the profits resulting from their work.

THE HISTORY OF INTERNATIONAL RELATIONS

EUROPE'S IMPERIAL EXPANSION

International Relations do not begin and end with the rise of European states.

Between the late 14th and the 16th centuries, Europe began to evolve in ways that changed the course of world history.

In many ways, the age of European imperialism marked the birth of global international relations.

It is fair to say that after 1500 the states of Western Europe no longer waited for things to happen to them. Instead, they went out to make things happen to others.

FROM LONG PEACE TO 1ST WORLD WAR

Many of the discipline's most important concepts such as balance of power derive from this extraordinarily turbulent period.

However, something equally extraordinary occurred: a form of 'great power' peace broke out on the European continent. This period of relative calm, was often referred to as the Long Peace.

A number of scholars have used the modern idea of hegemonic stability theory to explain the 19th century's Long Peace.

THE INDUSTRIAL REVOLUTION AND THE ARMS RACE

The Industrial Revolution brought with it new naval technologies, improvement in munitions and a rapid acceleration in the destructive capacity of arms.

It changed the way states fought wars, making new forms of war more and more destructive.

This materialist theory claims that technology made war far more likely because it forced states into arms races as one state after another began to invest in these new weapons of death.

FIRST WORLD WAR

The First World War was only the first of three great conflicts that came to define the 20th century

because of the dramatic changes that it left in its wake.

The list of these changes is long: the outbreak of the Russian Revolution of 1917 and the creation of the Soviet Union, the emergence of the United States of America onto the world stage; and the shift of financial and economic power from London to New York,

The First World War, more than any other event, was the midwife of modern international relations.

RESHAPING INTERNATIONAL AFFAIRS - POST WORLD WAR II

The changes brought on by the First World War fundamentally reshaped international affairs, brought the Long Peace to an end and heralded the start of the bloody 20th century.

It destroyed four major empires: the German, Russian, Austro–Hungarian and Ottoman.

It drew new borders that remain highly contentious today. It killed tens of millions of people, and gave rise to a renewed peace movement around the world that eventually led to the formal discipline of international relations.

SHORT 20TH CENTURY (1919-1991)

DECLINE OF EUROPEAN IMPERIALISM IN 20TH CENTURY

The end of the First World War ushered in new ideas to the field of international politics, including self-determination – the right of a political community to decide its own political future.

By the end of the Second World War, the great European powers of the 19th century had been surpassed by the rise of two new superpowers: the United States of America and the USSR.

TRANSITION FROM MULTI-POLAR TO BI-POLAR SYSTEMS POST 1945

A society with three or more great powers is called multipolar

A society divided between two great powers is called bipolar

A society dominated by a single great power is called unipolar

As the Second World War came to an end, IR analysts were aware that a huge power shift was underway.

Instead of the multi polarity that had typified European and international politics since around 1500, this new development pointed towards the emergence of a two-power, bipolar system.

GOVERNANCE OF INTERNATIONAL ORGANIZATIONS AFTER 1945

Although every state in the world was recognized as sovereign, there was an obvious need for them to coordinate their actions in the interests of the common good.

This meant the creation of an organization for global governance that could establish rules and practices for the sovereign states of the world to follow in their dealings with one another.

The result of the push for global governance following the First World War was the League of Nations, and the United Nations following WW II

ROLE OF UN IN PROTECTING STATE SOVEREIGNTY

The UN is an intergovernmental organization (IGO), organized by and for the sovereign states that make it up. Without their permission, there is little the UN can do to address the world's problems.

The United Nations Charter – the founding document of the organization – clearly places states' sovereign rights above those of the global community in all but the most dire of circumstances.

Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state

UN SANCTIONS & PRESERVATION OF INTERNATIONAL PEACE & SECURITY

Unlike the League of Nations that preceded it, the UN balances the independence of its member states against the need to sanction and stop threats to international peace and security

Sanctions and the use of military force can only be applied by the United Nations Security Council. However, if any of the 5 Permanent Members veto the UN decision, no action can be taken

By giving the P5 veto powers over enforcement actions, it ensures that they will see their interests better served by active participation than by leaving the organization and thereby placing its enforcement powers in the hands of their adversaries

POST- COLD WAR PERIOD

The decade following 1991 was one of US uni-polarity

The United States of America ascended to dizzying heights of power after 1991, achieving a level of hegemony never seen before in international society.

As the only superpower left on the planet, the USA had immense influence over the norms, rules and

practices of international society – influence that it used to remake IR in its own image.

IMPACT OF COLD WAR ON RUSSIA, EUROPE, CHINA & GLOBAL SOUTH

The Russian Federation, the main successor state to the USSR, went through a decade of decline before starting to rise again on a tide of oil and gas.
Europe also struggled with the legacy of the Cold War while building a European Union framework designed to deal with its political and economic challenges
States like the People's Republic of China began to assert their positions on the regional and global stage
In the developing world, the legacy of the Cold War remains mixed.

ESTABLISHMENT OF WTO & EXPANSION OF EU & NATO

The United States used its influence in the 1990s to push several goals. The first was the spread of capitalism
The US government supported the creation of the World Trade Organization
Finally, the USA encouraged its allies to form more robust international organizations, supporting the eastward expansion of the North

Atlantic Treaty Organization (NATO) and the European Union (EU).

CONSEQUENCES OF WAR ON TERROR

The attacks on New York's World Trade Center and Washington's Pentagon on 11 September 2001 changed the way that the United States used its position in the unipolar international society

The war on terror that ensued could not be fought like any other interstate war.

The most important change brought about by the war on terror was increased intervention in states' domestic politics by the great powers.

The war on terror has regularly ignored the right of sovereign states to non-intervention.

DEMOCRATIZATION- GOALS OF US FOREIGN POLICY

Democratization was a key goal of US foreign policy following the Cold War.

With only a few exceptions, US foreign policy focused on multilateralism as the preferred method of conflict resolution and problem solving – building alliances and broad coalitions even when it could have taken unilateral steps to address its international goals.

The 1990s also saw the USA encourage states, particularly those in the former Soviet bloc, to accept democratic forms of government

CHAPTER SEVEN

GLOBALIZATION AND THE EVOLUTION OF INTERNATIONAL SOCIETY

E. O. Abah

DEFINITIONS FOR GLOBALIZATION

Globalization is a complex process involving states and non-state actors, and is characterized by the 'widening, deepening, and speeding up of worldwide interconnectedness'.

Globalization is a historical process with a history stretching back at least as far as the European Age of Discovery around 1500.

Thomas Friedman identifies three eras of globalization in which the process was driven first by states, then by companies, and finally by individuals**.**

ROLE OF GLOBALIZATION IN THE HISTORY OF INTERNATIONAL RELATIONS

Globalization goes on within the international society created by the norms, rules and practices that define proper behavior in international society, including diplomacy, international law, the balance of power and sovereignty

Globalization issues like global climate change and nuclear proliferation illustrate the limits of sovereignty

Even the most powerful sovereign state cannot unilaterally 'solve' climate change

VIEWS OF GLOBALIZATION- SKEPTICS, CRITICS & SUPPORTERS

Globalization skeptics and critics point out that states remain the key actors in international society – setting the rules by which globalization continues to unfold.

Globalization has the potential to disrupt international society by allowing people, goods and ideas to cross borders more easily, threatening state sovereignty.

Globalization's supporters point to non-state actors as key beneficiaries of globalization, connecting previously isolated groups and potentially creating a global civil society.

INDENTIFY KEY MOMENTS IN GLOBALIZATION OF INTERNATIONAL SOCIETY

Friedman identifies three stages in the history of globalization, which he calls Globalization 1.0, extends from the early 1500s to the late 1700s. In this case, it was driven by European states' drive to explore, trade with and rule new parts of the globe

Friedman's second stage of globalization, Globalization 2.0, runs from around 1800 to the years immediately after the end of the Second World War in 1945. Globalization 2.0 was driven by the Industrial Revolution

Globalization 3.0 was influenced by many things: the communications revolution, a series of global economic crises in the 1960s and 1970s, and the adoption of neo-liberal economic policies

DEMOCRATIZATION

Globalization 3.0 has been driven by US hegemony in international society, allowing the USA to establish liberal democracy and liberal economics as the world's preferred political and economic ideologies.

Liberal ideology has been institutionalized through the support of international organizations like the WTO, the World Bank and the IMF.

CHAPTER EIGHT
THEORIES OF INTERNATIONAL RELATIONS

E. O. Abah

ENGLISH SCHOOL

Hedley Bull, a key thinker in the English School, argues that contemporary international society is fundamentally anarchic insofar as there is no global government that can settle disputes between sovereign states.

The English School of IR is a diverse group of analysts who see the world as being composed of international actors who agree to shared standards of behavior that make their actions more predictable.

Despite being anarchic, international society is orderly thanks to the influence of formal and informal institutions, which regularize actors'

behaviour and allow for international coordination and cooperation**.**

LIBERALISM

Liberalism is one of the oldest theoretical schools of IR, and focuses on the best way to create a more just and peaceful international order.

The organizing principle of Liberalism is interdependence – a condition in which two or more international actors rely on each other for the provision of essential goods or services.

Liberals see regimes as the most important sources of order in what is otherwise an anarchic international society.

The most effective regimes are supported by international organisations that ensure absolute gains for all of their members.

REALISM

The organizing principle of Realism is the anarchic international system – a collection of sovereign states whose actions are only limited by power

All Realists agree on the importance of three fundamental ideas: statism, survival and self-help.

During the Cold War, US Realists recommended a policy of containment in which the USA strengthened and supported anti- Communist

states, even if this meant supporting governments that were tyrannical.

MARXISM

Marxism identifies socio-economic classes as the main units of analysis.

Marxism's organizing principle is class conflict, which in a capitalist economy produces two distinct socio-economic groups: the bourgeoisie and the proletariat.

By focusing on the link between politics and economics, Marxism is an important example of international political economy in IR.

World systems theory analyses the relationship between the wealthy core and the impoverished periphery of the world economy.

CONSTRUCTIVISM AND GENDER THEORY

Constructivism is one of the newest theories of IR, focusing on the role of ideas in international politics.

Constructivism explains why two actors faced with the same situation can choose two different policy options based on the social facts they choose to accept or ignore.

Gender theory includes a wide array of feminist voices, from liberals to radicals.

Gender theory analyses the relationship between gender and the structure of international relations, focusing especially on the nature of patriarchy.

CHAPTER NINE

INTERNATIONAL POLITICAL ECONOMY

Ifeoma, C. N.

ANALYSIS OF CONNECTION-POLITICAL AND ECONOMIC SYSTEMS

IPE is a sub-discipline of IR that analyses connections between the international political and economic systems.

Politics and economics have been linked since the earliest days of humanity, when governments first developed to coordinate the production and distribution of goods and services.

IPE reads political history as a function of economic interactions, including the ongoing battle between supporters of free trade and protectionism.

BRETTON WOODS

The Bretton Woods system evolved after the Second World War to manage three economic issues: the regulation of trade, currency exchange and economic development.

The withdrawal of the USA from the gold standard marked the end of Bretton Woods, although its

institutional embodiments – the GATT, IMF and World Bank – continued to play a role in the global economy.

Stagflation in developed states during the 1970s and 1980s led banks to lend large amounts to states in the developing world, causing a debt crisis when the regions were unable to repay.

THE WASHINGTON CONSENSUS

The Washington Consensus is a series of economic policies that reflected the USA's new neo-liberal economic interests.

The severe terms imposed on debtor states by the Washington Consensus were softened following the end of the Cold War, when the states of the Communist bloc began the transition back into the world capitalist system.

IPE APPROACHES

IPE is normally categorized under three main headings: Liberal, Mercantilist and Marxist.

It assumes that actors – be they states, corporations or individuals use rational choice to maximize their self-interest.

Mercantilism assumes that actors are aggressive and conflictual.

Marxism sees class conflict between bourgeois owners and proletarian workers as the fundamental driver of human history.

GLOBAL INSTITUTIONS OF IPE

IPE is divided into three dominant schools of thought – Liberalism, Mercantilism and Marxism – that mirror the Liberal–Realist–Marxist division of IR theory.

When powerful states see their interests served by coordination with other powerful states, they may form institutions such as the G7 and the G20 that allow them to manage the global economy more effectively.

Each of these institutions is naturally unstable because the powerful states within it are seeking relative gains to enrich themselves at one another's expense

KEY CONCEPTS OF IR STATE AND CONCEPT OF SOVEREIGNTY

States have existed for centuries and are now such a familiar part of the furniture of IR that we rarely question their presence.

Sovereignty is the defining principle of statehood. Sovereignty itself consists of two main characteristics:

The idea that the state should not be subject to any foreign power

The idea that the state is the supreme authority within its territorial jurisdiction**.**

SIGNIFICANCE OF THE PEACE OF WESTPHALIA

At the signing of the Peace of Westphalia, sovereignty was formally established as an institution of international society

It reinforced a principle first enshrined in the Peace of Augsburg (1555) that the religion of the sovereign would also be the religion of his or her subjects

Westphalia declared the legal equality of all sovereign political communities. In doing so, it laid the foundations for a system of international law

SUCCESS OF STATE IN 20 TH CENTURY.

One measure of the state's success as a model for political organization is the principle of sovereign independence

Another measure of the state's success in the 20th and 21st centuries are their increasing number around the world.

The state as a person of international law should possess the following qualifications:

- a permanent population;
- a defined territory;

- government; and
- capacity to enter into relations with the other states

ROLE OF NON STATE ACTORS.

TNCs are an important type of non-state actor that can mobilize huge economic resources and, in some instances, limit the autonomy of the states in which they operate.

NGOs often fulfill roles that states are unable or unwilling to do, sometimes limiting states' autonomy and even replacing states as providers of public goods

Terrorist groups and transnational criminal organizations threaten the integrity of states by challenging their claims of control.

CRITICISM DIRECTED AT STATE CENTRISM

The actions of some states raise difficult questions about when it is legitimate to intervene in a state's affairs to help or protect its citizens.

Some analysts question IR's statist approach to security, pointing out that states themselves are often the biggest threat to the well-being of their people.

WAR

War, understood as organized violence carried on by political units against each other.

Carl von Clausewitz describes war as a rational tool used by political leaders to achieve their goals.

Many Realists describe war as a rational response to the anarchical structure of international society or the shifting distribution of power between states.

DIFFERENCE BETWEEN INTER STATE AND INTRA STATE WARS

Interstate violence is a conflict between two or more states (both members of the international system), who use their respective national forces in the conflict

A civil war, also known as an intrastate war in polemology, is a war between organized groups within the same state or country

In the post-Cold War world, 'new wars' have become increasingly common in states that are unable to provide their citizens with public goods, leading to violent conflict between identity groups within these states.

JUST WAR THEORY

Justice in war is judged by two sets of criteria: how justly has a war begun (jus ad bellum) and how justly a war has been prosecuted (jus in bello).
International law plays a main role in determining the legitimacy of war

LIBERAL FOREIGN POLICY AND WARFARE

Liberal wars are fought to preserve the existing institutions of international society and to extend the liberal 'zone of peace' hypothesized in Democratic Peace Theory.
There is a heated debate between supporters of humanitarian intervention and critics who see it as a mask for Western imperialism

PEACE DEFINITIONS OF PEACE

Peace is often defined as the absence of war. Others see peace as an absence of structural violence, meaning that war may be necessary to create a more just society and therefore a more sustainable peace.
Realists advocate the preservation of peace through the acquisition of power – deterring aggression through the threat of severe retaliation**.**

CONDITIONS FOR PEACE

Some brands of Realism argue that the only ways to achieve it are by preserving a balance of power between the various states.

Others claim that the only way to avoid invasion is by building up one's own military capabilities, or by acquiring nuclear weapons to deter interstate war.

Realists maintain that the most effective way to ensure peace is through deterrence – raising the costs of war for those who might be tempted to start one.

PEACE TREATIES

A treaty is more likely to create peace when its signatories agree on core values

Successful peace settlements tend to be inclusive, drawing winners and losers alike into a shared set of norms, rules and practices.

An important issue relates to diplomacy and the ambiguous wording often used in peace agreements to get everyone 'on board'. In the long term, ambiguity can create all sorts of disputes.

PEACE MOVEMENTS

Instead of being organized by a state, peace movements spring from civil society with the aim of challenging authority.

Peace movements during the Cold War were driven by a shared fear of nuclear war.

The legacy of peace movements is contested by those who see them as irrelevant – Realists and Marxists – and those who see them as responsible for changing perceptions and making peace more likely – liberals and constructivists.

PEACE PROCESSES

A political process in which political conflicts are resolved through non-violent negotiation.

Peace processes operate at several different levels and involve a mixture of diplomacy, persuasion, negotiation, confidence-building measures, mediation and lengthy dialogue between the various parties, sometimes official but often off the record.

Peace processes normally stretch over many years.

POWER DEFINITIONS

Power has several meanings in the social sciences, including:

The ability to prevail over another actor

The quantitative capacity to force another actor to submit to your will

The ability to benefit from another actor's losses.

RELATIONSHIP BETWEEN POWER AND GEO-POLITICS

Geopolitics studies the links between political power and geographic space, including a state's location and resources.

Power focused on country-specific capabilities such as industrial strength, size, education level of the citizenry, as well as military capabilities. Power based on a country's material power or capacity to wage war.

A relational sense of power - a framework that enables some actors to "force, cajole, or convince another actor to do what is wanted.

EU AND US FOREIGN POLICY EXPLAINED THROUGH POWER

By 2001, the power advantage of the USA meant that it could operate independently of its allies and did not have to worry about international sanctions if it chose to violate the institutions of international society.

Different emphases on hard and soft power have led to different foreign policy choices in the capitals of the USA and the European Union.

DISTINCTION BETWEEN HARD AND SOFT POWER

Hard power is the use of military and economic means to influence the behavior or interests of other political bodies. This form of political power is often aggressive, and is most immediately effective when imposed by one political body upon another of lesser military and/or economic power

Soft power refers to an actor's ability to attract other international actors, potentially giving it influence beyond the material threats offered by hard power.

US UNI-POLARITY AFTER 1991

US uni-polarity after 1991 was due in large part to the relative decline of all other international actors, leaving the USA as the only superpower.

Bush's advisers argued that Clinton had failed to employ US power effectively. The result, they argued, was drift and indecision and possibly even 9/11

Bush and his advisers argued that Clinton had only encouraged aggression.

WAR ON TERROR

The war on terror has had complex effects on US power: boosting aspects of its hard power while costing it much of its soft power advantage.

The War on Terror failed. This failure has two fundamental—and related—sources. The first is the inflated assessment of the terror threat facing the United States,

The second source of failure is the adoption of an aggressive strategy of military intervention.

CHAPTER TEN
GLOBAL GOVERNANCE AND INTERNATIONAL ORGANIZATIONS

John, W. O.

ROLE OF INTERNATIONAL ORGANIZATIONS IN THE INTERNATIONAL SYSTEM

Global governance is the process by which sovereign states coordinate and cooperate in pursuit of solutions to transnational issues, often through the good offices of international organizations.

The role of international organizations is helping to set the international agenda, mediating political bargaining, providing a place for political initiatives and acting as catalysts for the coalition-formation. They facilitate cooperation and coordination among member nations.

UN IN GLOBAL GOVERNANCE

The main function of the UN is to address threats to international peace and security through the work of the UN Security Council.

Other tasks include decolonization, economic and social development, the maintenance of diplomatic communication and the elaboration of international law.

NATO

The North Atlantic Treaty Organization is the organizational embodiment of the transatlantic security regime that integrates the national security of states in North America and Europe.

NATO's main goal is to ensure the collective security of its members, which today include several states on the borders of the Russian Federation.

At present, NATO has 30 members.

WORLD BANK AND IMF

The World Bank and the International Monetary Fund were first designed as part of the Bretton Woods system of global economic management.

The main goal of these organizations today is to manage and support the global economy through economic development, credit guarantees and liberal economic policies.

Both the World Bank and IMF consists of 189 members states each.

INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)

The International Atomic Energy Agency (IAEA) is the international organization primarily responsible for global efforts to counter nuclear proliferation and to encourage the peaceful use of atomic and nuclear technologies.

The IAEA is the main agency responsible for monitoring compliance with the Non-Proliferation Treaty and other agreements made under the

international non-proliferation regime, including the 2015 Iranian Nuclear Deal.

NEW SECURITY CLIMATE CHANGE

The ecological consequences of human-induced climate change may represent the most worrying item on the new security agenda. Humans have affected the environments in which we live for millennia.

Increasing levels of carbon in the atmosphere are leading to rising global temperatures and increased climate variability.

HEALTH

Human health has long been an issue of international concern, and has now joined climate change as a new form of human security threat.

Trade and early forms of globalization have played a major role in spreading contagions around the world

With disease comes increased strain on states' health-care and emergency response systems. This

can stretch state resources to their breaking point, as in the 2014 Ebola outbreak

RESOURCES

Advances in technology, improvements in productivity and the opening of new agricultural lands have increased the resources available to us

Resource scarcity is another non-traditional source of potential insecurity, as is the 'resource curse' that often undermines the governance capacity of states with significant deposits of easily accessed natural resources such as oil and gas.

ENERGY SECURITY

Energy security describes states' need for access to affordable sources of electrical and mechanical power with which to run their societies and economies.

A state without energy security may be exposed to pressure from its suppliers, who can apply pressure by threatening to cut supplies.

DEMOGRAPHICS

Demographics present some of the most pressing issues on the security agenda today, including questions of overpopulation and human migration. Pressure to slow or stop migration is putting pressure on international organizations as states assert sovereign control over their borders, even if it means violating agreed rules about refugees.

EAST AND SOUTH CHINA SEAS

STATES

The most influential states in the region today are the USA, one of whose constituent territories, Hawaii, is located in the Central Pacific; and the People's Republic of China.

The USA and China are two of three powers in East Asia with nuclear arms – along with the Democratic People's Republic of Korea (North Korea).

NATIONS

Whereas other regions of the world are easily characterized by their religious and linguistic divisions, the cultural complexity of East Asia and the Pacific makes this nearly impossible.

The middle and small powers of Southeast Asia have allied with one another through the Association of South East Asian Nations (ASEAN)

COUNTRIES

East Asia and the Pacific Ocean constitute a region of 31 sovereign states and over a dozen other non-self-governing territories and de facto states.

East Asian and Pacific international society is dominated by a few great powers: China, Japan and the USA. Other states constitute middle or small powers.

China's increasing hard and soft power capabilities have resulted in a more assertive tone in the territorial disputes along its maritime borders in the East and South China seas.

EAST ASIA AND PACIFIC INTERNATIONAL SOCIETY

The international society in East Asia and the Pacific is a region with at least three major state powers: China, Japan and the US

It is also home to a number of second-tier powers such as Indonesia, Australia, South Korea and Malaysia

Since 1945, the US Navy has given Washington a hegemonic position in the Pacific Ocean

DISPUTES IN EAST AND SOUTH CHINA SEAS

The region's competitive norms, rules and practices have created heightened tensions between its state actors which have resulted in a series of disturbing incidents.

Mutual suspicion is driving the security dilemma and is contributing to the highly charged territorial disputes underway around the Spratlay, Paracel and Senkaku/Diaoyu islands.

China is of the view that its maritime trade requires unilateral military protection.

ANALYZING THE INTERNATIONAL ORDER

A GLOBALIZED ORDER OF NATIONS

Globalization has altered the way in which states interact on the global stage. It has opened up space for non-state actors and individuals to take part in IR.

There is the growing disconnect between individuals' sense of identity and the identity of the states in which they live. Identity seems to be becoming increasingly fragmented.

Where governments could once rely on citizens to unite behind the nation-state in pursuit of shared goals, contested nationalisms have now thrown this assumption into doubt.

REALIST ORDER

Given IR's tendency to evolve new units and institutions out of existing models, a clear understanding of its present shape is the first step towards assessing the future shape of international society.

Describes a world in which states pursue their survival through self-help in an international society defined by anarchy and distrust.

IPE AND MARXISM – THE WORLD CAPITALIST SYSTEM

Describes a world in which economic actors vie for control of markets and resources, using states as tools in their quest for economic power.

The struggle between the state, bourgeoisie and proletariat for control over and access to the means of production helps to explain many of the economic divisions that continue to cut across developed and developing states alike.

This is defined by highly asymmetric relationships between wealthy developed states of the North and the less developed ones of the South.

A LIBERAL ORDER

Liberals deepen our understanding of how the world works by identifying the regimes used to manage international and transnational affairs.

Liberal regimes are always intended to bolster cooperation between international actors, and do so by establishing formal sets of principles, norms, rules and decision-making procedures.

AN ORDER OF INDIVIDUALS: HUMAN RIGHTS

Individuals also play a growing role in defining IR's main interests. This is particularly noticeable in the rise of human security as a major focus of our discipline.

A world in which individuals seek and defend their rights and human security against state and non-state actors that may wish to curtail them.

CHAPTER ELEVEN

PUBLIC ADMINISTRATION

E. O. Abah

INTRODUCTION

This chapter enables the reader understand the:
Meaning of administration and public administration.
Nature and scope of public administration Differences between administration and public administration
Politics / administration nexus

Administration

As used in different situations, the term administration covers almost every sphere of activity involving cooperative action. Different meanings have thus been attributed to the concept of administration. According to basic dictionary definition, it is the management of public or business affairs. Administration is also used to describe that part of the government that manages public affairs during the period of office of a particular chief executive. For instance, we have the Obasanjo administration, the Bush administration, etc.

Modern society consists of different groups of people sharing similar views and pursuing common objectives.

For these groups to achieve their purpose, cooperative action is needed. Administration is cooperative action with a high degree of rationality. Human action is cooperative if it has effects that would be absent if the cooperation did not take place. The significance of a high degree of rationality lies in the fact that every human cooperative action is directed towards of formal or organizational goals, the goals of leaders or the goals of all who cooperate (Dwaldo 1978). It therefore follows that even the most basic social group-the-family-has set objectives and for these to be achieved, cooperative action and hence administration is needed. The Webster's Third New International Dictionary defines administration as the principles, and rationalized techniques employed in achieving the objectives or aims of an organization.

Administration is most manifest in an organization set up for a defined purpose, be it business or public. This is however, particularly so in complex large scale organizations. In such organizations, there exist what is called an organogram or organization chart which is really a guide to people's positions and their relationships in the formal organization. Hence, whether it is a church, a university, a government ministry or a social organization like the town union, there is administration. This is because each consists of human beings, brought together in a hierarchical set up (positions and their relationships) making use of human and material resources in an effort to attain the objectives for which the organization is

established (Adebayo 1981). In essence, where there is a centrally defined objective and two or more persons cooperate to accomplish the stated objectives which would not have been accomplished by a single individual, administration is involved.

What is Public Administration?

Like the broader concept of administration, public administration has been variously defined. Woodrow Wilson who wrote when the science of public administration had just started emerging as a separate area in the study of the science of politics defined it as "government in action", the executive, the operative, the most visible side of government (Shafritz and Hyde 1978:3) W.F. Willoughby (1972) also one of the early writers in the field, defined public administration as the function of actually administering the law as declared by the legislature and interpreted by the judicial branches of the government. According to Demuck (1937), public administration is a synthesis of the 'what' and 'how' of government. The 'what' is the subject matter, the technical knowledge of the field which enables an administrator to perform his task. The *'how'* is the technique of, the principle according to which operative programmes are carried through to success.

The common focus of all the definitions given above, is government. Public administration can therefore be

broadly defined as the organization and management of human and material resources to achieve the purposes of government. It encompasses all the principles enunciated and processes carried out in an organization towards the attainment of specific governmental goals

The Nature of Public Administration.

Public administration can be viewed from two main perspectives viz-as a practice and as a body of knowledge. As a practice, it concerns itself with the activities that come directly under the government of any given society hence it is sometimes referred to as governmental administration. Specifically, this implies the administrative processes in government-owned or controlled organizations such as the civil service, the police, public corporations, etc. These processes that take place in these organizations constitute the area of practitioners and thus the practice of public administration.

Viewed as a body of knowledge, public administration is directed towards understanding of governmental administration. This is an area of intellectual inquiry, a discipline of study for study and scholars who conduct research in the field. This is the theory of public administration.

The two views as presented above have generated an age-old debate about the distinction between the theory and practice of public administration, otherwise known as the

science-art controversy. The main source of confusion is closely related to the dual usage of the concept of public administration – as a discipline of study or as a process (activity) of administering public affairs. While the two meanings are closely related, they are nevertheless different.

Obviously, a great deal of the confusion must have emanated from the failure to agree on which public administration was being discussed, the discipline or the activity. Two schools or thought have emerged in this regards.

The first school of thought argues that public administration can only be meaningfully conceived of as an art; it is not a science. It posits that the requirements of controlled experiment and measured observation which are replicated and tested are difficult, if not impossible, in the area. The main concern of public administration is human behaviour in the area of services performed by govern-mental agencies and this limits the immediate potentialities of a science of public administration. This is because it diminishes the possibility of using experimental procedures which are crucial in the scientific method. In addition, human behaviour is highly complex and unpredictable and these limit the applicability of laws of public administration.

Furthermore, the influence of employee personal history, social work situation and attitudes on employees performance as discovered in the Hawthorne experiments

(Roethlisberger 1978) support the unpredictability of human behaviour.

As administration related to human behaviour in organizational context, there are obvious problems in formulating principles of human behaviour which have universal application. The possibility of independent verification is limited because of the complexity of human nature. In addition, public administration is laden with numerous normative value, hence it cannot be a science.

The proponents of the science of public administration assert that in administration, there are certain fundamental principles of general application analogues to those characterizing any science (Willoughby 1927). Similarly, Urwick (1937) contends that there are certain engineering principles which govern the building of a bridge. Consequently, approaching administration through individuals who participate in it, and by the study of the behaviour of the individuals in their work situation or environment, uniformities based on human nature, may be described in form of propositions and hypotheses that might be tested by observation and experimentation.

As Adamolekun (1983) argues, if the yardsticks of controlled experiments and measured and testable observations are applied, the subject matter of public administration dominated by human beings engaged in activities that are constantly changing, does not qualify to be called a science. However, if we use the term science in the sense of the spirit of enquiry and systematic

research and investigation, as it is more commonly interpreted in the social sciences, then public administration is qualified to be called science. We shall therefore conclude the debate by adopting the sum-up by Adamolekun (1983) that when we refer to the 'practice' of public administration, the various forms of governmental organization and the processes that take place within them, we are concerned primarily with the 'art', the area which the practitioners dominate. When we refer to the body of knowledge about public administration we have in mind the science aspect, the activities that are of concern to the students and scholars of the subject.

Scope of Public Administration

Public administration is a universal phenomenon occurring in every situation where public organization exists. Over the years, the scope of governmental action has increased. The increase is consequent upon two important developments viz:

- The emergence of significant advances in technology;
- Most governments have moved away from the idea of law-and-order or management watchman state to states committed to comprehensive social and economic development (Adamolekun 1983).

The result of this is that in most societies today, government administration covers not only regulatory

activities but also the manufacture of goods and supply of services, the management of national wealth and the provision of social welfare services. There has therefore been an expansion of government, especially with regards to growth in size, complexity and discretionary powers of administration agencies.

Differences between Business Administration and Public Administration

The definitions of administration in the earlier part of this chapter show that as a process, it involves certain activities which must be carried out whether in a business or public organization. However, there are still some distinctive features which affect their respective styles and practices. The differences between private and public administration rest on the following:

- **Differences in Goals or Objectives**

The aims of a business organization are broadly summed up as profit making and those of public organization as public service. In order words, every activity carried out by a business organization is guided by the profit motive, while for the public organization, the motive is primarily to render service. This explains why even when a private or business organization embarks on apparently service oriented activity such as running a hospital or an educational institution the costs are higher than similar institutions organized by government. While the private organization will ensure the maximization of profits that may accruse to any activity it embarks upon, government

organizations may even subsidize their cost so as to make their services affordable to the public. Examples include public and private schools, hospitals and transportation services.

Another aspect of differences in objectives of business and public organizations is that in contrast to the objective of profit making which is largely quantifiable, the public service motive lacks specificity. It includes unquantifiable and intangible dimensions. For instance, a business organization can easily determine the amount of profit it can make out of the production and sale of fifty cartons of bar soap. But it is not possible for a government establishment to determine the profit is setting up a health post in an interior village. The profit is essentially in the form of improved health of the community, which is not quantifiable.

Efficiency Criteria

The criteria for establishing efficiency in public and private administration differ. This is because of the differences in the nature of their goals. Private organizations as mentioned earlier on, often have one major goal/objective – profit maximization. Public organizations on the other hand, have multiple objectives which may sometimes intertwine or even conflict. For example, public organizations such as the Nigerian Postal Services (NIPOST), National Electric Power Authority (NEPA) and others are expected just to make profit but

also render efficient services to satisfy the needs of the citizenry. This explains why the charges for public schools are lower than those of private schools.

- **Unquantifiability of Output of Public organizations.**

  In most cases, it is difficult if not impossible to quantify the output of government workers. For example, it is impossible to quantify the output of diplomats, judges, permanent secretaries, etc in monetary terms.
- **Accountability**

  In order to ensure that public officers are prudent with the use of resources and discharge their functions with impartiality, they are expected to observe certain norms of accountability which are unknown in business organizations. This requirement of accountability subjects the business of government to the scrutiny of the legislature and the public at large. Hence, a minister can be summoned by parliament to answer questions on the actions of officials in his department. Bodies such as the Public Accounts Committee (PAC) and the Ombudsman (Public Complaints Commission) are put in place to monitor and report on the activities and performance of public officers.

  In this era of increasing participatory policy/decision making, interest groups and agencies demand

attention and the right to be consulted. All these impose constraints on the administrator in his discretion and exercise of his judgement. To this effect, Self (1972) asserts that:

> The tensions between the requirements of responsibility or "accountability" and those effective executive action can reasonably be described as the classic dilemma of public administration. (Adebayo, 1981:7)

These constraints have no parallel in business administration. A chairman or managing director of a company is rarely subjected to the kind of detailed interrogation which a minister may face in parliament or press conference. Accountability in business administration is often limited to companies' annual reports circulated freely or just to the shareholders.

- **Conditions of Service**

  Staff of government organizations generally enjoys security of tenure. They are employed until retirement as long as they are not found guilty of any gross misconduct and after retirement, they are entitled to pension and gravity. They are promoted largely by seniority and remunerated at standard rates within fixed pay and promotion grades. Sometimes, such pay bears little related to performance since no matter how inefficient a public official turns out to be hardly will

he be excised from his grade level point. He usually hangs on until retirement unless found guilty of gross misconduct.

In business organizations, the practice is different. Their recruitment and dismissal processes are based on need and productivity. They usually have a policy for rewarding hard work and dispensing with the lazy. The pay and promotion policies are therefore more flexible than public organizations.

Politics/Administration Dichotomy.

The debate over the extent to which public administration should be studied and regarded as part of the total political process was initiated by Woodrow Wilson. This paradigm is characterized by two contradictory propositions. The first proposition which is usually traced to a seminar article by Woodrow Wilson in 1887 titled 'The Study of Administration' states that politics and administration are two distinct spheres and that each has its own group of functionaries (Adamolekun 1986). This view was strongly supported by Goodnow (1900) who posits that:

> There are then, in all governmental systems, two primary or ultimate functions of government viz: the expression of the

> will of the state and the execution of the will. There are also
> in all states separate organs each of which is mainly busied
> with the discharged of one of these functions. These
> functions are respectively politics and administration (Adamalokun, 1986:13-14)

In the above extract, Goodnow defines politics as the expression of the will of the state and administration the execution of the will of the state.

In the same vein, Stickney (1879) argues that public servants must have duties of only one class; the men in the executive administration should have nothing to do with general legislation and the men who have to do with general legislation (the deliberating and deciding as to the policy of all departments of government) should not meddle with the details of administration (Adebayo 1981).

It is informative that the advocates of this separation postulated their paradigm against the background of the political circumstances of their age. During this time, American public administration and political life were dominated by spoils politics and patronage system.

However, as administrative reforms were introduced into American public life, spoils system ceased to exist. American writers on public administration

began to modify their views on the dichotomy between politics and administration. In this regard, the second proposition which states that a rigid distinction cannot be maintained between public administration and policy making which is one of a number of basic political processes by which people achieve and controls governance.

John Pfiffner (1935) acknowledges the fact that in a considerable number of instances administrative action. He however cautions that although politics and administration cannot always be separated and isolated, one should not encroach upon the other in a meddlesome manner. Arguing along the line of inseparability of politics and administration, Dimock (1937) observes that the two processes of administration and politics or policy and administration by describing it as 'misleading distinctions' which had become 'a fetish, a stereotype in the minds of theorists and practitioners alike' (Adebayo 1981:70).

We are rounding off this discussion by emphasizing that recent experiences in the functioning of government indicate absence of dichotomy between politics (policy making) and administration. Administrators are involved in policy making. A key function of an administrator is to advice the political executive in the policy process. In doing this, he continually calls the attention of the higher authorities

to certain needs, and suggests the best means to achieve a sound goal.

Review Questions:

- What is public administration?
- Public administration is both a science and an art. Do you agree? Discuss
- Differentiate between public administration and business administration.
- The two processes of administration and politics are coordinate rather than exclusive. Discuss this statement in the context of politics-administration dichotomy debate.

References:

Adamolekun, L. (1983). *Public Administration: A Nigerian and Comparative Perspective.* New York, Longman Ltd.

Adamolekun, L. (1986). *Politics and Administration in Nigeria*. Ibadan, Spectrum Books Ltd.

Adebayo, A. (1981). *Principles and Practices of Public Administration in Nigeria.* Ibadan, Spectrum Books Ltd.

Beard, C. (1941). *Public Policy and General Welfare.* New York, Rinehart and Co. Inc.

Dimock, M. (1956). *The Executive in Action.* New York, Harper and Brothers.

Dwaldo, Dwight (1978). *"What is Public Administration".* In Jay M. Shafritz and A.C. Hyde (eds) *Classics of Public Administration.* Illinois, Moore Publishing Co. Inc.

Friedrich, C.J. (1940). *Public Policy and the Nature of Administrative Responsibility.* Cambridge, Havard University Press.

Goodnow, F.J. (1900). *Politics and Administration.* New York, Macmillan.

Pfiffner, J.M (1935). *Politics and Administration.* New York, The Ronald Press Company.

Roethlisberger, F.J. (1978). *"The Hawthorne Experiments"* In J.M. Shafrts and A.C. Hyde (eds) *Classics of Politics and Administration.* Illinois, Moore Publishing Co.

Stickney, A. (1879). *A True Republic.* New York, Harper and Brothers.

Urwick, L. (1879). *Organization as a Technical Problem.* In L. Gulick and L. Urwick (eds) *Papers on the Science of Administration.* New York, institute of Public Administration.

Wilson, W. (1887). *"The Study of Administration".* Reprinted in J.M. Shafritz, and A.C. Hyde. (eds) *Classics of Political Administration.* Illinois, Moore Publishing Company.

Willoughby, W.F. (1972). *Principles of Public Administration*. The Brookings institution.

CHAPTER TWELVE

APPROACHES TO THE STUDY OF PUBLIC ADMINISTRATION

Ifeoma, C. N.

This chapter furnishes us with information on the:

- Need for the study of public administration;
- Main approaches to the study of public administration;
- Essential features of different approaches to the study of public administration;
- The strengths and weaknesses of the approaches.

Why Study Public Administration?

An appropriate springboard for the explanation of why it is necessary to study public administration is to highlight the importance of public administration. Administration has come to be recognized in every sector of human endeavor, as being the cornerstone to the success of the establishment or organization. In recognition of the prime place administrative activities occupy in the efficiency of an organization. Beard (1941) argues that "it may not be an overstatement to declare that whatever maybe the future, the science of administration will be an essential instrument". This instrument is so significant that one can agree with the writers on administration who asserted that "if our civilization break down, it will be mainly a breakdown of administration" and that the future of civilized government and even of civilization itself, rests upon our ability to develop a science and a philosophy and a practice of administration competent to discharge the public functions of civilized society (Donham 1936).

Administration is the bedrock of social stability. This is because administration ensures the establishment of

institution of the state or an enterprise is carried out from day to day. For instance, institutional machineries like the legislature, judiciary, the civil service and regulatory commissions are set up to ensure the smooth working of the various components that make up the state. These institutions are set up to achieve specific purpose. Through them, laws, rules and mechanisms are set up and their operation controlled, coordinated, and supervised. These constitute administration. These institutional mechanisms also ensure stability and continuity in periods of change and stress. Thus, Adebayo (1981) points out that without them, changes in government especially when accompanied or occasioned by violent means. Administrative function thus ensures the continuance of the existing order.

Public administration aims at the efficient utilization of resources at the disposal of officials and employees. This is achieved through elimination of waste and effective use of human and material resources and the protection of the welfare and interests of the employees and from a broader perspective, that of the generality of the citizenry.

The importance of public administration as well as the widening scope of the operational area of government necessitates the study of public administration. In the early times, what occupied men's thoughts was the constitution of government because that was the main area of contention.

There was little or no trouble in administration to generate people's attention. The function of government was simple, essentially restricted to the maintenance of law and order. There was no complex system of revenue and public debts to puzzle financiers. The populations were of manageable numbers. The exercise of governmental power was assumed to be a simple matter that needed no expertise. Hence, President Jackson of the United States was quoted as having said that, "the duties of all public affairs are or at least admit of being made so plain and simple that men of intelligence may readily qualify themselves for their performance" (Adamolekun, 1983:23)

The situation has however, changed. The duties of all public affairs are no longer as plain and simple as they were in the days of President Jackson. There is scarcely a simple duty of government which was once simple, that is now not complex. Government is now increasingly responsive to the views of the governed. Government is now increasingly responsive to the views of the governed. There is now widening conceptions of the duties of the state especially in terms of service delivery. Consequently, at the same time that the functions of government are becoming more complex and difficult, they are also multiplying in number. Government is now increasingly responsive to the views of the governed. There is now widening conceptions of the duties of the state especially in terms of service delivery.

Consequently, at the same time that the functions of government are becoming more complex and difficult, they are also multiplying in number. Government is now involved commerce, social and cultural matters, debt and debt management. Every day, new things that the state will do emerge, the next thing is to identify clearly how they are to be done. This necessitates the study of public administration as a discipline. As an academic field of study, it seeks to straighten the paths of government, to make its business less unbusiness-like, to strengthen and purify its organization and crown its dutifulness (Wilson 1978).

The need for the study of public administration can, therefore, be said to arise from the following:

- The widening scope of the operational area of government;
- The increased complexity of the function of government;
- To identify clearly how government activities are to be carried out;
- To bring to focus the principles and operational procedures which will guide the administrator and thus enhance accountability, enough and efficient use of resources in policy implementation.
- To make available information on the administrative processes in countries within different environments for the cross0fertilization of ideas.

Approaches to the Study of Public Administration

Public administration is a multi-disciplinary subject. This nature of public administration emanates from the multifarious activities which come under governmental administration. A corollary of this is that public administration as a study taps the insight of any discipline that can contribute to the understanding of governmental administration. Hence, public administration as a subject incorporates ideas from history, politics, economics and law. This implies that the approaches to the study of the different individual disciplines that are considered relevant will also be relevant, in varying degrees, in the study of public administration. For the purpose of this chapter, we shall discuss five major ones.

The Historical Approach

The historical approach is an orientation which relies heavily on understanding the present through a probing of past events. As observed by Adamolekun (1983), in this approach, the present is regarded as one stage in a series that will continue into the future and the specific characteristics as well as the complexity of developments are carefully described and analyzed. The historical approach helps to place a given administrative system in a wider context.

This approach can be applied to the Nigerian situation by studying the features of the British administration from the period of amalgamation (1914) until independence in

1960. A study of this nature could provide a background to obtaining a better understanding of post-independence Nigeria public administration. This approach was adopted by Okonjo (1974) in his book *British Administration in Nigeria 1900 – 1950.*

The historical approach can also be adopted at the micro level in which it is referred to as case study, meaning an in depth study of a single historical incident. Examples include the civil war, Babangida administration, various civil service reforms, etc.

The Institutional Approach

This is the earliest approach to the study of governmental administration. It was largely based on the legal rights and obligations of government. The approach tended to emphasize formal relationships and separation of powers among the three tiers of government – legislature, executive and judiciary. Under this approach, generalizations were often based upon analysis of formal organizational practices and the constitutional delegation of authority and responsibility to the three arms of government. Policy and administration were often dichotomized, with the assumption that the role of administrators was almost entirely confined to merely carrying out policy designed by the formal political arms of government.

The Formal Structural Approach

Another vantage point for the study of public administration is the structural approach. This approach was much influenced by the scientific management school and the success of American corporations. The formal structure of governmental administration is identified as a salient feature and used as a basis for conducting investigation. The application of this approach manifests in the inclusion of provisions relating to the formal structure of the different tiers of government in the study. For instance, in the 1999 constitution of Nigeria, there are several provisions relating to the formal structure of the federal, state and local governments. In addition other structures such as the civil service commission, the code of conduct Bureau and the National Defence Council constitute instruments for the study and understanding of public administration in Nigeria.

The classical theorists such as Fredrick Taylor (1911) of the Scientific Management School, Max Weber (1922) of the Bureaucratic School and to a large extent, Fayol (1937) of the Principles of Management School all emphasized the study of formal structure as means of achieving efficient administration. These theorists established certain principles around some concepts such as hierarchy, division of labour and span of control, and argued that their faithful application would produce an efficient administration.

An illustration of the meaning of 'formal structure' is presented in figure 1 below.

Fig. 1: Structure of a Typical Local Government under the 1997 Civil Service reforms in Nigeria.

Executive Chairman

Vice Chairman

Secretary of the Council

Head of

Personnel Management

Supervisors

In the organizational chart the formal structure consists of the departments and other submits of an organization as well as the official relationships between those units.

The structural approach is essentially descriptive. For instance, any discussion on concepts like hierarchy, division of labour, etc, must necessarily start off from a descriptive approach can be extended to include both comparison and prescription (Adamolekun 1983). Through this process, the similarities and differences between the formal structures of governmental administration of two states can be compared. In the same vein, scholars can through the descriptive process,

prescribe what constitutes good structural arrangement for efficient administration.

This approach has sometimes been criticized for not relating public administration to its political environment and for not emphasizing adequately the critical factor of human relations in an organization. There is some tendency to over emphasize organizations, to assume that they have a life distinct from the activities and norms of the individuals who comprise them. Hence, this approach is sometimes referred to as, "organization without people approach, and to an extent, the role of individuals and informal organizations are neglected".

The Scientific Approach

Science is knowledge acquired through a systematic and logical process. It is the production of systematic explanations, based upon empirical data joined together to form regular patterns (Meechan 1965). Science can be seen both as a body of knowledge as well as method of gathering that knowledge. Hence jones (1971) describes it as both the product of investigation and the procedures employed in those investigations.

The scientific approach involves a logical, empirical, systematic and integrated process of collecting and analyzing data with the aim of providing understanding, explanation and prediction (Obasi 1999). Isaak (1969), Kerlinger (1977), Cohen and Mawon (1980) identify the characteristics of the scientific method as follows:

- Scientists believe that events do not just occur accidentally. Events have causes and are determined by other circumstances. Science therefore proceeds on the belief that these causal links can eventually be uncovered and understood (Cohen and Mawon 1980)
- The Scientific method is also empirically biased. This implies that investigations are focused on concrete facts or realities which can be observed and verified.
- The Scientific approach entails a logical or orderly process of investigation, presentation and analysis of data. It also builds on existing knowledge hence it is said to be cumulative.

Adamolekun (1983) identifies a major orientation of the scientific approach called behaviorisms. The behavioral approach in public administration focuses attention on the internal dynamics within administrative organizations which comprise the behaviour of the individuals within the organization, the impact of the organization on the individual, and the human behaviour within an organization contrasts with the structural approach which emphasizes the formal structures of an organization without taking into consideration the internal environment and the behaviour of the individual within it.

The behavioural approach emphasizes intensive analysis of the internal environment of an organization, the motivation of individuals who man the administrative apparatus and what may be called the "informal aspects"

of public administration. It tends to focus quite strongly on methodological problems, the use of survey analysis to determine organization and decision-making. The approach attempts to build descriptive and analytical generalizations about organizations and administrations. Like all intellectual processes, it is based upon certain assumptions, including the fact that there is order and consistency in administrative process or at least in human actions which will make investigations and generalizations possible.

The Comparative Approach

This approach owes its development to comparative politics.

The Second World War marked the development of comparative approach among academics studies of public administration. This development was as a result of the following (Adamolekun 1983).

- The creation of several new international organizations.
- The United States volunteered to assist in promoting economic recovery programmes in Europe and the Far East.
- Western countries led by USA developed programmes of aid and technical assistance to benefit the Asian and African countries that became independent from the late 1940s through the 1950s and 1960s.

- The concern of some public administration scholar with the search for a science of public administration.

As a result of the reasons stated above, many American public administrators and some academic experts of the discipline were sent to foreign countries in 1950s either to assist in administering economic programmes or as technical experts to strengthen the public administration institutions of some of the newly independent countries. From their concrete experiences, these experts discovered that the existing assumptions of public administration as elaborated in USA were inapplicable to the realities of the foreign countries. The first efforts by some of these experts to compare notes on the subject took place at the Princeton in 1952. This conference therefore gave birth to the comparative approach to the study of public administration.

This approach projects the environment as the basis of examining and understanding the operations of an administration system. Reasoning along this line, Khatz and Khan (1978) posit that in order to fully understand human organizations, they must be viewed as open systems in which transactions occur between the organization and its environment. Sharing the views of Katz and Khan, Heady (1979:64)

> Bureaucracies as well as other political and administrative institutions can be better understood if the surrounding conditions,

influences and forces that shape and modify them are identified and ranked by the extent possible in order of relative importance; institutions on the environment are also explored.

Emphasizing the importance of the comparative study of the discipline, Robert Dahl (1947) asserts that as long as the study of public administration is not comparative, claims for a science of public administration sounds hollow.

This ecological (environmental) approach in public administration focuses attention on the dynamic relationships between a public administration system and its total environment: physical, cultural, historical, economic and political.

In his contributions, Riggs (1964) articulates the *'theory of Prismatic Society'.* Essentially, the theory attempts to provide a systematic explanation for the differences that exist between the public administration systems of non-industrialized countries and those of the industrialized countries, in spite of the apparent similarities in structures and functions of the two systems. In other words, there is a comparison of functions across societies with emphasis on how similar structures perform different functions and similar functions performed by different structures. This is the comparative approach to the study of public administration.

Review Questions

- Expatiate on the statement that administration is the bedrock of social stability.
- Why is the study of public administration as an academic discipline important?
- What are the limitations of the formal structural approach to the study of public administration.
- Explain the meaning and features of the behavioural approach in public administration.
- Trace the genesis of the comparative approach to the study of public administration. What constitutes its focus?
- Explain fully the application of the institutional approach to the study of public administration.
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References:

Adamolekun, L. (1983). *Public Administration: A Nigerian and Comparative Perspective.* New York, Longman Ltd.

Cohen, L and Manon, L. (1980). *Research Methods in Education.* U.K. Croom Helm.

Donham, W.B. (1936). *The Theory and Practice of Administration.* Business Review, Vol. 14.

Fayol, H. (1947). *General and Industrial Management.* New York, Pitman Publishing Company

Jones, T. (1971). *Conducting Political Research.* New York, Harper and Row Publishers. Kerlinger, F.N. (1977). *Foundations of Behavioural Research.* New York, Holt Rinehart Winston.

Meehan, E.J. (1965). *The Theory and Method of Political Science*. Homeword Illinois, The Dorsey Press.

Obasi, I.N. (1999). *Research Methodology in Political Science*. Enugu, Academic Publishing Company.

Self, P. (1972). *Administrative Theories and Politics.* London, George Allen and Unwin.

Taylor, F. (1911). *Principles of Scientific Management.* New York, Harper and Brothers.

Weber, Marx (1922). *"The Theory of Bureaucracy".* In M. Shafritz and A. Hyde (eds) (1978) *Classics of Public Administration.* Moore Publishing Company Inc.

Wilson, W. (1887). *"The Study of Administration".* Repreinted in J.M. Shafrtz and A.C. Hyde (1978) (eds) *Classic of Public Administration.* Illinois, Moore Publishing Company

CHAPTER THIRTEEN

INDUSTRIAL RELATIONS AND LABOR LAWS

John, W. O.

INTRODUCTION

The concept of industrial relations

The concept of Industrial relations can be defined as the relations between the management of an industrial enterprise and its employees. Industrial relations have also been defined as the complex of relationship between employees, management and government, trade unions, employer's associations and government agencies. In a broad term, industrial relations is the regulation of employment relations in any employment situation by the employer/management or their organization, the workers' organization and a third party, the private sector and/or government acting as an umpire or a controller, the purpose of which is joint decision-making for establishing job rules and job values and for cooperation of manpower resources for the attainment of the enterprise's objectives.

Derbyshire and Patterson (1979:149) are of the view that industrial relations is "the relationship between the people employed and the people who employed them". These relationships include:

The conditions of employment including hours of work and remuneration. It also includes the ways in which employers and employees conduct their negotiations over conditions of employment, the contractual obligations of each side to the other and both to the state.

The degree to which the two parties-employers and employees-consult each other on the ways in which the organizations for which they both work should be run.

In this book, we will focus on the interactional activities of employers, employees and the government acting as an umpire in the regulation of employment relations.

Approaches to the Understanding of Industrial Relations

Human relations approach

Human relations approach to industrial relations refers to an approach which emphasize on the need to treat people as human beings so as to elicit higher productivity in an organization. Human relations is "the practice of management which places heavy emphasis on employee cooperation and morale". It also means "treating people as human beings'' (instead of machines in the production process). This approach also placed emphasis on the need for management to have knowledge of the needs of workers to belong and to feel important by listening to and heeding their complaints where possible and by involving them in certain decisions concerning working conditions and other matters. The result of this will be improvement in workers' morale and workers' cooperation with management in achieving good production.

2. Conflict approach

This is the dominant approach in industrial relations. It states that the organization consists of variety of individuals and social groups each having their own social values and pursuing own interests and objectives. Therefore conflicts will inevitably occur in organizations. According to this approach, those controlling and managing the enterprise have to accommodate different values and competing interests within the workforce. The approach states that the employers and employees are always in conflict, which is an expression of power differences between management and labor.

3. Marxist approach

This approach is marked by its consideration of the capitalist values. The argument behind this theory is that employers want to amass wealth at the workers' expense. This capitalist perspective can polarize the employee/employer relationships. Like the conflict theory, this one provides a useful framework for understanding conflicts in industrial relations. These conflicts are derived from competing class power and interests in terms of wealth.

4. The Unitarist approach

The Unitarist theory of industrial relations emphasizes the need for mutual dependency of employers and employees.

To a Unitarist, an organization is an integrated, friendly and collaborative whole.
Unitarists do not favor employee unions. They believed that employees' loyalty to labor union would detract them from loyalty to the organization or company. This will disrupt the bond between employer and employees.

5. Pluralist approach

Pluralist theory emphasizes the representative function of management and trade unions, and it reinforces the value (and legitimacy) of collective bargaining.
Pluralists recognize organizations within management and within unions as legitimate. They believed that management's primary function is to coordinate, communicate and persuade, rather than control or dominate other parties.
Importance of Industrial Relations
Healthy industrial relations are keys to the progress and success of every organization. The significance of healthy industrial relations are discussed as under:

Uninterrupted production – the most important benefit of industrial relations is that this ensures continuity of production. This means, continuous employment for all from manager to workers. The resources are fully utilized, resulting in the maximum possible production. There is uninterrupted flow of income for all. Smooth running of an industry is of vital importance for several other

industries: raw materials are produced for other industries as inputs; goods are produced for exporters and goods made available to consumers and workers for mass consumption.

Reduction in industrial disputes - Good industrial relations reduce the industrial disputes. Disputes are reflections of the failure of basic human urges or motivations to secure adequate satisfaction or expression which are fully cured by good industrial relations. Strikes, lockouts, go-slow tactics, and grievances are some of the reflections of industrial unrest which do not spring up in an atmosphere of industrial peace. It helps in promoting co-operation and increasing production.

High morale - Good industrial relations improve the morale of the employees. Employees work with great zeal with the feeling in mind that the interest of employer and employees is one and the same, i.e. to increase production. Every worker feels that he is important and a joint partner of the gain of an industry. The employer in turn must realize that the gains of industry are not for him alone but they should be shared equally and generously with his workers. This realization engenders industrial peace and harmony. In other words, industrial harmony brings unity between management and workers which will invariably increase the morale of workers.

Mental Revolution - The main objective of industrial relations is a complete mental revolution of workers and employees. The industrial peace lies ultimately in a transformed outlook on the part of both. It is the business of leadership in the ranks of workers, employees and Government to work out a new relationship in consonance with a spirit of true democracy. Both should think themselves as partners of the industry and the role of workers in such a partnership should be recognized. On the other hand, workers must recognize employer's authority. It will naturally have impact on production because they recognize the interest of each other.

Reduced Wastage – Good industrial relations are maintained on the basis of cooperation and recognition of each other. It will help increase production. Wastages of man, material and machines are reduced to the minimum and thus national interest is protected.

Thus, it is evident that good industrial relations is the basis of higher production with minimum cost and higher profits. It also results in increased efficiency of workers.
Role of industrial relations in the organization
It results into increased productivity. Management can improve employees working conditions depending on improved industrial relations
Helps the government to easily implement various labor laws

Good industrial relations lead to employee commitment
Sound industrial relations lead reduced government and international bodies intervention in affairs of the organizations
Organizations where management and workers co-exist amicably enjoy the benefits of improved corporate image.
Conditions for good industrial relations
The employer should recognize that employees are part of the team, working for a common objective.
Fairness in redressing of employee grievance such as those regarding to working conditions
Payment of fair wages and salaries as reflected by pay structure
Effective communication to keep employees informed about the decisions that affect them
Establishment of an atmosphere that allows employee participation
Provision of adequate welfare, health and safety facilities to employees

Causes of poor industrial relations

1. Autocratic leadership
2. Poor communication
3. Unclear policies
4. Ignorance of rights and policies as specified by labor laws
4. Lack of job security

5. Oppression of workers
6. Inequality in treatment of workers in matters relating to conditions of service

Solutions

Sound and strong democratic leadership
Training and development of both employees and employers
Create awareness by effective communication
Adopting open door policy
Improve working conditions
Equity and fairness in management of employees

Revision questions

Clearly outline and explain the causes for poor industrial relations
Discuss the possible remedies to the above causes
Discuss the role of Human relations theory in industrial relations (class homework)

CHAPTER FOURTEEN

PROCESSES AND PRACTICES IN INDUSTRIAL RELATIONS

Ifeoma, C. N.

The concept of Industrial unrests

Industrial or Labor unrest is a term used by employers or those generally in the business community to describe organized labor and strike actions undertaken by labor unions, especially where labor disputes become violent or where industrial actions in which members of a workforce obstruct the normal process of business.

There are various forms of industrial unrests. These instruments may include strikes, lockouts and picketing.

STRIKES

Forms of strikes

The term strike refers to employees' cessation, refusal to continue to work or intentional redirection of production. While negotiating for settlement of an industrial dispute,

workmen may resort to the use of instruments of economic coercion to get their demands accepted by management. The workmen may remain at their respective offices or may be present within the premises but not working.

The withdrawal of labor puts pressure on the employer to immediately consider the need to negotiate so that employees can resume normal production.

It can also be noted that strikes and other forms of industrial action are not always sanctioned (given a go ahead) by the trade union. The strikes that are not sanctioned by the union are considered unofficial. However, most times strikes start as unofficial and are made official as they progress.

There are many ways in which the employees can go on strike and these include; sit down strike, go slow strike, hunger strike, wild cat (lightning) and work to rate (strike).

a) Sit down strike

This refers situations in which employees refuse to work in protest against certain demands. The employees can report to the industry but won't do any work. In most cases, the employees will be non-violent i.e. may not cause damage to the company's property. The employees union can instruct employees to sit and refuse to work

until further notice. The sole (aim) intention of the strikers is to put pressure on management to accept their demands.

b) Go-slow strike

This form of strike refers to a deliberate delaying of production by workmen who pretend to be engaged in the company's work. The economic indication of a go-slow strike is the very high cost of production. During the go-slow strike, the cost of production rises and delivery schedules are delayed. The workers adopt go-slows in order to avoid legal restrictions. The legal restrictions could be stipulated in the labor laws and collective bargaining agreements. When the workmen stay at work with the aim of delay in production, they claim to have worked and are entitled to full wages and salaries.

It can be said that go-slow strikes are likely to be more harmful than total cessation of work (sit down strike). The go-slow strike is harmful because during the strike much of the equipment is tampered with in order to reduce production. The workers can damage some parts of the equipment. Therefore go-slow strikes have been considered a serious misconduct.

c) Hunger strike.

It is a situation which employers remain idle at work and refuse to eat in a bid to force management to consider their demands. The hunger strikes are used as a protest activity

in pursuing an industrial dispute i.e. as a means to achieve employee demands.

d) Wild cat/lightning

It is an unauthorized strike that can occur during the employment contract. The employees who wish to go on a wildcat strike may not give management prior notice. The characteristic feature of this strike is that the employees suddenly withdraw labor causing work stoppage. Due to the sudden withdrawal of labor, wildcat strikes can be described as lighting strikes. The wildcat strikes can be very dangerous to company's operations and property because the strikers are normally wild. It can take time for the strikers to settle down, negotiate and resume company operations.

Generally, wildcat strikes are prohibited in public utility services like water corporations, electricity boards and telecommunication services.

e) Work-to-rate strikes

This is a form strike in the workers strictly follow the rules, regulation and job description. The strikers decline to do anything not mentioned in the job description. They also take all the permissible time off the job. In this strike, strikers perform the work in such an inefficient and ineffective manner. It can be noted that in this strike

workers literally work according to rules but in reality they work against the rules so as to frustrate Production.

f) Lockouts

This refers to the temporal closing of the place of employment or the suspension of work by the employer in order to force employees to accept the management demands. This (lock out) can simply be described as a refusal by the employer to provide employees with opportunities to work. The lockout is an instrument of economic coercion by the employer to resist collective demands of workers or to enforce management terms. It should be noted that company lay off or redundancy are not considered lockouts.

g) Picketing

When workers are dissuaded from work by stationing certain men at the factory gates, such a step is known as picketing. If picketing does not involve any violence, it is perfectly legal. Pickets are workers who are on strike that stand at the entrance to their workplace. It is basically a method of drawing public attention towards the fact that there is a dispute between the management and employees.

The purpose of picketing is to:

• Stop or persuade workers not to go to work

. Tell the public about the strike

• Persuade workers to take their union's side

Other types of strikes

• Economic Strike: Under this type of strike, labors stop their work to enforce their economic demands such as wages and bonus. In these kind of strikes, workers ask for increase in wages, allowances like traveling allowance, house rent allowance, bonus and other facilities such as increase in privilege leave and casual leave.

• Sympathetic Strike: When workers of one unit or industry go on strike in sympathy with workers of another unit or industry who are already on strike, it is called a sympathetic strike. The members of other unions involve themselves in a strike to support or express their sympathy with the members of unions who are on strike in other undertakings. The workers of sugar industry may go on strike in sympathy with their fellow workers of the textile industry who may already be on strike.

• General Strike: It means a strike by members of all or most of the unions in a region or an industry. It may be a strike of all the workers in a particular region of industry to force demands common to all the workers. These

strikes are usually intended to create political pressure on the ruling government, rather than on any one employer. It may also be an extension of the sympathetic strike to express generalized protest by the workers.

Grievances and grievance handling

Grievance According to Michael Jucius, "A grievance can be any discontent or dissatisfaction, whether express or not, whether valid or not, and arising out of anything connected with the company that an employee thinks, believed, or even feels as unfair, unjust or inequitable." A grievance means any discontentment or dissatisfaction in an employee arising out of anything related to the enterprise where he is working. It may not be expressed and even may not be valid. It arises when an employee feels that something has happened or is going to happen which is unfair, unjust or inequitable. Thus, a grievance represents a situation in which an employee feels that something unfavorable to him has happened or is going to happen. In an industrial enterprise, an employee may have grievance because of long hours of work, non-fulfillment of terms of service by the management, unfair treatment in promotion, poor working facilities, etc.

Nature of Grievance

Grievance is any real or imagined feeling of personal injustice that an employee has, concerning his employment relationship. It is dissatisfaction about the work situation (whether related to the terms and conditions of employment, working arrangement or managerial decisions).

Symptoms of conflicts in the enterprise

Just like smoke could mean fire, similarly grievances could lead to serious problem if it is not addressed immediately. So they should be handled very promptly and efficiently. While dealing with grievances of subordinates, it is necessary to keep in mind the following points: A grievance may or may not be real. Grievance may arise out of not one cause but multifarious causes. Every individual does not give expression to his grievances.

Forms of Grievances

A grievance may take any of the following forms:

1. Factual: When an employee is dissatisfied with his job, for genuine or factual reasons like a breach of terms of employment or any other reasons that are clearly attributed to the management, he is said to have a factual grievance. Thus, factual grievances arise when the

legitimate needs are unfulfilled. The problem that he has is real and not virtual Imaginary.

2. Imaginary: When an employee's grievance or dissatisfaction is not because of any factual or valid reason but because of wrong perception, wrong attitude or wrong information he has. Such a grievance is called an imaginary grievance. Though it is not the fault of management, the responsibility of dealing with it still rests with the management. So the problem is not real. It is in the mind or just a feeling towards someone or something. So be careful your grievances could be very much imaginary!

3. Disguised: An employee may have dissatisfaction for reasons that are unknown to him. This may be because of pressures and frustrations that an employee is feeling from other sources like his personal life. I am sure you will agree that if you have fought at home and come to the place of work, you cannot concentrate in the class. Similarly if you have had a bad day in the organization where you work, that will reflect in the mood at home. We are all humans and are sensitive to the environment that we operate in.

Characteristics of Grievances

- It may be unvoiced or stated by an employee.

- It may be written or verbal,

-It may be valued and legitimate, untrue or completely false or ridiculous.

-It may arise out of something connected with the organizations as a whole or work in particular.

-It arises only when an employee feels that injustice has been done on him or her.

• Identifying Grievances

Identifying Grievances involves the following process:

- Exit interview: Employees usually quit organizations due to dissatisfaction or better prospects elsewhere. Exit interviews, if conducted carefully, can provide important information about employees' grievances. This can help the management to gather feedback and to genuinely incorporate feedback. The management should carefully act upon the information drawn from such employees .It should be careful that the discontentment is reduced so that no more employees quit the organization because of similar reasons. Gripe Boxes: These are boxes in which the employees can drop their anonymous complaints. They are different from the suggestion boxes in which employees drop their named suggestion with an intention to receive rewards It is normally said

that if you want to progress in life, you should be close to critics. These gripe boxes can perform the role of critics for the organization. The management should carefully act upon the information thus gathered. 2. Opinion Survey: The management can be proactive by conducting group meetings, periodical interviews with employees, collective bargaining sessions etc. through which one can get information about employees' dissatisfaction before it turns into a grievance.

- Open-door Policy. Some organization extends a general invitation to their employees to informally drop in the manager's room any time and talk over their grievances. This can be very effective because it can nip the evil in the bud. That is it can take care of the problem before it gets out of hand. In fact, the management should hold formal and informal get together with the employees.

Classification of Grievances

(a) Grievances resulting from working conditions

- Improper matching of the worker with the job.
- Changes in schedules or procedures.
- Non-availability of proper tools,

• Machines and equipment for doing the job.

• Unreasonably high production standards.

• Poor working conditions.

• Bad employer-employee relationship, etc.

(b) Grievances resulting from management policy

• Wage payment and job rates

• Leave and Overtime.'

• Seniority and Promotion

• Transfer and disciplinary action.

• Lack of employee staff development plan.

• Lack of role clarity.

(c) Grievances resulting from personal maladjustment

• Over-ambition.
• Excessive self-esteem or what we better known as ego.
• Impractical attitude to life etc

Effects of Grievances

The following are effects of Grievances:
Frustration,
Alienation
De-motivation,
Slackness,
Low Productivity,

Increase in wastage & costs,
Absenteeism,
Indiscipline,
Labor unrests

CHAPTER FIFTEEN
GRIEVANCE HANDLING PROCEDURES

E. O. Abah

There is need for every organization to have grievance redressal guidelines. The grievance guidelines provide confidence among employees because they can get a fair hearing, i.e. they know what to do and who to approach to ensure that they get justice.

Guidelines for Handling Grievances

1. Investigate and handle each and case believed to be a grievance. The superior should try to get at the root of the problem. It should be remembered that symptoms are not the problems. It should also be noted that if there are symptoms, is an indication of existing problem.

2. The complaint should be given a right to fair hearing by his superior. Directly meet the employee and give him /her opportunity of full hearing. He should be allowed to express himself completely.

3. Ask the union representative to identify specific provisions of the contract that have been allegedly violated by the management.

4. Examine the relevant contract provisions to understand them thoroughly.

5. Examine the personal record of the aggrieved party.

6. If the grievances are real and their causes located, attempts should be made to remove the causes. If the grievances are imaginary or unfounded, attempts should be made to convince the workers.

7. Inform your superior about the grievance matters.

8 Do not deny grievance on the ground that management has tied your hands

9. Do not commit the company in areas beyond the limit of your authority and responsibility.

10. Every grievance must be handled within the reasonable time limit. I am sure you will agree with this. Imagine you have a genuine problem and you share it with the authorities. You will also expect immediate action taken to take care of your problem.

11. A grievance procedure should incorporate the following features: 1. Conformity with existing legislation: The procedure should be designed in conformity with the existing statutory provisions. Where practicable, the procedure can make use of such machinery as the law might have already provided for. 2. Acceptability: Everybody must accept the grievance procedure. In order to be generally acceptable, it must ensure the following:

A sense of fairness and justice to the worker, reasonable exercise of authority by the manager, and adequate participation of the union.

- Simplicity: The following points should be noted in this regard: The procedure should be simple enough to be understood. The steps should be as few as possible. Channels for handling grievances should be carefully developed. Employees must know the authorities to be contacted at various levels. Information about the procedure should be thoroughly disseminated among all employees through pictures, charts, diagrams, etc.

Grievance Procedure

'The term procedure refers to that organizational mechanism which provide a formal regulatory frame work for handling specified issues, and in so doing, define and limit the exercise of managerial authority and power. Broadly, there are three levels at which the grievance/dispute procedure operates These levels include:

Within a Department

• Foreman

• Supervisor/Unit head

• Head of department

Outside the Department but still within the organization

This allows the senior management to assess the issue within the wider context of the organization's industrial relations position and strategy, and in particular assess any implication it may have for other parts of the organization or the future.

• The HR Manager

• The Director/Senior Manager

• The Grievance committee (Comprising of representative of the employees and employers)

External to the organization

This allows for unresolved issues to be subjected to some form of third party scrutiny to judge whether management's decision is fair and if applicable, in accordance with the provisions of collective bargaining agreements.

• Conciliation/Arbitration through ACAS (Advisory, Conciliation and Arbitration services.

As far as possible, workers should be encouraged to discuss their problems first with their immediate

supervisors. If it is not settled at that level or if this complaint is against the foreman himself, he must be allowed to represent it to the next level. The higher authority must handle this problem expeditiously and try to solve them if the aggrieved person is still not satisfied he/she should be allowed to make his complaint to the personnel manager. The personnel manager must give a fair hearing to the employee to allow him to ventilate his problems, anxieties and difficulties. If the employee wants to bring the evidence for his grievance he must be allowed to do so. Personnel manager must be able to settle all grievances which are reported to him. If however, there is any problem which he cannot handle, the same must immediately be brought to the notice of the whole management team. A summary report of grievance cases handled by the personnel office must be died in the individual folders for further reference.

There are a number of models/practices in grievance handling. For example, we shall consider three processes.

Four-step model, Open door policy, Grievance panels

FOUR STEPS MODEL IN GRIEVANCE HANDLING

(This can be applied in both union and non-union)

Step 1: An employee tells union steward/supervisor about his/her grievance within reasonable number of working

days, for example, 5 days to resolve the issue. At this stage, a formal meeting is held to discuss the grievance.

Step 2: If the grievance cannot be resolved in the first step, the grievance is put in writing and the union official/supervisor has additional five days to resolve the issue. At this stage, a formal meeting is held to discuss the grievance

Step 3: if the second step is unsuccessful in resolving the grievance, the process moves to the 3rd step. The step usually involves both the corporate manager/Director of labor Relations or local and National Union representative, given say, 10 days. Negotiations at this stage can be contentious, for example, if the grievance has wider implications, as production standards. This is the final opportunity for management to negotiate a settlement with union. It is common for management to try and cut a deal with the union at this step.

Step 4: the final step of the grievance procedure is the arbitration. Only about 1% of grievances get as far as arbitration. The rest are settled in the 3 steps above. Both parties select the arbitrator before whom the management and union advocates present their case and evidence at quasi-judicial format. The arbitrator then examines the evidence and makes a ruling. Most arbitrators also write an opinion outlining their reasoning and the sections of the labor contract that influenced their decisions.

OPEN DOOR POLICY

This is a policy that is informal in nature and is mainly applicable to non-union organization. All employees have direct access to any manager or executive in the organization. An employee walks in the office of any manager and asks for an opinion on a complaint or any other problem worrying her/him. The manager consulted must have a fair investigation on both sides of the issues and provide an answer within a specified period of time. ODP has two major benefits.

• It makes employees feel more secured and committed to the organization.

• It makes mangers less likely to act arbitrarily

The process can also have disadvantages as it can be seen as a method of undermining supervisors or employees can misuse it to accuse their colleagues un fairly

GRIEVANCE PANELS

They are composed of the complaining employee's peers and managers other than the employee's direct manger. The grievance panel conducts an investigation into the grievance brought before it and makes recommendations to senior management

Good side of grievances	Bad side of grievances

Rewarding	Bad
Normal	Threatening
Constructive	Destructive
Necessary	Unnecessary
Challenging	overwhelming
Desirable	undesirable
Inevitable	Avoidable
Healthy	unhealthy
Clean	Dirty

Grievance handling interview

• Put the person at ease by showing that you're prepared to listen

• Listen carefully, be patient as someone may first conceal his/her grievance until they see your reactions

• Ask searching questions: who, why, when, where, Which, How (6W)

• Restate the problem as presented by the person and try to agree that it is accurate

• Do not evade issues, even if they hurt

After the interview, note for yourself what you expect to see happen. This 1 provides you with a performance check

Conclusion: As observed in the introduction, the genesis of most grievances at the work place can be traced to the entire HRM imperatives. Management would do well to minimize grievances if they practice democracy and follow appropriate, contract procedures at the work place. A worker today is not a mere input of production like materials, money or machinery. She/he is primarily a human being endowed with knowledge and intelligence as well as lapses and shortcomings. As such management in dealing with their employees should where possible know and understand the workers in order to effectively manage his or her grievances.

CHAPTER SIXTEEN

DISCIPLINARY ACTION IN INDUSTRIAL RELATIONS

Ifeoma, C. N.

Discipline in the workplace is a means by which supervisors who manages personnel correct behavioral deficiencies and ensure adherence to established company rules. The purpose of discipline is correct behavior. It is not designed to punish or embarrass an employee.

Often, a positive approach may solve the problem without having to discipline. However, if unacceptable behavior is a persistent problem or if the employee is involved in a misconduct that cannot be tolerated, management may use discipline to correct the behavior.

In general, discipline should be restricted to the issuing of letters of warning, letters of suspensions, or actual termination. Employers should refrain from "disciplining" employees by such methods as altering work schedules, assigning an employee to do unpleasant work, or denying vacation requests.

Examples of misconduct which could result in discipline:

Excessive tardiness

Failure to notify of an absence

Insubordination

Rude or abusive language in the workplace

Failure to follow "Departmental Rules or Policies ", i.e., not wearing safety equipment, not following correct cash handling procedures

- Dishonesty
- Theft

Of course, discipline maybe required for a number of other misconducts. The question that needs to be asked is if the Employer has "just cause" to impose a form of discipline.

In reviewing whether or not management was correct in its choice to discipline, arbitrators have looked at a number of factors. These factors must be taken into account by management when deciding to use discipline:

1. Did the employee clearly understand the rule or policy that was violated?

For example, were the work rules or policy provided to the employee prior to the violation. It is management responsibility to prove that the employee knew the rule or policy.

2. Was the rule or policy consistently and fairly enforced by management?

For example, did management have a history of ignoring the departmental policy on wearing safety equipment, but singled out an employee for discipline anyway.

3. Did the employee know that violating the rule or policy could lead to discipline?

4. The seriousness of the offense in terms of violating company rules of conducts or company obligations.

For example, being a few minutes late for a shift would not be viewed as being as serious an offense as striking another employee or stealing University property.

5. The long service of the employee.

6. The previous good (or bad) work record of the employee.

7. Provocation.

Was (he employee pushed into acting rudely of violently as a result of management or a customer's actions? This is a very common defense for employees involved in insubordination

Did the employee admit to the misconduct and apologize for their behaviour?

Arbitrators will often rule harshly against employees who are deceptive during m investigation and who show no remorse for their actions.

This list is not exhaustive, but it does include some of the more important factors that should be reviewed prior to issuing discipline.

The Disciplinary procedure: This sets out the stages through which any disciplinary action should proceed. Most organizations follow the procedure of progressive discipline.

1. Informal warning

2. Formal warning

3. Further disciplinary action.

1. Informal warning

A Verbal/informal warning is given to an employee in the first instance in a more serious offence or after repeated instances of minor offences. This is also administered by the employee's immediate supervisor.

2. The formal warning,

This is given to the employees in the first instances of more serious offences or after repeated instances of minor offences.

It should states the exact nature of the offence and indicates any further disciplinary action in case the employee repeats the offence in a specific time limit A copy of the written warning is placed in the employee's personnel record file but is destroyed 12 months after the date on which it was given, if the intervening service has been satisfactory.

The employee is required to read and sign the formal warning and has the right to appeal to the higher management if he/she thinks the warning is unjustified.

3. Further disciplinary action

If despite of previous warnings an employee fails to reach the required standards in a reasonable time frame, it might be necessary to consider further disciplinary action. Further discipline action may be in form of suspension without pay or dismissal. However staff below the rank of department manager may only recommend disciplinary action to higher management.

Note: Read about Summary Dismissal:

Other Guidelines in Disciplinary Action

1. Disciplinary action should be taken in privacy if necessary; the purpose is to condition behavior but not to punish. Holding a person to public ridicule often has the opposite desired effect.

2. Applied disciplinary action should always be accompanied by the useful action. The person being disciplined should be told clearly and precisely with reason. They should also be told how to prevent such behavior in future.

3. Disciplinary action should be applied by immediate super-vision. This will ensure that the principle of single accountability is not violated.

4. Disciplinary action should be immediate. If a penalty is delayed too long, the relationship between the penalty and the offence becomes unclear.

The penalty then loses its true effects on behavior and stimulates greater resentment than if it had been applied immediately.

5. It should be consistently administered. Discipline is perceived as fair if it is administered consistently.

6. After the discipline has been administered, the manager should assume the normal attitude towards the employee. The supervisor should assume that the incident is closed after the penalty is effected.

Approaches to Discipline

> Negative/Punitive Approach to Discipline

Many traditional approaches to discipline are negative, punitive and reactive, which result in bad feelings for all parties involved (Discouraging a particular behavior.

> Positive Approach to Discipline.

This involves a process designed to solve performance problems and encourage good performance. The basic theory behind the positive discipline approach is that when a student is treated as an adult who must solve a problem, rather than as a child who must be punished, the student is more likely to respond positively and correct the problem.

HOT STOVE DISCIPLINE MODEL

The hot stove rule is a set of guidelines used in administering discipline that calls for quick, consistent and impersonal action preceded by a warning.

The hot stove model provides how a disciplinary action should be administered.

The rule suggests that the disciplinary process is similar to touching a hot stove.

Touching a hot stove results in an immediate consequence, which is a burn Discipline should also be an immediate V consequence that follows a rule infraction (breach, violation)

The hot stove provides a warning that one will get burned if one touches it. Disciplinary rules should inform employees of the consequences of breaking the rules as well.

A hot stove is consistent in administering pain to anyone who touches it Disciplinary rules should be consistently applied to all.

CONCILIATION

Conciliation refers to a voluntary, informal process of disputed resolution, whereby an independent third party assists the parties to a dispute to clarify the points of disagreement and attempts to promote settlement. No binding award is made and any agreement reached is the responsibility of the parties,

Section 12 of the Industrial Disputes Act deals with the duties of the conciliation officer and lays down that where any industrial dispute exists or is apprehended the conciliation officer may hold conciliation proceedings.

• It is the duty of the conciliation officer to investigate the dispute and all matters affecting the merits and the right settlement thereof without any delay.

• He is also empowered to take all such steps as he thinks proper for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.

• He must act promptly and expeditiously.

• If settlement is arrived at as a result of conciliation proceeding, he must make a report to the Government (Minister of Labor in case of Uganda) within 14 days along with a memorandum of settlement.

If no settlement is arrived at a report containing information regarding steps taken by him/her for ascertaining the facts and circumstances relating to the dispute and reasons on account of which settlement could not be made, must be sent to the Minister of Labor (Labour Commission).

The conciliation officer may meet both the employers and employees concerned at such places and at such times as he may think proper. Meeting of representatives of the both parties jointly or separately may be held by him.

A settlement arrived at in the course of conciliation proceeding is binding on all parties to the dispute. The agreement comes into force on the date agreed upon or the date of agreement as the case may be.

Conciliation officer has no power to give final decision in the matter of a dispute.

The role of a conciliation officer is a difficult and delicate one and requires extraordinary virtues.

Board of Conciliation

A board of conciliation on the other hand may be appointed by the Minister with two or four members representing the parties in equal numbers.

To endeavor to bring about a settlement of the dispute, they can investigate all matters affecting the case and can induce the parties to come to a fair and amicable settlement.

If any agreement is reached, the board shall send a report to the government together with a memorandum of settlement signed by the parties to the dispute.

If negotiation fails, then also, a full report must be sent setting together with the proceedings and steps taken and its recommendations. Report must be sent not later than two months.

The board can enforce the attendance of any person, and request too for arty documents relevant to the dispute settlement.

Any settlement arrived at between the works committee and management is to be regarded as a settlement entered into by a body representing the employees as whole.

Grievance is any real or imagined feeling of personal injustice that an employee has, concerning his employment relationship. It can also be described as any dissatisfaction or feeling of injustice in connection with

one's employment situation that is brought to the attention of management

CHAPTER SEVENTEEN

INDUSTRIAL CONFLICTS AND UNRESTS

John, W. O.

Definition

Industrial conflict refers to the situation manifested by the occurrence of disputes in industrial action. It denotes the clash of interests, and resultant disputes of varying intensity, between different individuals, groups and organisations in the industrial relations system. It involves the total range of behavior and attitudes that express opposition and divergent orientations between individual owners and managers on the one hand and working people on the other. (A. kornhauser).

Industrial conflicts may centre on differences in values and objectives and relationships in terms of status power and distribution. They exit at every level of industrial relations, with localized conflicts even within the separate groups of actors.

CAUSES OF INDUSTRIAL CONFLICT

• In many cases conflict is a result of inadequate fixation of wage structure, causing discontent among the workers who then decide to initiate industrial conflict. Some employers make employees work for long hours for very

low wages. This may be caused by poor job evaluation methods, resulting into lack of equity/fairness in pay structures, which may drive the employees into industrial action.

• Poor management style is another major cause of Industrial conflict. It is exhibited through poor industrial relations as a result of mental laziness on the part of both management and labour. Management is not sufficiently concerned to ascertain the causes of inefficiency and unrest. Even with regard to methods of work, management does not bother to devise the best method but leaves it mainly to the subordinates to work it out for themselves.

Another cause of conflict is an intolerant attitude of contempt towards the workers by the employers or management. If for example workers demand improved health or other working conditions and management is intolerant to their demands they are likely to turn to industrial action as the last resort.

•Lack of proper grievance and disciplinary procedures which make it difficult for employees' problems to be dealt with fairly.
• Refusal to recognize the workers' union for collective bargaining.
• Dismissing workers without notice or redundancy pay.

• Unhealthy working conditions may also cause industrial conflict.
• Indiscipline on the part of workers may result into industrial conflict.
• Lack of human relations skill on the part of supervisors and other managers; Management might be concerned more with task accomplishment than human rights issues.
• Desire on the part of the workers for higher bonus and the corresponding desire of the employers to give as little as possible.
• Inappropriate introduction of automation or other changes without providing the right climate. Employees must first be prepared for any change in order to avoid resistance to the change.

MANIFESTATIONS OF INDUSTRIAL UNREST

Industrial conflict often manifests itself through activities undertaken by the work force when they protest against terms or conditions of their employment. There are two types of industrial action manifested during industrial unrest

a) Employee manifestations

This refers to actions taken by employees in industrial conflict, aimed at the employers or management. These actions may take place in an organized manner in form of strikes. The different types of strike include:

Wild cat/Lightning strike-This is where workers go on a violent strike destroying property, hurting people etc.

Go Slow strike-Here the workers come to the work place but do not put in the effort required. They will avoid doing the work in different ways, thereby reducing productivity and output. This type of strike is common in public bodies.

Work to Rule- In this style the workers restrict their input to what is contained in their contracts of employment e.g working hours. They don't accept any extra work or agree to put in extra time.

Picketing- Here the workers come and camp outside the company premises and refuse to enter to work. The idea is to draw everybody's attention to their problems.

Sit-In/Work-In strike - This is where the employees report to the work place but don't do any work. They lay their tools down until management addresses their problems.

The actions by employees may also be unorganized but manifested in counter productive work behaviours like excessive absenteeism, continuous break of rules, poor time-keeping, and high labour turnover.

b) Management /employer manifestations

'These are the actions/reactions of employers during industrial unrest. They may be organized/collective for example:-

Withdrawal of overtime- They stop giving the workers work outside the official working hours, from which they earn some extra money.

Mass suspensions - The employer suspends workers in big numbers as punishment for striking.

Lock-outs - Here employers lock all the workers out of the premises and only allow entry to those who undertake to denounce the strike and work normally.

Closure/transfer of plant -The Company may decide to just relocate by closing or transferring the plant to another place where they expect more peace.

Their actions may also be unorganized or uncoordinated like enforcement of strong discipline by laying-off, suspending or demoting the suspects.

EFFECTS OF INDUSTRIAL CONFLICT/UNREST

Industrial conflicts may be perceived either as disruptive to the proper functioning of society or as providing an impetus for social change and progress. However, whatever the form or manifestation of industrial unrest it has serious implications to the organization. It often results into massive losses, costs and destruction to the

organisation. In extreme cases where the unrest manifests in violent strikes, death may occur. For example the workers of MULCO a textile industry in Jinja killed their manager over issues of wages in the 1970s.

An economic survey in India showed a rise in man days lost due to strikes by the unions of coal India to 3.20 million in the first nine months of 2004 - 2005 as compared to 3.20 million in the entire 2003. The worst year had been 2000 when 11.96 million man days were lost.

On the part of the employees they also lose their pay for the period of the strike and may suffer harm in addition to not achieving the intended aims of their action.

In 1818 the spinners in Manchester UK went on strike because their employers refused to increase their salaries. The strike lasted $2^1/_2$ months, during which the strikers threw stones at cotton factories and confined their col1eag1-eS they termed blacklegs, preventing them from entering cotton factories to work.

Eventually the government got Concerned and arrested four ring leaders. This paralyzed the strike yet the strikers had also run out money to feed their families. They decided to go back work on the same wages as they had been receiving before the strike. The factories, incurred losses due to lack of production for that period but the

spinners also missed their pay for that period, while some lost their liberty when they were sent to prison.

Soon after the Spinners strike the weavers in' Manchester also called a strike demanding higher wages. Most employers refused to pay the proposed rate and after a few weeks the weavers gradually drifted back to work.

Industrial Conflicts are very costly to the state also. The maintenance of social order and justice have a direct bearing on a country's ability to attract and retain significant foreign and local investment. Industrial conflicts, like other conflicts are not conducive to broadening of the tax base in a country.

PREVENTION OF INDUSTRJAL CONFLICT

Industrial conflict can be prevented by ensuring the existence of conditions necessary for good industrial relations. These include the following:

• Recognition by the employer that the workers are part of a team working towards common objectives.

• An attitude on the part of the employee of delivering the goods, that is, giving the money's worth.

• Employer's guarantee of job security for employees. In return the Union should recognize that jobs and working practices may be subject to change.

• The employer should recognize the Union for collective bargaining, and consult the Union on issues that affect their members' interests.

Fair redress of the employees' grievances such as regarding working conditions, facilities, attitude of superiors and other rights.

The employer should have an active equal opportunities policy which seeks to eliminate discrimination and promotes equal treatment at work.

Avoidance by workers of being unduly influenced by political leaders staging strikes as a protest or a publicity for their own political gains.

Payment of fair wages and adequate wage structure as well as establishment of satisfactory working conditions. The working hours should take account of the individual needs of employees such as family commitments.

• Adoption of a policy which ensures to the workers an equitable share of the gains of increased productivity.

• Introduction of a suitable system of employees' education at all levels as well as providing them with appropriate equipment, where necessary.

• Training in industrial relations and' human relations to workers, technical staff and at all managerial levels.

Training and development of staff in their respective areas of operation is also essential.

• Sufficient communication to keep the employees informed about decisions which affect their interests.

• Establishment of an atmosphere of participation whether through joint committees or other methods.

COLLECTIVE BARGAINING AND JOINT CONSULTATION COLLECTIVE BARGAINING

The ILO Right to Organize and Collective Bargaining Convention (No. 98), 1949 defines collective bargaining as "Voluntary negotiation between employers or employers' organizations and workers' organizations, with a view to the regulation of terms and conditions of employment by collective agreements". It is a procedure whereby an employer or employers agree to discuss the conditions of work by bargaining with representatives of the employees, usually a labour union. Its purpose may be either a discussion of the terms and conditions of employment (wages, work hours, job safety, or job security) or a consideration of the collective relations between both sides (the right to Organize workers, recognition of a union, or a guarantee of no reprisals against the workers if a strike has occurred).

Collective bargaining is specifically an industrial relations mechanism or tool, and is an aspect of negotiation

applicable to the employment relationship. It however, differs from negotiations in the following ways:

In collective bargaining the union always has a collective interest since the negotiations are for the benefit of several employees. Where collective bargaining is not for one employer but for several, collective interests become a feature for both parties to the bargaining process. In negotiations in non-employment situations, collective interests are less, or non-existent, except when states negotiate with each other. Further, in labour relations, negotiations involve the public interest such as where negotiations are on wages which can impact on prices. This is implicitly recognized when a party or the parties seek the support of the public, especially where negotiations have failed and work disruptions follow. Governments intervene when necessary in collective bargaining because the negotiations are of interest to those beyond the parties themselves.

In collective bargaining certain essential conditions need to be satisfied, such as the existence of the freedom of association and a labour law system. Further, since the beneficiaries of collective bargaining are in daily contact with each other, negotiations take place in the background of a continuing relationship, which ultimately motivates the parties to resolve the specific issues.

The nature of the relationship between the parties in collective bargaining distinguishes the negotiations from normal commercial negotiations in which the buyer may be in a stronger position as he could take his business elsewhere. In the employment relationship the employer is, in a sense, a buyer of services and the employee the seller, and the latter may have the more potent sanction in the form of trade union action.

• Unfortunately the term "bargaining" implies that the process is one of haggling, which is more appropriate to one-time relationships such as a one-time purchaser or a claimant to damages. While collective bargaining may take the form of haggling, ideally it should involve adjusting the respective positions of the parties in a way that is satisfactory to all.

Nature of Collective Bargaining. There are several essential features of collective bargaining, all of which cannot be reflected in a single definition or description of the process: -

a) It is not equivalent to collective agreements because collective bargaining refers to the process or means, and collective agreements to the possible result, of bargaining. Collective bargaining may not always lead to a collective agreement.

b) It is a method used by trade unions to improve the terms and conditions of employment of their members.

c) It seeks to restore the unequal bargaining position between employer and employee.

d) Where it leads to an agreement, it modifies, rather than replaces, the individual contract of employment, because it does not create the employer- employee relationship.

e) The process is bipartite, but in some developing countries the State plays a role in the form of a conciliator where disagreements occur, or where collective bargaining impinges on government policy.

Collective bargaining can be divided into three separate areas: the duty to meet and confer; the duty to bargain in good faith; and the duty to cover certain subjects. The employer is not required to agree to any particular contract provision, no matter how reasonable or fair it appears to the union. However, refusing to meet at reasonable times; refusing to discuss grievances; refusing to discuss wages, benefits, or other mandatory subjects of bargaining; "take it or leave it" bargaining; or attempts to make deals behind the backs of the negotiating committee would be unfair labor practices.

SUBJECTS OF BARGAINING

Both the employer and the employee representatives are required to bargain over "wages, hours, and other terms and conditions of employment." This has been defined over the years to include wages and fringe benefits,

grievance procedures, arbitration, health and safety, nondiscrimination clauses, no strike clauses, length of contract, management rights, discipline, seniority, and union security.

Wages, Hours, and Fringe Benefits

These provisions are the most important to the average employee. The wages and hours clauses are subject to legal limitations, such as laws concerning minimum wage.

Possible fringe benefits are limited only by the imagination of the workers. Usual fringes are vacations, holidays, pensions, and health insurance. Others are sick pay, severance pay, reporting pay, day-care facilities, financial services, educational loans, and sabbaticals. All of these subjects are proper topics of the give and take of negotiations.

Health and safety

An increasing number of unions are negotiating health and safety provisions into their contracts. Typical provisions might establish the right of a union health and safety committee to make inspections and examine records, or the right of a worker to refuse unsafe work.

Non-discrimination clauses

There is also a duty to bargain over elimination of discriminatory employment practices. A good non-

discrimination clause can often provide the fastest remedy for a worker who is discriminated against by reason of age, race, sex, religion, disability, or national origin. This type of clause can be used as the basis for a grievance about any of these discrimination issues, including sexual harassment, discriminatory health benefits relating to pregnancy, or lower pay for traditionally "women's jobs."

Length of Contract.

An important item of every contract is how long it will be binding. This is strategically important for both sides and often must be determined in light of the rate of inflation, the financial health of the employer, and other similar considerations. '. .

Management Rights

Employers traditionally work to retain broad control over the operational activities of their business. Management rights usually include decisions such as corporate structure, production levels, and plant size. What is and what is not a "management right" is negotiable, and may be defined in the contract.

Discipline

Contracts usually include a clause reserving the right of the employer to discipline workers by firing, suspension, notation on work records, and other forms of reprimand.

Labor organizations traditionally try to limit this clause by requiring that "just cause" be shown for the discipline. Unions also work for procedural safeguards such as notice, hearings, and review in an attempt to protect the employee. These safeguards are often written in conjunction with the grievance procedure. The goal of the discipline clause is to insure that all facts are heard and that the punishment is not arbitrary or unfair.

Seniority

The seniority clause is a method by which senior employees protect their jobs in work areas involving transfers, promotions, bumping, filling vacancies, and layoffs. Seniority rights can be established on a department or plant-wide basis and may be conditioned on the worker's ability to perform on the job. These clauses are often the most complicated in a contract and vary with the kind of work,

Dues collection

Union and management may negotiate a mutually agreeable means of union dues collection. The most convenient method is the "check-off" system by which the company automatically deducts the amount from the employee's paycheck. Such a practice is negotiable.

Union Security

A labour organization often seeks to protect its strength by insisting on a union security clause. In Hawai'i for example management and labor can negotiate a contract which requires that when a worker is hired into a job covered by the contract, he or she must join the union within a short period of time. This is called a union shop. A state may however, enact a "right to work" law and declare union security clauses illegal. Hawai'i is one of states that has no such law.

A contract may also provide for a weaker foreign of union security. Under agency shop, for example, no employee is required to join the union. However, any worker who does not join must pay a "service fee" or "fair share" to cover the expense the union incurs by representing all members of the bargaining unit, as it is legally required to do.

These clauses vary greatly from contract to contract and industry to industry. Often they do not exist at all.

Grievance Procedure

Because contracts cannot foresee every problem that will arise at work, most collective bargaining agreements include the establishment of a mutually agreeable procedure to settle differences in contra t interpretation.

Furthermore, the grievance procedure is usually the means a worker has of enforcing the contract.

Arbitration

If the parties cannot agree on contract interpretation or proper enforcement, they may wish to call an impartial outsider, or arbitrator" to settle the question. This is only possible when an "arbitration clause" is negotiated into the contract. An arbitration clause provides an alternative to time-consuming lawsuits.

This category of contract language will often define how the arbitrator will be selected, who will pay what share, and what the arbitrator's scope of authority will be. Often, both sides will agree that the arbitrator's decision is final or "binding." This means the courts cannot review the arbitrator's decision unless it is clearly contrary to law.

No-Strike clause

Most employers insist that the labor organization agree not to strike for the duration of a contract. Such an agreement is enforceable in court and enables the employer to plan production without fear of work stoppages. This makes "wildcat strikes" illegal and may even require that the union discipline the strikers.

• No-strike clauses have been interpreted to ban almost all strikes during the life of the contract, except strikes in response to abnormally dangerous working conditions. Strikes would be still legal, of course, when the contract expires.

Conditions for Successful Collective Bargaining

Pluralism and the Freedom of Association

A pluralistic outlook involves the acceptance within a political system of pressure groups (e.g. religious groups, unions, business associations, political parties) with specific interests with which a government has dialogue, with a view to effecting compromises by making concessions. Pluralism implies a process of bargaining between these groups, and between one or more of them on the one hand and the government on the other. It therefore recognizes these groups as the checks and balances which guarantee democracy. It is natural that in labour relations in a pluralist society, collective bargaining is recognized as a fundamental tool through which stability is maintained, while the freedom' of' association is the sine qua non because without the right of association the interest groups in a society would be unable to function effectively. Thus pluralism's theme is that people associate together to further their common interests and desires; their associations exert pressure on each other and on the government; the concessions which follow help to bind society together; thereafter stability is maintained by further concessions and adjustments as new associations emerge and power shifts from one group to another."

There can, therefore, be no meaningful collective bargaining without the freedom of association accorded to both employers and workers.

Observance of Agreements

Especially in developing countries where there is a multiplicity of unions, unions are sometimes unable to secure observance of agreements by their members. Where a labour law system provides for sanctions for breaches of agreements, the labour administration authorities may be reluctant to impose sanctions on workers. Where there is frequent non-observance of agreements.

r understandings reached through the collective bargaining process, the party not in default would lose faith in the process.

Support of Labour Administration Authorities

Support by the labour administration authorities is necessary for successful collective bargaining. This implies that they will:

i. Provide the necessary climate for it. For instance, they should provide effective conciliation services in the event of a breakdown in the process, ari4 even provide the necessary legal framework for it to operate in where

necessary, e.g. provision for the registration of agreements.

ii. Will not support a party in breach of agreements concluded consequent to collective bargaining.

iii. As far as is practicable, secure observance of collective bargaining agreements.

iv. Provide methods for the settlement of disputes arising out of collective bargaining if the parties themselves have not so provided.

Good Faith

Collective bargaining is workable only if the parties bargain in good faith. If not, there will be only the process of bargaining without a result viz an agreement. good faith is more likely where certain attitudes are shared among employers, workers and their organizations e.g. a belief and faith in the value of compromise through dialogue, in the process of collective bargaining, and in the productive nature of the relationship collective bargaining requires and develops. Strong organizations of workers and employers contribute to bargaining in good faith, because there would be some parity in the bargaining strength of the two parties.

Proper Internal Communication

Both the management and union should keep their managers and members respectively well informed, as a lack of proper communication and information can lead to misunderstandings and even to strikes. Sometimes managers and supervisors who ill-informed may inadvertently mislead workers who work under them about the current state of negotiations, the management's objectives and so on. In fact, it is necessary to involve managers in deciding on objectives and solutions, and such participation is likely to ensure greater acceptance - and therefore better implementation - by them.

Advantages of Collective Bargaining

The merits of collective bargaining have been argued by both opponents and proponents of the process; the former maintain that it deprives the worker of his individual liberty to dispose of his service, while the latter point out that without the union's protection the worker is subject to the dictation of the employer.

The advantages of collective bargaining are:

- Collective bargaining has the advantage of settlement through dialogue and consensus rather than through conflict and confrontation. It provides a forum through which personal relations can be improved through personal meetings between management and trade unions. It differs from arbitration where the solution is based on a decision of a third party, while arrangements resulting

from collective bargaining usually represent the choice or compromise of the parties themselves. Arbitration may displease on party because it usually involves a win/lose situation, and sometimes it may even displease both parties.

> Collective bargaining agreements often institutionalize settlement through dialogue For instance, a collective agreement may provide for methods by which disputes between the parties will be settled in that event the parties know beforehand that if they are in disagreement there is an agreed method by which such disagreement may be resolved.

> Collective bargaining is a form of participation. Both parties participate in deciding what proportion of the 'cake' is to be shared by the parties entitled to a share. It is a form of participation also because it involves a sharing of le-making power between employers and unions in areas which in earlier times were regarded as management prerogatives, e.g. transfer, promotion, redundancy, discipline, modernization, production norms. However, in some countries such as Singapore and Malaysia, transfers, promotions, retrenchments, lay-offs and work assignments are excluded by law from the scope of collective bargaining.

> Collective regulates industria1 conflict. It ensures that it is kept within acceptable bounds. Collective bargaining

agreements sometimes renounce or limit the settlement of disputes through trade Union action. Such agreements have the effect of guaranteeing industrial peace for the duration of the agreements, either generally or more usually on matters covered by the agreement.

> Collective bargaining is an essential feature in the concept of social partnership towards which labour relations should strive. Social partnership in this context may be described as a partnership between organized employer institutions and organized labour institutions designed to maintain nonconfrofltati0flal processes in the settlement of disputes which may arise between employers and employees.

> Collective bargaining has valuable by-products relevant to the relationship been the two parties. It provides an avenue for gradual change because it is a continuous process. It is a safe valve. For instance, a long course of successful and bona fide dealings leads to the generation of trust. It contributes towards mutual understanding by establishing a continuing relationship. The process, once the relationship of trust and understanding has been established, creates an attitude of attacking problems together rather than each other.

> In societies where there is a multiplicity of unions and shifting union loyalties, collective bargaining Sand consequent agreements tend to stabilize union

membership. For instance, where there - is a collective agreement employees are less likely to change union affiliations frequently. This is of value also to employers who are faced with constant changes in union membership and consequent inter-union rivalries resulting in more disputes in the workplace than otherwise.

> Collective bargaining serves as a drainage channel. It absorbs energy that would otherwise be more destructively directed (Harbison).

> The most important advantage of collective bargaining is that it usually has the effect of improving industrial relations. This improvement can be at different levels. The continuing dialogue tends to improve relations at the workplace level between workers and the union on the one hand and the employer on the other. It also establishes a productive relationship between the union and the employers' organization where the latter is involved in the negotiation process.

Current Trends in Collective Bargaining

Collective bargaining may take place at the national, industry or enterprise level. In no country does it take place exclusively at one level only. However, in many industrialized countries, especially in Europe, the existence of strong employers' organizations and trade

unions have resulted in many important agreements being concluded at the national or industry level, supplemented by some enterprise level bargaining.

The tendency during the last decade - and especially in the 1990s - even among industrialised countries with a highly centralised bargaining system, is towards enterprise level bargaining. This is true of even a country like Sweden with a. strong employers' organization, a strong trade union movement, and a previous tradition of centralized bargaining. In the 1990s the avowed policy of the Swedish Employers' Confederation has been to move negotiation to the enterprise level. Decline in union membership and an increase in corporate power in Europe have contributed to this trend. But most importantly, restructuring of enterprises flowing from intense competition has created the need to focus on enterprise level issues such as flexible working time, removal of narrow job classifications, new work organization, promotion of more worker involvement schemes and decentralized decision-making. Many employers view centralised bargaining as facilitating more equal distribution of incomes, but depriving employers of the ability to use pay as an instrument for productivity enhancement and to compensate for skills and performance. The push by employers for flexibility in the context of increasing global competition has raised many issues which are more appropriately dealt with at the enterprise level. Some of

the many concerns of employers such as productivity and quality, performances and skills development to retain or gain competitive edge and to make rapid changes to adapt to the global market place, are likely to increase the movement towards more enterprise level negotiation.

Pre Negotiation Preparations

Objectives

A party wishing to arrive at a satisfactory conclusion or arrangement through collective bargaining should first identify the objectives of the exercise. Some objectives common to employers are the following:

i. Ensuring that the enterprise is not rendered uncompetitive

ii The need to keep wage increases below the level of productivity increases and/or within the inflation rate.

iii Guarantees of industrial peace during the period of operation of the agreement

As far as possible managers should be consulted in determining objectives;

their priorities should be solicited, and they should be aware of the company's views in regard to objectives so that they could be tested against the managers' views.

!t is insufficient to merely determine objectives. A tentative plan to achieve these objectives, which can be modified during the course of the negotiations, could be formulated. Such a plan should include the company's requests to the union. For instance, work reorganization to increase productivity to absorb the cost increases consequent upon collective bargaining may form part of the company's plan. Negotiations on the union's demands are generally an ideal setting in which management can achieve some of its objectives through agreement. In order to achieve this, the management must be clear about its own priorities. If there is an existing collective agreement, it would be a useful starting point. An analysis should be made of how it has worked, its unsatisfactory features from the company's point of view should be identified, and the changes necessary determined.

Negotiating Team

The negotiating team, and the respective roles of- the members, should be determined before the negotiations. Employers would find it useful to include

in the team people from different disciplines.

Research and Study

The union's demands should be carefully studied. The following are some of the matters to which attention should be paid.

a. Assess the economic impact of the demands on the company.
b. Make a comparative study, e.g. in a wage demand one should ascertain comparative wage rates in the industry and in allied or similar businesses, the minimum wage,' If any, and the rates applicable in other collective agreements.
c. Separate the demands which the company has no intention of fulfilling or giving, either on a question of principle or due to economic incapacity.
d. Prepare the company's position in regard to the other demands, e.g. the conditions on which the company may 'be prepared to grant them or compromise on them.
e. Identify the demands which may be of crucial importance to the union or to the employees as the case may be. This is crucial to success in negotiations because, without a proper assessment of such demands, a negotiated settlement may not result or, if one results, it may lack durability because it has not addressed, the main problems. The issues which may le of crucial importance may not be the same in the case of both (union and employees) as they may have differing interests. Having identified the crucial demands the company should formulate its strategy in relation to them e.g. the possibility of trading some of the company's demands in return for the union's demands.

Responding to the Union's Requests

It is a matter of assessment in each situation as to whether the management should make an initial response in writing to the union before negotiations commence.

Usually it is desirable that written positions stated before negotiations commence should not contain a flat or blanket refusal. At this stage it is preferable to couch a refusal in language which does not give the impression of an out-of-hand rejection or a rejection without consideration of the merits.

Negative answers may ‘sometimes be better given during the negotiations because it affords greater opportunities for explanations of the reasons for the negative answers A rejection during negotiations would more likely give the impression to the union and employees that such rejection was made only after negotiations and not before. It is always useful from the point of view of reaching agreement on other matters to first listen to the reasons adduced by the union for a demand which the company does not propose to accept A rejection during negotiations also enables the employer to convince a union of at least some of the reasons why the demand is not acceptable. It also prevents ‘a union from resorting to trade union action on the issue of a refusal to negotiate, as distinct from rejection of the demands after negotiation.

Inventing Options

Since negotiations may not proceed or take place in the way a party may plan, a party should be able to provide alternative options to what he, or the other party, expects. For example, if it transpires that the wage increase sought

is hot acceptable, the employer should be prepared with alternatives to cushion the impact of an increase in excess of what it had planned to agree to.

Strategy

A party to collective bargaining negotiations has to formulate a strategy for all stages of the negotiation, including the pre-negotiation stage. Before negotiations commence, the strategy should include matters such as;

a. Options as referred to above
b. How much to offer while leaving room for further negotiation if the offer fails. The offer should be sufficiently attractive so as not, to lead to a breakdown in negotiations.
c. How to link one's requirements to the concessions one makes.

CHAPTER EIGHTEEN

JOINT CONSULTATION

Ifeoma, C. N.

This is a day-to-day interaction between management and employees on a wide range of management-employee relations. The managers and employees meet regularly to discuss problems of mutual interest, which are outside the area of collective, bargaining agreement. It can take place through Joint Consultation Committees consisting of representatives of employees who are elected among themselves. The issues that are' discussed in the Joint Consultation include; Employee welfare issues, Health and safety at work, Efficiency and effectiveness, Employee grievances and other aspects of employee-employer relationship. The major characteristic of Joint Consultation, which distinguishes it from collective bargaining, is that, whereas under Joint Consultation, the employer consults his employees on various issues he is not under legal obligation to implement the issues discussed.

Joint consultation is an internal agreement within an establishment for enabling the opinions and views of the employees to be made known to the management. It is a basic element in the social application of industrial democracy. It can be defined as a symbol of partnership

and equality of status which are the two important characteristic so of industrial democracy.

Objectives of Joint Consultation

1) To provide channels for a regular exchange of views between all those engaged in the industry.

2) To provide a means of consultation before managerial decisions are taken.

3) To promote wider interest among the employees and foster assumption of greater responsibilities. .

Joint consultation is designed to stimulate interest and draw out the best contribution each worker can make to common efforts; to do this workers must feel part and parcel of the industrial system and they should be informed and consulted before actions are taken. Proper discussion before decision making is the foundation of joint consultation.

Prior consultation with workers at all levels is a valuable step towards good labour relations and industrial peace.

Importance/Effects of Joint Consultation

• It helps to establish mutual understanding and respect between management and workers in an atmosphere of joint responsibility.

• It creates a sense of participation among workers and makes industrial democracy a real success.

It acts as corollary of cooperation in a sense that it creates the confidence needed for cooperation and creation of partnership between workers and management.

• It creates a conducive environment for industrial peace through progressive participation of workers in the administration of welfare funds.

• It creates an atmosphere of belonging and responsibility by having everyone involved. The attitude in joint, consultation is that of "us" not they (the managed) or we "management".

• It stimulates interest, promotes understanding and provides opportunities.

• Joint consultation is a pre-requisite for satisfactory working of wage incentive schemes operatives who work under such schemes should understand its nature and purpose and consultation should be done at all stages.

How to Promote Joint Consultation

The foundation of joint consultation is willingness of management to treat their employees as an intelligent, responsible force and workers' acceptance of the responsibility of 0ntributing to the solution of common problems which arise from time to time.

Management should consult employees on matters which affect them like changes in the organisation methods and procedures. Real cooperation is only possible with effective participation. It is important to involve the employees.

• provide workers with a good environment and an equitable humane regime in industry. This will stimulate them to respond in a generous and genuinely cooperative manner.

• There should be continuous direct immediate contacts between angers and supei5ors and between supervisors and workers at all levels of the organisation.

• Both management and workers should sincerely believe that the successful running of an organisation will be achieved by both parties sitting on a round table to discuss matters of mutual interest.

• There must be a spirit of tolerance, patience and ability to see 0strctively the other point of view.

• Joint consultation should be the point at which the ordinary worker meets management to discuss and advise on their policies in his own right and on an equal footing.

• Management should give wholehearted support with due account taken of joint discussion and no holding back of

vital information. This will be accepted as a symbol of genuine partnership.

• There should be no loss of wages for tide spent on consultation whether inside or outside the organisation.

Decisions taken must be followed and implemented. Unfulfilled promises destroy confidence of workers in management.

• It should be an ongoing process not to be done only at the time of crisis> Consultation should not wait until disputes arise.

• Fear is the greatest deterrent to effective joint consultation, Fear will disappear only if the concept of equality is accepted.

Joint consultation through trade unions are autonomous associations with a legal status. They are an integral part of industrial democracy and play in important advisory role in framing industrial policy.

Right to form associations /unions is a privilege conferred by the constitution on workers and therefore workers are free to form such associations/unions.

A well organized union with proper leadership can render a great service to the workers through joint consultation.

Joint consultation through work committees are the most effective machinery in joint consultation. The Industrial Disputes Ad provided for the functioning of the workers committees in industry but these committees are unfortunately looked at as rivals to the trade unions by union leaders and as necessary evil by employers. The committee should comprise of representatives of management, foremen, supervisors, office staff and working according to departments or sections. Work committees are only a medium for consultation and conciliation. It is only an advisory body however there is no harm in management delegating certain executive functions to it on matters relating to accident prevention and welfare activities such as employee services, education, discipline, and efficiency an4 grievance procedure.

Works committee can also consider matters relating to higher productivity and advise management on maximum use of existing machinery, improvements in methods of production, elimination of defective work and waste efficient use of material supplies, proper use of safety precautions and devices.

Workers' committee decisions on matters relating to workers should be communicated to them through bulletins, boards loudspeaker announcements, house magazines etc.

A good system of communication is necessary to make the workers body interested in the works committee. This should be backed by consultation taking place near the shop by a series of coordinated committees. Employers must abstain from any act likely to hinder the working of the committee instead they must provide the committee with the necessary information, allow them time and must consult committee on all matters affecting workers and finally they must carry out all decisions taken jointly as works committee meetings.

Joint consultation through representative committees

Work committees are at industry level and under them there can be sub committees such as production council, welfare committee, safety committee canteen committee etc. the works committee can coordinate and correlate the activities of such committees and advise management on matters referred to them, there can also be a policy committee consisting of representatives of board of directors, shareholders, and employees. All these committees promote joint effort and consultation.

Every human being craves for recognition and status. An opportunity given to discuss, workers feel part of the organisation and give, their all and joint consultation improves industrial relations

NEGOTIATIONS

Negotiation is a process that involves discussions around an object of interest between parties during which concessions may be offered so as to reach a position acceptable to all parties involved in the process. Negotiations may be initiated by either management or the employees. Management may however request the union to first outline its rationale and justification for doing so. Management should also make it clear to the union that any agreement on any particular issue is subject to an overall settlement, including its own expectations from the union.

Pre-Negotiation

1. The context in which the employer is negotiating, such as the business environment, and how this affects the employer's position in the negotiations.

2. A judgment will have to be made about the stage at which the union should be informed about the items on which the employer will not make any concession.

3. The basis on which the employer is prepared to negotiate. This could include the employer's objectives and expectations from a collective agreement, and any unsatisfactory features in the existing agreement which require to be rectified.

The union also needs to prepare accordingly.

During Negotiations

During the negotiations there should be a good internal communication between the employer and union about the situation at any given time. This will help clarify misunderstanding and even eliminate disinformation especially where employees, as happens in developing countries, seek information or clarification from their managers.

Notes of Discussion

Notes of the discussion should be maintained and issued to all parties concerned and agreed on to avoid understandings. Such notes could be useful in the event of disputes and a breakdown in negotiations.

Styles of Negotiations

To allow the other party to express his attitudes and views will require a high degree of flexibility on both sides which includes; an absence of a preconceived approach to negotiation and recognition of the fact that what matters in one's ability to secure one's objectives is through dialogue. However, this does not mean that there is no principled approach to negotiation. What it means is that often one has to take into account even the behaviors of the other party and assess what form of presentation is likely to appeal best to the person. whom one is wing to convince.

Some basic rules in negotiation

A negotiator should view negotiations as an exercise with both sides walking towards each other, rather than away from each other. This will enable the negotiator to keep in mind that the final objective is a satisfactory agreement It will also lead a search for, or identification of common ground while also addressing the differences. A negotiator should be good at listening carefully to the other party who will otherwise feel that disagreement with his position is due to lack of understanding. This also encourages the other party to listen to you. Some indication should be given to suggest that the party has understood the other's position. Body language often communicates a party's reactions.

A party should build its case in a logical sequence and as fast as possible t to obtain agreement at each stage of the process. This will narrow the areas of disagreement and facilitate focusing on issues under consideration Counter proposals and conditions attached to concessions should be indicated as early as possible so that the basis on which a party is prepared to agree or compromise is understood.

Whenever possible, invite the other party to look at the problem from the opposite perspective. For example employees may be seeking an increase in salaries and requires management not only to view it as an additional

cost but also as a cost which needs to be absorbed in order to gain a competitive advantage in the market.

It is also important to avoid taking up an outset position. Taking up a non- negotiable position can lead to the perception that the position has nothing to do with the merits and that the party is not willing to listen. It is more productive to request a party to justify its claim and then point out why that claim is unreasonable. Skillful questioning is an effective way of compelling the other party to justify its claim on the merits, and even shifting the other party to a different point of view.

Concluding Negotiations

The agreement

When an agreement is reached one of the following two courses may be adopted;

• Management should set out the agreement reached in a letter to the union and on confirmation prepare a draft agreement.

• Alternatively, provide the union with a draft agreement. This would be the better course of action as the actual agreement reached will be clearer. It also leaves less room for further negotiations between the time agreement is reached and the draft agreement is approved,

Before the agreement is signed, the proper interpretation of clauses which have the potential to result in problems of interpretation should be agreed upon for example through, an exchange of letters. Where there are understandings which affect the interpretation of the agreement, they should be put in writing fundamental to collective bargaining and without it agreements cannot be made. The unilateral imposition of a set of conditions by one side does not constitute a collective agreement, although these imposed conditions may become part of the terms and conditions of employment.

A declaration by, management that employees will be employed on management terms is not a collective bargain. Also working practices introduced by employees without management agreement are beyond collective bargaining. In both instances there may be resistance from the other side to accept changes especially its normal to negotiate changes and not to impose them unilaterally. It is difficult to state a precise formula for negotiating but the exact nature of and negotiation depends on the people involved and the circumstances under which it takes place. The demands in negotiation can be set in view of finding middle ground for settlement. The process of negotiation can be seen as one of interlinked steps towards reaching an agreement. The negotiation process therefore involves the following;

a) Preparation:

This is an essential first step for all negotiation. To go into negotiation unprepared is to run a high risk of failure preparation, consists of siding on what objectives are and how to achieve their objectives should be set and priorities listed, each side would wish to settle as close to their deal as possible.

Another important aspect of preparation is gathering intelligence on the other side. In intelligence gathering, such questions may be asked.

- What is their mood?
- What do they exactly want?

Objectives in negotiations should be set and prioritized, in negotiations there may be three levels of priority, -

- Like to achieve
- Intend to achieve
- Must achieve.

“Like to achieve objectives” may have to be dropped in the course of negotiations.

He “intend to achieve objectives” are the ones that you expect to achieve.

He “must achieve objectives” are those that are at a fallback position.

He roles of the team of negotiators also need to be decided in advance.

There are the 3 main roles played in negotiation

There should be a leader who will lead the negotiation.

There is need for a summarizer who will ask questions and summarize progress at intervals.

There should be an observer who does not speak during negotiations but observes what is going on and particularly looks for non-verbal behavior.

Preparation for negotiation also involves the approval of the negotiation plan with the top management i.e. this is done with a view of identifying management objectives, intermediate and long-term plans, and major technological innovations etc. There is also need to conduct an audit and analysis of grievances under the existing contract to provide information like number of grievances registered and the possible weaknesses in the employment contract.

Preparation for negotiation also involves the performance of a contract analysis, examining section by section in comparison with other benchmark collective agreement.

You should conduct wage and benefit surveys from competitors. This survey should include changes in inflation along with an assessment of the structure and mode of operation of employee benefits

You should designate a bargaining team on the basis of technical knowledge, experience and personality. Include members from union management, human resources staff, and particularly finance staff. The finance staffs are included to provide expertise in cost analysis. You should also designate a co-coordinating committee also monitors progress during negotiations.

You should brief the directors of the company on the planning process, bargaining guidelines and strategy.

b) Arguing stage in negotiation

This is the initial stage in the actual negotiation meetings, which aims at exchanging information between the two parties. The communication should be two way from both parties. The information given should indicate objectives of the negotiation and commitment to the negotiation plan. When one side is stating its case or making an opening statement, the other side should remain silent. Constructive behavior or communication consists of listening more than talking and encouraging the other side to talk.

c) Signaling

During the arguing process the 2 parties are weighing each other and looking for the way forward to the solution. Signals are the means by which one party indicates to the other that they are willing to move to help reach an

agreement. This willingness is seen as concession i.e. one side gives something and the other side accepts by offering another item. In signaling, you should use the listening skills which help to understand each other properly. Obvious signals in negotiation are;

"We can discuss that point", "we cannot agree on that item in its present form. Once a signal has been received it should be treated carefully. To take an initial statement as an indication of the final agreement could lead to the talks failing because one side may be over enthusiastic.

d) Proposing

All negotiations must contain proposals. Initial proposals are often modified into secondary proposals as a result of argument. Proposals are tentative and this allows a way forward for both parties i.e. proposals are subject to revision.

e) Bargaining

This part of the process involves gaining some thing for the loss of something.. This is often called the zero sum bargaining. The key word at this stage is 'if'; that is if you agree to X, I will agree to Y.

Closing the negotiation

The key question towards the end is how to close and when. One tactic is to summarize everything that has

transpired especially on the concessions. An adjournment may be used to consider a reply to the concessions. The close of the negotiations is necessary when one side has reached the limits of its concessions. Both parties need to refer to their objectives of negotiation for the final agreement.

g) Agreement

The final cost of negotiation is to agree on what has been agreed on and write a document called a Collective Bargaining Agreement (C.B.A)

EMPLOYEE INVOLVEMENT AND PARTICIPATION

The Term Involvement and Participation are often used in a generalized and interchangeable way. This is probably because both of them could be practiced simultaneously for the best effect in future. Employees have to be both involved and made to participate for the sake of both the organization and the individual employee. I believe that these two are surely indispensable from each other, and that both are typical practices that future- centric organizations can harness and use for innovation and creativity. Managing today and future diversity really needs a proactive effort to practice the two if growth and success are visions driving present and future trends, and if conflict management is to have the best results!

Employee Involvement

However, it is perhaps better to see involvement as enhancing the support and commitment of employees to the objectives, values and other activities of the organization. It is when employees are included in all issues of their interest. It is therefore both individualistic, and direct, yet it includes every other member making up the involvement constitution. It is therefore, championed by, and led by management with individual employees, getting included and subsumed to achieve some specific goal. It thus assumes common interest between employees and management. Its main functions are to elicit and to grow employee identification and commitment. There are no specific rules to grow involvement. Employee involvement thus spells out the worthiness of an individual including them in a certain activity. A typical example is Management by Objectives.

Employee Participation

On the other hand, employee participation unlike involvement is collective. If refers to those initiatives by the state, union, or employees which promote the collective rights of employees to be represented in the organizational decision making. It involves providing employees with the opportunity to influence and make part in organisation decision making, take part in organization decision making. It is an act of sharing in something.

It is therefore joining with other in every activity that matters. It involves taking part in something, and is more or less often supported by some rule and or, legislation. Where employment rights matter for example, participation is exercised. In the olden days trade unions championed this act but now, and in future this trend is coming to an end with employees playing the central roles in shaping their own lives and lifestyles, with each employee becoming their own representative.

The different ways of employee involvement and participation. These include:

- Team working
- Quality circles
- Suggestion schemes
- Attitude surveys
- Company journal/news paper
- Employee reports etc.

Importance/Benefits of employee participation and involvements

Mutual understanding: Generally employer and employees fail to understand each other due to ignorance of each other's problems. participation brings the two parties close and makes then employees get involved through contributing ideas, drawing up master plans and decision making process. Furthermore, participation can even be effected on implementation stage when the

organization has seceded to go ahead with the implementation of the desire strategy, project or change, then employees can get involved in contributing physically, resource mobilization, monitoring and evaluation.

Objectives of employees' participation

According to Gupta (2008), Employee participation in management seeks to achieve the following objectives;

Economic Objectives: Workers participation in management aim at increasing productivity of labour by improving cooperation between employer and employees Productivity is sought to be increased by improving job satisfaction and industrial relations.

Social Objectives: Under participation, industry is considered a social institution in which each and every worker has a vested interest. The purpose of participation is to ensure human dignity and to get the worker's a respectable status in society.

Psychological Objective: Worker's participation in management seeks to bring about a change in the attitude of workers. Through participation they will consider themselves an integral part of industry rather than mere working hands. Participation provides the employees an opportunity to express themselves thereby satisfying their

non-economic needs. It provides them a sense of belonging, pride and accomplishment.

Importance / benefits of Employees' Participation in Management

Worker's participation in management as per Gupta (2008) provides the following benefits.

Mutual Understanding: Generally employer and employees the integrity of each other due to ignorance of each other's problems. Participation brings the two parties closer and makes them aware of each other's problems. As a result, a better understanding and mutual trust can be created between employer and workers.

Higher Productivity: Cooperation between management and labour helps to increase production and profit of the industry. Though participation workers learn the problems of the industry and better understand their role. Participation improves employee motivation and jpigfla1bcnii which in turn help to increase their efficiency. Higher productivity leads to lower costs per unit and greater profits which are beneficial to all.

Industrial Harmony: Workers participation in management helps to reduce industrial disputes and to improve workers' loyalty. Continuous dialogue between and workers improves peace in industry.

Industrial Democracy: Participation of workers in management ushers in industrial democracy which is necessary for political democracy. Need for outside intervention between employer and employees is eliminated and workers are freed from exploitation.

Employee Motivation: Through participation and involvement, employees feel that they own the organization.

Talent Mobilization: Through participation and involvement, employees which commendable talents like creativity and innovativeness can be identified.

Job Satisfaction: Due to the fact that employees are consulted before any decision is taken, they feel that they are being valued by the management and as a result job satisfaction is enhanced

Positive Response to Change: Organizations are constantly changing in order to respond to general changes in the environment in which they operate. If individuals, who form an integral part of the organization, participate in the change process, they will embrace change without any resistance.

Better Decisions: Involvement of many employees in decision making process produces quality decisions from the available alternatives.

Challenges in Employee Participation Process

The process of employee participation is faced with a number of difficulties (Gupta, 2008). These difficulties are presented by those who argue against increased participation levels of employees and they always arise from managerial point of view as prescribed below:

(a) Ownership: There is an argument that employees do not own the firm and therefore they have no right to manage in whatever way they think is best.

(b) Knowledge: Managers argue that they have acquired managerial skills through training and experience while workers are considered to have insufficient knowledge of managerial procedures.

(c) Secrecy: Some of the managerial information is considered to be confidential and therefore should not be shared with employees.

(d) Delayed Implementation: It is argued that if all decision were to go through the participatory procedures, it would take a long time to arrive at an agreed position.

(e) Interference: It. is also argued that the participation interference with managerial prerogatives which is associated with power of control.

DISPUTE RESOLUTION PROCEDURES

Causes of Disputes

Unresolved conflicts give raise to disputes. Immediate causes for disputes are poor wages, bonus, no/unpaid leave, poor working conditions, non-compliance with provisions of the law and changes made in the conditions of service. Trade disputes may also arise from the employment or non-employment of any person, the terms of employment of any person and the conditions of labor of any person. Industrial disputes can be attributed to:

• Exploitation of trade unions by political parties.

• Inexperienced and inadequate managements, which do not catch up with the change of times and adjust themselves into the changed conditions -.

• Illiteracy and ignorance of the employees resulting in their being easily mislead.

Dispute Resolution Procedures

The trade dispute law and Labour commission as well as the internal processes require that when the parties failure to resolve their conflict the matter is reported to the Minister of Labor. The minister on receiving the dispute report can do any of the following;

• Register, reject or refer it back to the parties for re-negotiation.
• Appoint a conciliator

• Appoint a mediator
• Refer the matter to the arbitrator: Industrial court

Conciliation

Conciliation refers to a voluntary, informal process of disputed resolution, whereby an independent third party assists the parties to a dispute to clarify the points of disagreement and attempts to promote settlement. No binding award is made and any agreement reached is the responsibility of the parties,

Section 12 of the Industrial Disputes Act deal with the duties of the conciliation officer and lays down that where any industrial dispute exists or is apprehended the conciliation officer may hold conciliation proceedings.

• It is the duty of the conciliation officer to investigate the dispute and all matters affecting the merits and the right settlement thereof without any delay.

• He is also empowered to take all such steps as he thinks proper for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.

• He must act promptly and expeditiously.

If settlement is arrived at as a result of conciliation proceeding, he must make a report to the Government (Minister of Labor in case of Uganda) within 14 days along with a memorandum of settlement.

If no settlement is arrived at a report containing information regarding steps taken by him/her for ascertaining the facts and circumstances relating to the dispute and reasons on account of which settlement could not be made, must be sent to the Minister of Labor (Labour Commission).

The conciliation officer may meet both the employers and employees concerned at such places and at such times as he may think proper. Meeting of representatives of the both parties jointly or separately may be held by him.

A settlement arrived at in the course of conciliation proceedings is binding on all parties to the dispute. The agreement comes into force on the date agreed upon or the date of agreement as the case may be.

Conciliation officer has no power to give final decision in the matter of a dispute.

The role of a conciliation officer is a difficult and delicate one and requires extraordinary virtues.

Board of Conciliation

A board of conciliation on the other hand may be appointed by the Minister with two or four members representing the parties in equal numbers.

To endeavor to bring about a settlement of the dispute, they can investigate all matters affecting the case and can

induce the parties to come to a fair and amicable settlement.

If any agreement is reached, the board shall send a report to the government together with a memorandum of settlement signed by the parties to the dispute.

If negotiation fails, then also, a full report must be sent setting together with the proceedings and steps taken and its recommendations. Report must be sent not later than two months.

The board can enforce the attendance of any person, and request too for any documents relevant to the dispute settlement.

Any settlement arrived at between the works committee and management is to be regarded as a settlement entered into by a body representing the employees as whole.

It is the duty of the work committee to promote measures for securing and preserving unity and good relations between the employers and employees.

Mediation

Mediation is used to describe a more positive form of conciliation in which the third party recommends solutions, which the parties are free to accept or reject.

Arbitration

Arbitration is a process of dispute resolution where by the parties hand over the determination of their dispute to an independent third party. Both parties are notified by the Minister about the decision to use arbitration. In order for arbitration to be successful the following conditions and standards should be conformed to:

• It must be freely accepted by both sides as a means of obtaining justice.

• It must be impartial.

•Arbitration agreement should be in the prescribed form.

• Reference of dispute to arbitration must be by a written agreement between the employer and employees.

After the process, a copy of the arbitration agreement is forwarded to the

Minister and with the signature of the arbitration officer. The agreement is published in the gazette by the government within 14 days of its receipt.

Labor Court

Labor court consists only of one person can be appointed by the government to adjudicate on points referred to it. Matters coming under the jurisdiction of the court are given below:

• The propriety or legality of an order passed by an employer under the standing orders.

• The application and interpretation of standing orders.

• Discharge or dismissal of workmen including reinstatement of or grant of relief to employees who are wrongfully dismissed.

• Illegality or together wise of a strike or lock-out.

• All matters other than those coming under the jurisdiction of the tribunal.

Labor court is expected to hold its proceedings expeditiously and submit its award to the government.

Tribunal

A tribunal can consist of one independent person or such number of independent persons as may be decided by the government. If there are two or more members one must be appointed as chairman. The chairman of the tribunal must be a person who is or was qualified to be a judge of the high court.

The award of the tribunal shall become enforceable on the expiry of 30 days from the date of publication. On conclusion of the Proceedings, the tribunal must submit its award to the government within a month.

If the government alters/amends or rejects an award, the government must place it before the legislative assembly or parliament as the case may be, stating the causes of rejection or modification.

The award will be binding on l parties to the dispute for a period of one year. Parties to the dispute and all other parties summoned to appear in the Proceedings as parties to the dispute are bound by the terms of the award.

National Tribunal

National tribunals can be appointed by government for adjudication of industrial disputes which in the opinion of the central government involve questions of national importance or are of such nature that industrial establishments situated in more than one state are likely to be interested or affected by such disputes.

The national tribunal shall consist of one person not below the rank of a high court judge and not below sixty five years of age.

Representation at conciliation/court tribunal Proceedings

Employees can be represented by an-officer of a union of which he is a member or a federation to which the union is affiliated or if he is not a member of a union, by an officer of any trade union connected with or by another

workman employed in the industry in which the worker is employed duly authorized by the employees in the prescribed form.

An employer can be represented by an officer of an association of employers of which he is a member of federation to which the association is affiliated or by an officer of any association of employers connected with, or by any other employer engaged in the industry in which the employer is engaged, duly authorized in the prescribed manner.

No legal practitioner is allowed to appear for conciliation, board court of enquiry proceedings.

Legal practitioners is allowed to appear before the labour court, tribunal or national tribunal with the consent of the parties to the proceedings and with the leave of the court or tribunal as the case may be.

ADMINISTERING THE EMPLOYMENT RELATIONSHIP

The relationship between the employer and employee is defined in the terms and conditions of service. In Uganda the Employment Act; is used to guide this relationship.

Grievance Procedure in Industry

There are many factors in industry which make a worker unhappy and dejected. For example, poor working

relations with other people, undernourishment, unemployed dependents etc.

Policy of Grievance Procedure

There must be a fair system of grievance procedure. It is a basic requirement for the promotion of healthy labor relations. A good and fair system of grievance procedure wins the confidence of the workers and gives them a feeling of security and social justice. There must be no room for favoritism or nepotism or injustice. Every person's problem must be handled carefully and cautiously. They should not feel that they are being unnecessarily harassed and victimized Future of a worker, security of his job or his promotions and increments should not be at the whims and fancies or the likes and dislike of his immediate boss. It must be based on sound principles of equity and fairness. There must be provision in the rules of a company for an employee to appeal to the highest authority within the organisations, over the decision of his other superiors.

Be firm and kind. Give a patient hearing to the employee. Consider yourself in his position; help him if he is in difficult. Guide him if he is in frustration. Chide him if he is wrong. Be a big brother to him when he comes to you with problems. This should be the motto for all those who handle grievance procedure.

How to Redress Grievances of Workers

As far as possible workers should be encouraged to discuss their problems first with their immediate supervisors. If it is not settled at that level or if this complaint is against the foreman himself, he must be allowed to represent it to the next level. The higher authority must handle this problem expeditiously and try to solve them if the aggrieved person is still not satisfied he/she should be allowed to make his complaint to the personnel manager. The personnel manager must give a fair hearing to the employee to allow him to ventilate his problems, anxieties and difficulties. If the employee wants to bring the evidence for his grievance he must be allowed to do so. Personnel manager must be able to settle all grievances which are reported to him. If however, there is any problem which he cannot handle, the same must immediately be brought to the notice of the whole management team. k summary report of grievance cases handled by the personnel office must be filled in the individual folders for further reference.

Disciplinary procedure in Industry

The guiding factor in all disciplinary actions is that no man must be punished until and unless he has been given an opportunity to defend himself against the charges leveled against him. The guilt must be proved. It must be preceded by a fair and proper enquiry. No employee must

be punished without proper enquiry. The employee must be convinced that justice has been done and that the decision is not arbitrary.

Preliminary Requisites

• A disciplinary procedure is essential for good human relations in industry.

• A notice showing the various acts of commission or omission liable for punishment according to the standing terms and conditions of service of the company must be given to all employees.

Acts of Misconduct

Acts of misconduct depend on the company in question but the following apply to almost all organisations;

• Absence from work without leave

• Malingering

• Leaving the workplace without permission

• Gambling within the office premises

• Misrepresentation or falsification of facts.

• Disclosing to any unauthorized person any confidential information regarding the organisation.

• Habitual neglect of work or gross negligence.

• Use of abusive language.

Policy

Employers must be fair and impartial. Workers should not be punished for trade union activities. Employers must differentiate between deliberate misconduct, innocent misconduct or genuine or genuine mistake. It is the recognized right of the employers to take disciplinary action on their employees. They can dismiss or discharge workers for inefficiency, indiscipline, misconduct. But any such action must be above suspicion and criticism.

The company policy should be one of constructive action that is, mending and reforming the workers, instead of driving them to despair and ruin. No organisation can be run without discipline, order, obedience and loyalty. It is the duty of the employers to cooperate in maintaining absolute discipline. They should conform to standing orders and be loyal to their employer. Both the employer and the worker should show mutual respect, understanding and fair. dealing. Both parties must be reasonable.

Charge Procedures

1. When an employee is alleged to have committed any offence,

Offenses and Penalties

Section 63 of The Employment Act of Uganda lays down the procedures for handling offences and penalties.

a) Any employer who without reasonable cause fails on demand to pay the wages of an employee when the wages are due commits an offence and is liable on conviction to a fine not exceeding five hundred shilling or to imprisonment for a term not exceeding three months; and in addition the court shall order the employer to pay the employee's wages which are overdue.

Regulations

The Minister may make regulations;

a) Regulating recruitment in any district area or place.

b) Prescribing the conditions whether generally or specifically upon which recruiting permits may be granted etc.

Fundamental rights under the provisions for the Constitution of Uganda provide that no man can be punished without complying with the law Qf natural justice Any punishment without proper charge sheet, and thorough investigation procedure can be treated as not having complied with the law of natural justice. Therefore, all disciplinary actions should be handled carefully and systematically

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CHAPTER NINETEEN

EVOLUTION OF IR'S SYSTEM IN UGANDA

E. O. Abah

In Uganda, like other colonized territories, the development of industrial relations is linked to the development of wage labour, which was introduces by the colonial state at the beginning of the 20th Century using both direct coercion and various methods of taxation. Between 1909 and 1922, an infamous labour system, Kasanvu was used and obliged every taxpayer to work for wages for at least one month every year unless he was permanently engaged elsewhere.

Later on, another system called Luwalo, which was also forced, but unpaid labour was generally used during the colonial period. When Kasanvu was abolished, shortage of labour increased for the colonial state, the religious missions and the European planters.

In 1925, a labour department was therefore established and private recruitment of migrant labour was sanctioned. Migrant labour was necessary because most economic activity was concentrated in Buganda. Most of this migrant labour came from Northern Uganda and Western Uganda as well! as Rwanda and Burundi. In the l940s, 40% of the people in Uganda were migrant workers.

However, because most of the labour was migrant or casual, they could hardly organise and sustain anything like a trade union. There was no material basis for organisation. The only important organisations in the period before World War II were concerned with land matters in Buganda, especially those of peasants/Bakopi and the clan leaders/ Bataka.

The very first organisations of wage earners were among the colonial African Civil Servants. The first African Civil Servants Association was formed in 1922 to champion the interests of the African clerks and professionals trained at Makerere College. These were medical, veterinary, agricultural and engineering assistants. Their main grievances were racial discrimination in relation to terms and conditions of work in the colonial service. However, because they were a rising petty bourgeoisie, they had little contact with the unskilled workers and never helped them in the formation of trade unions.

As such, the first trade union in Uganda, UAMDA (Uganda Motor Drivers Association) drew its membership from taxi drivers in Kampala. It demanded higher wages, government subsidies for taxi owners and freedom of fairness to sell their products without intermediaries. (Note that even taxi owners were also members).

Its activities were also directed at the internal affairs of the Buganda Kingdom. The founder and leader of UAMDA was James Kivu who was assisted by the then upcoming politician, I. K. Musaazi.

The Union was born in 1930 and registered in 1939 under the Trade Unions Ordinance No. 18/37 (first trade union law in Uganda).The most historical event which changed the attitude of the colonial state was the 1945 general strike. The Legislative Council (Legico) claimed that workers were too backward to be organised though the state wanted favourable conditions. The majority of these members were Europeans and Indians who opposed workers legislation to be favourable. The strike involved almost all government workers and was led by UAMDA and lasted for over a week, between 15th 24th January, 1945. It was this strike which precipitated the colonial state to enact legislation that was more protective of labour, but á1othàt strengthened state control over trade union development and organisation. This was in addition to political reforms that took place, providing for token representation of associations in the Legico.

The strike led to the enactment of the Employment Ordinance, 1946, replacing the Master and Servants Ordinance of 1913 as well as the Workmen's Compensation Ordinance, 1946.

It was in the context of these reforms aimed at solving or minimising labour grievances that the colonial state in Uganda was forced to enact legislation that had a clear definition of workers' organizational rights, hence the 1952 Trade Unions Ordinance.

Despite the enactment of the 1952 Ordinance, the colonial state did not actually encourage the development of trade unions and industrial relations in general. Employers were even more hostile and instead of unions, encouraged worker's committees, which were join consultative bodies without negotiating powers and dominated by 9a' management of the employers.

By early 1950s, there were hardly any trade unions. The Uganda Transport and General Workers' Trade Union had been de- registered following a peasant rebellion in 1949 and the deportation of Union members.

By the end of World War II, things were much cheaper. Owen falls Dam was constructed and the UDC (Uganda Development Corporation) was set up to speed up developments. This meant that with industrial development, the working class expanded.

Growing workers' consciousness that collective action was necessary for their improvements of conditions of work. This was impossible because migrant labour began to decrease with the setting up of industries in the relevant East H African countries.

With growing workers' militancy and an increase in strikes, the state policy changed. They began to encourage genuine trade unions over mere consultative bodies such as workers' committees.

Between 1954 and 1959 there were an increasing number of trade unions to 22. Workers were generally not involved in the struggle for independence and hence were subordinated to the political organisations of the rising petty bourgeoisie and other social forces in DP, UPC and Kabaka Yeka (KY).

The nature of industrial relations development between 1962 and 1974 reflected the political situation at the time. The ideology of the post-colonial state which was an ideology of development, the increasing centralization and monopolization of power by specific regimes and Cold War politics.

In the 1956 the first federation of unions was formed, Uganda Trade Unions Congress (UTUC) was influenced by ICFTU (International Confederation of Trade Unions). UTUC split in 1961 when UFL (Uganda Federation of Labour) was formed. The formation of UPC in 1960 was important in that UFL allied with it to for UPC/YL (Uganda People's Congress/ Youth League). This alliance encouraged militant and political unionism. Between 1962- 1964 both organisations led demonstrations against Western Embassies and strikes against employers. This

led to the dissolution of UFL by government. This led to the formation of another federation, FUTU (Federation of Uganda Trade Unions) under Eriab Kibuuka.

UFL later allied with UPC to form UPC/Youth League. They broke up in 1966 after the Kabakà Crisis. In 1974 Trade Unions Decree was enacted and followed by the 1976 Decree that amended it.

THE LEGAL REGIME FOR INDUSTRI L RELATIONS:

* The 1995 Constitution of the Republic of Uganda

* Trade Unions Act, Cap 223

* Trade Unions Regulations

* Trade Disputes (Arbitration and Settlement) Act, Cap 224

* Employment Act, Cap 219

* Employment Regulations, 1977

* Factories Act, Cap. 220

* Minimum Wages Advisory Boards and Wages Councils Act, Cap 221

* Workers Compensation Act, Cap. 225

THE 1995 CONSTITUTION OF THE REPUBLIC OF UGANDA

1995 Constitution of the Republic of Uganda lays down the rights and freedoms of the people of Uganda. Art. 1 emphasizes the sovereignty of the people by stating that all power belongs to the people and that the state derives its power from the people. Art. 3 therefore enhances this by stating that the people shall have a right to defend the Constitution and to resist anyone who seeks to overthrow it. It is against this backdrop that we seek to discuss the salient provisions that regard industrial relations. It is the people that are governed by industrial relations regime and the Constitution therefore grants them power to defend their rights.

Under Art. 20 (1) of the Constitution these rights are inherent and not granted by the state. Art. 21(1) provides that all persons are equal under the law in all spheres including economic and social spheres and shall enjoy equal protection thereof. This in our view underlines the principle of equality in the workplace and industrial relations as a whole. Workers and employers are thus regarded as equal under the law and hence either group should not discriminate against the other.

Furthermore, Art. 40 states that the state shall enact laws that provide for the right of persons to work under satisfactory, safe and healthy conditions (Art. 40 (1) (a)),

equal payment for equal work without discrimination (Art. 40 (1) (b)), ensure that workers get sufficient rest, reasonable working hours, holidays, among others (Art. 40 (1) (c)).

Article 40 (2) states that every worker has the right to practice his or her profession and to carry on any lawful occupation, trade and business.

Therefore, it is unconstitutional for workers to be deprived of exercising their rights to work, be it by lock- outs by their employers.

Art. 40 (3) (a) further states that every worker has a right to form or join a trade union of his or her choice for the promotion and protection of his or her economic and social interests.

Art. 40 (3) (b) states that every worker has a right to collective bargaining and representation, and (c) to withdraw his or her labour according to law.

The above Article lays the basis for labour laws in Uganda. It emphasizes the workers' rights. However, it must be noted that these rights are inherent/ inborn and therefore it is the state's obligation to ensure that such rights are not deprived, but promoted.

Art. 29 of the same Constitution states that every person has a right to freedom of speech and expression, freedom

of thought, conscience and belief. (Art. 29 (a), (b)). Every person has the right to freedom to assemble and to demonstrate together with others peacefully and unarmed and to petition. This emphasizes the right of workers to express their rights through forming or joining trade unions, collectively bargain and to demonstrate.

These among other rights enshrined in the Constitution provide the basis for legislation that shall be discussed hereunder.

TRADE UNIONS ACT, CAP 223

This Act provides for the establishment and regulation of the national trade unions in Uganda and for the formation by employees of autonomous trade unions and branch unions of their own choice, among other provisions.

Section 2 of the Act establishes NOTU whose purpose is to formulate policy relating to the proper management of trade unions and the general welfare of employees, to coordinate and supervise the activities of trade unions in order to ensure that undertakings entered into by individual unions or NOW on behalf of its affiliated unions are duly honored, etc.

Registration of trade unions is provided for under the following sections: Section 3 established the office of the Registrar of trade unions, Section 5, the register of trade unions. Application for registration is stipulated under

Section 6 within 60 days from the formation of the trade union. A certificate of registration shall be issued upon registration to the trade union. However, the Registrar shall have the right to refuse to register a trade union under section 8 if the union has not complied with the provisions of the Act, if the principal objects of the union are unlawful or conflicts with the provisions of the Act, if the union is used for unlawful purposes, among others.

Section 9 provides for cancellation of registration of a trade union by the Registrar of trade unions if the union has ceased to exist, the union registration was obtained by fraud, misrepresentation or mistake, among others.

Any applicant has a right to appeal under Section 10 if aggrieved by the refusal of the Registrar to register the trade union.

A registered trade union shall enjoy the rights, immunities or privileges conferred upon it by the Act (Section 16).

TRADE DISPUTES (ARBITRATION AND SETTLEMENT) ACT, Cap 224

This Act provides for the settlement of disputes and the establishment of arbitration tribunals, boards of inquiries

and a standing industrial court, to control and regulate strikes and lockouts.

The tribunal is established under Section 3 of the Act for purposes of arbitrating between parties on matters regarding trade disputes. The industrial court is established under Section 5 and its functions are provided for under Section 6 thereto.

An award shall be given by the tribunal and shall not conflict with any other written law. (Sections 9 and 11).

EMPLOYMENT ACT, CAP 219

This Act provides for the regulation of employment and other related matters. It provides for contracts of service to be in writing (S. 11), the contents of the contract are also stipulated in Section 12 (the name of employer, employee, nature of employment, etc).

Under S. 17, the employer is required to provide the employee work in accordance with the contract, unless the employee has broken the terms of the contract or if the contract is frustrated. Section 21 provides for termination of the contract either by its expiry, by death of the employee before the expiry of the employment term. Section 22 of the same Act provides for termination for failure to fulfill the contract by either the employee or employer. Section 23 provides for termination by agreement of the parties. This may be with or without

recourse to court. Notice must be given by either party (Sections 25 & 26).

Sections 39-45 provide for hours of work, rest and holidays. A normal working day must not exceed 48 hours. In industrial undertakings, a normal working day shall not exceed 9 hours and any other employment shall not exceed 10 hours. An employer is entitled to a weekly rest of at least 24 hours (Section 42).

Employees are entitled to a holiday with full pay at the rate of at least one and a half working days for every completed month of actual service (S. 43).

Public holidays and sick leave are not to be taken as part of the holidays, but re separate.

Rights under the employment act

The new employment act creates new rights and retains some of the existing ones

The new rights include: protection from forced labor (section 5), protection from discrimination in employment due to "race color, sex, religion, political

opinion, national extraction or social origin, the HIV status or disability which has the effect of nullifying or impairing the treatment of the person in employment or occupation, or preventing an employee from obtaining any benefit under a contract of service"(section 6(3) and

protection from sexual harassment by the employer(section7).other significant rights include:

Regulation of working hours (section53) annual leave and holidays(section 54) and paternity leave of 4 working days 9sections7).others are the right to written particulars of the contract (section 59)the right to a fair hearing before dismissal(sectionô9), the right to reinstatement and or compensation in cases on unfair dismissal (section7 1) and remedies of compensation and additional compensation in cases of unfair termination(sections77&78) ,and severance pay(section.87 to 89)

EMPLOYMENT REGULATIONS, 1977

These Regulations provide for the procedures to be taken when recruiting employees. These include contracts of service, medical certificate. It also provides for employers to provide transport, employment cards. It prohibits the employment of workers that are below 18 years. It gives the formats for bonds, employment contracts, and the like.

FACTORIES ACT, CAP 220

This Act provides for the health, safety and welfare of persons employed in factories and other places. Factories are required to be registered under Section 6 of the Act.

Under Section 10, such factories are required to be kept in a clean state and free from any dirt and the like. Sections 11- 15 protect workers against overcrowding, poor ventilation, lighting, drainage and sanitary conveniences.

Part V of the Act provides for safety with regard to equipment and machinery within the factory. Section 31 provides for safe means of access and a safe place of employment for employees.

Part VI provides for the general welfare of workers. Section 44 provides for the supply of drinking water to employees by employers, while Section 45 requires that employers shall provide adequate and suitable washing facilities.

Part VII provides for health, safety and welfare. This includes the requirement that every factory owner must eliminate dust and fumes for the protection of their workers (Section 48). Workers must be given protective clothing and appliances (Section 50) as well as protection of the eyes must be accorded (Section 51).

MINIMUM WAGES ADVISORY BOARDS AND WAGES COUNCILS ACT, CAP 221

This Act provides for the establishment of the minimum wages advisory boards and wages councils, and for the regulation of remuneration and conditions of employment

of employees. The advisory board lays down the minimum wage which is currently at 50, 0001=. -

WORKERS COMPENSATION ACT, CAP. 225

This Act provides for compensation to workers for injuries suffered and scheduled diseases incurred in the course of employment.

Section 3 provides that an employer is liable to compensate an employee who in the course of business is injured by accident.

Under Section 4, where a deceased worker leaves any family members who are dependants, the amount of compensation shall be a sum equal to sixty times his or her monthly earnings. Where the worker is permanently totally incapacitated, the compensation shall be a sum equal to sixty months' earnings (Section 5). Sections 6 and 7 provide for where a worker is permanently partially incapacitated as well as temporarily incapacitated, respectively.

Section 11(1) states that where a worker has given notice of an accident to the employer, the employer within a reason able time must arrange for a medical examination by a qualified medical practitioner.

The employer and the worker may enter into an agreement for compensation with the written approval of the labour office (Section 12).

The injury or disability shall be assessed in accordance with Section 13 of the Act

NSSF ACT, CAP 222

This Act provides for the establishment of the National Social Security Fund and to provide for its membership, the payment of contributions to, and the payment of benefits out of, the fund, among other things.

Section 2 of the Act establishes the National Social Security Fund. This fund shall have a board of directors (Section 3). Section 4 sets out the general functions and duties of the board and these include managing the fund, ensuring that the fund is secure, profitable and effectively financially managed.

The Act also provides for eligibility of members (Section 6) (Age between 16 and 55, a resident employee, a non-resident employee, et al).

Section 7 provides for compulsory registration of eligible employees, while Section 10 provides for voluntary membership as a contributing employer.

Under Section 11 of the Act, the standard contribution to the fund by the employer is 15% calculated on the total

wages paid during the month to the employee. Under Section 12 the employee's standard contribution is 5%.

The Fund money shall be invested in investments as shall be determined by the Board (Section 30). The fund shall have powers to borrow under Section

ILO CONVENTIONS

Uganda has ratified four of the eight core ILO labour conventions. In view of restrictions on trade union rights and problems with forced labour and child labour, determined measures are needed to comply with the commitments Uganda accepted at Singapore in 1996 and Geneva in 1998 in the WTO Ministerial Declarations and in the ILO Declaration on Fundamental Principles and Rights at Work adopted in June 1998.

Uganda has ratified one of the core 1W conventions protecting trade union rights. There are restrictions on trade union rights, including the right to form a trade union for many workers, the right to strike and the right to collective bargaining for government workers. There is no prohibition against anti-union discrimination, and such discrimination is common

Uganda has ratified one of the core ILO conventions on child labour. However, child labour is a serious problem, especially in the informal economy.

Uganda has ratified both the core ILO conventions on forced labour, however (forced) prison labour is a serious problem In conflict areas, civilians are abducted by the various rebel groups and made to work under conditions tantamount to slavery.

INTERNATIONALLY-RECOGNISED CORE LABOUR STANDARDS IN UGANDA

Uganda has not completely ratified ILO Convention No. 87, the Freedom of

Association and Protection of the Right to Organise Convention, but ratified

ILO Convention no. 98, the Right to Organise and Collective Bargaining Convention, in 1963.

The Constitution provides for freedom of association, and legislation provides for compulsory recognition by an employer of a union. However, the application of this constitutional provision by usable legislation is not adequate. As a result, employers often do not observe the requirement to recognise a union, and the government rarely acts in defence of the workers' right to do so. Two of the requirements to forming a trade union are that the workforce represented must be no smaller than 1,000 employees, and the union must represent 51 percent of the workforce. These serve to restrict many workers in the private sector from the right to form a union, and even in

bigger workplaces with more that one union, the requirement to represent 51 per cent of the workforce restricts workers and their unions from being recognised.

While legislation provides for collective bargaining, the above requirements serve to limit collective bargaining in the private sector. The Government 5 the largest employer in the country, and dominates the bargaining process for public sector employees.

The right to strike is also protected by law for the majority of workers, however the regulations governing the right to strike specify that prior to striking, "every effort" for reconciliation be exhausted. This has resulted in the vast majority of strikes in Uganda in recent years being considered illegal. The list of requirements includes, in the final instance, judgment by the Industrial Court. While these judgments tend to favour employers, in the cases that they do not, the decisions. have regularly been appealed by employers, citing impartiality of the court and resulting in considerable delays. To make matters worse, the president of the court was "promoted" from her post, and an extended period passed before a successor was named. The Court is still not fully operational after this hiatus.

There are serious restrictions on the right to form a trade union and the right to collective bargaining for many workers in Uganda, especially workers in the private

sector. There are also problems of anti-union discrimination, restrictions on the right to strike, and problems with the industrial court.

Discrimination and Equal Remuneration

Uganda has ratified neither ILO Convention No. 100, Equal Remuneration Convention, nor ILO Convention No. 111, Discrimination (Employment and Occupation) Convention.

Formal employment in Uganda is predominantly male, and women constitute the majority of informal entrepreneurs, and are concentrated in the fabrication of handicrafts, food and sales of clothing and footwear. Women were also disproportionately affected by retrenchment from the civil service in the 1990's.

Information available for the mid- 1990's indicates that no cases of discrimination had been brought to court because there was no legal remedy available

Discrimination is prohibited by law, however Women are underrepresented in the formal economy, and over represented in informal activities

Child Labour

Uganda has not ratified ILO Convention No. 138, The Minimum Age Convention, but ratified ILO Convention

No. 182, The Worst Forms of Child Labour Convention in 2000.

Uganda ratified both ILO Convention No. 29, The Forced Labour Convention, and ILO Convention No. 105, Abolition of Forced Labour Convention, in 1963.

While the law prohibits forced labour, forced labour, including prison labour,

- is a serious problem in Uganda. There are problems with various pieces of legislation providing for forced labour in certain forms, and while the government has repeatedly promised the CEACR amendment or repeal of the offending legislation, no changes in law have occurred.

Freedom of Association and the Right to Collective Bargaining

The Right to Organise and Collective Bargaining Convention, 1949 (No. 98) Convention No. 98 - Was adopted in 1949- Ratification: 139 countries as of today.

Its aim: Very generally, Convention No. 98 deals with two different aspects of freedom of association. First, it seeks to protect workers' exercise of their right to organize vis-a-vis employers; it further seeks to protect workers; and employers; organizations against interference by each other's (Articles 1 to 3). Secondly, to ensure the promotion of collective bargaining, the

Convention emphasizes the autonomy of the parties and the voluntary nature of negotiation (Article 4).Therefore, while Convention No. 87 is concerned with the free exercise of the right to organize in relation to the State, Convention No. 98 is designed mainly to protect workers and their organizations in their dealings with employers.

Scope of application

Like Convention No. 87, Article 5 of Convention No. 98 leaves it to national legislation to decide whether it applies to the armed forces and the police.

On the other hand, unlike Convention No. 87, which applies to workers in both the private and public sectors, without distinction, and accordingly also to public servants, Convention No. 98 excludes some categories of public servants from its scope, by providing in Article 6 that it "…….does not deal with the position of public servants engaged in the administration of the State……."

The ILO's supervisory bodies have endeavored to set limits to this exclusion. They have stated that while the concept of public servant may vary to some degree under the various national legal systems, the exclusion of persons employed by the State or in the public sector, but who do not act as agents of the public authority, is: contrary to the meaning of the Convention. The distinction must therefore be drawn between civil servants

employed in various capacities in government ministries or comparable bodies, as well as ancillary staff who may be excluded from the scope of the Convention, and all persons employed by the government, by public undertakings or by autonomous public institutions, who should benefit from the guarantees provided for in the Convention

Article 1, paragraph 1, stipulates in general terms that 'workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment."

CHAPTER TWENTY

LABOUR LAW

Ifeoma, C. N.

Labor law or employment law deals with industrial relations, that is the relationship between workers or employees and employers at the work place. Labor law arose out of the demands of workers for better conditions, the right to organize, and the simultaneous demands of employers to restrict the powers of workers organizations and to keep the labor costs low. Employer's costs can increases due to workers organizing strikes to win higher wages, or by laws imposing costly requirements, such as health and safety or equal opportunity conditions.

Workers organizations, such as trade unions can also transcend purely to industrial disputes, to gain political power- which some employers may oppose. The state of labour law at any one time is therefore both the product of and component of struggles between different interests in society particularly, the social political power between workers/labour on the one hand and employers/capital on the other superintended by the state. Labour rights have been integral to social and economic development since the period of the industrial revolution.

There are two categories of labour law:

Collective labour law: this relates to the tripartite relationship between employee, employer and the union. Trade unions or labour unions are workers organizations and are defined as any organization of employees created by employees for the purpose of representing the rights and interest of employees. **Individual labour law:** this concerns individual employees' rights at work which may be provided for in the contract of employment, statute, common law etc. Although unions would be major custodians of workplace welfare, there has been a steady shift to give individuals more legal rights that they can enforced directly. E.g on minimum wages, rights to fair treatment, hours of labour and holidays, health and safety etc.

Apart from its historical origin, labour law is also influenced or affected by other factors which include the following.

A. Parliamentary or legislative intervention because of the nature of industrial relations. Specific political developments affect labor law. This is because of the nature and character of specific regimes and the state generally.

B. Globalization and particularly the neo-liberal economic policy frame work.

Contract of employment

Contract of employment is often called a service agreement a contract of service. Therefore the general contractual principle covered in contract law are applicable in the law of employment, issues of offer and acceptance, consideration and illegality also underlie employment law,. The equivalent of offer and acceptance in contract law is the hiring of the employee and the law on dismissal is based on breach of Contract.

The contract of employment is, however a specialized form of contract. Rights and duties' have been superimposed on those contractual arrangement classified as employment ones and employers cannot derogate from these rights or duties even by contract For instance, rights have been given to workers to claim in respect of discrimination and sexual harassment.

According to the employment act of 2006, a contract of employment, contract of service under section 2 is defined as " any Contract, whether oral or in writhing, whether express or implied, where a person agrees in return for remuneration, to work for an employer and this includes contracts of apprenticeship. (However Contracts of apprenticeship have an element of the employer being obligated to teach the employer to acquire skills of the industry and also some form of formal recognition that the employee has acquired those skills).

Employee

Under section 2 of the employment act of 2005 an employee means" any person that has entered into a Contract of service or an apprenticeship contract, including without limitation, any person who is employed by or for the government of Uganda, including the Uganda public service, a local authority or a parastatal organization but excludes a member of .the Uganda peoples defense force (UPDF)"

Employer

Under 'section 2 of the employment act of 2006, an employer means " any person or group of persons, including a company or corporation a public, regional or local authority, a governing body of an unincorporated association, a partnership, parastatal organization or other institution or organization contract of service, and includes the heirs, successors, assignees and transferors of any person or group of person for whom an employee works, has worked, or normally works".

Employees or independent contractors/contract of service or contract for service

A worker who has a contract of employment is called an employee. The contract of employment is commonly

referred to as a contract of services as a convenient way of distinguishing it from a contract for services- under which the self-employed person works. In law, the self-employed person in normally referred to an independent contractor. It is easy to state this distinction but in practice it has proved difficult to draw it and over the years the courts have developed a number of tests designed to produce a given result.

It should however, be noted that so far as most contractual rights and obligations are concerned, it matters little whether the person who is engaged to do work for another is classified as an employee or self-employed.

How to distinguish an employee from an independent contractor

As stated earlier the distinction between employer, employee and independent contractor is important to a number of reasons. Various tests are applied in order to determine whether an individual is an employee or self-employed in any particular circumstances. Although where the discovery of the correct status depends on the construction of written documents, it might be pure question of law.

a) Control tests

The traditional criterion of distinguishing an employee from an independent constructor is the degree and right of

control. In a number of process, a servant has been regarded as anyone who is subject to the command of the employer has to the manner in which he or she shall do work under the contract expressly or impliedly. If the contract gives the employer extensive control over the work to be done or scales out the detail, the manner of execution of the work, it is a contract of employment.

If the employer only determines what is to be done rather than how it is to be done, the person working for him would be an independent contractor. In honey will and Stain v Lakin Brothers Lakin Brothers limited (1934) 1KB 19 , it was said , "the determination" whether the actual wrong doer is a servant or agent on the one hand or an independent contractor on the other depends on whether or not the employer only determines what is to be done but retains the control of the actual performance in which case that doer is a servant or agent.

But the employer while prescribing the work to be done leads the manner of doing it to the control of doer, "the latter is an independent contractor."

b) Integration test.

The difficulties associated with the control tests led judges to propose a more impressionistic approach called the integration test.

In Stevenson , Jordan , and Harrison Limited V Macdonald and Evans (1952) ITLR 101,111, Denning LJ said,

"one future which seems to run through instances is that, under a contract of service a man is employed as part of a business and his work is done as integral part of the business whereas under a contract of services, his work, although done for the business, is not integrated into it but is only accessory to it."

C) Parties own characterization/self-classification.

The parties, in their contract, may characterize their contractual relationship by saying the person employed is an employee or is to be regarded as and self-employee. It would seem that this might be enough to decide the matter.

However, this is only a factor to be taken into consideration and therefore may not be conclusive of the matter.

The law is that if the true relationship of the parties is that of master and servants under a contract of service, the parties cannot allow the truth of that relationship by putting a different label upon it. The court must look at the realities of the situation in order to determine whether the relationship of employer- employee in fact exist regardless of how the parties describe themselves.

In young woods limited V West" 1980" IRLI 201, the respondent , a skilled metal worker had clearly opted in favor of being described as a self employed, since this gave him a legitimate tax advantage. However, since he was paid on an hourly rate, had normal working hours and hard use of their equipments he would help to be an employee and thus eligible to claim unfair dismissal.

D) Entrepreneur In business cost.

"Is the person who has engaged himself to perform these services performing them as a person in business on his own account?" put another way: "are the engaged persons small business men?

In market investigation limited Cooke J, held, the fundamental test to be applied is this:" is the person who has engaged himself to perform this services performing them as a person in business on his own account? "if the answer to that question" yes", then the contract is contract for services. If the answer is "no", then the contract a contract of service . . . . That factors, which may be of importance are such matters as whether the man performing the services provides his own equipment whether he hires his own helpers, want degree of financial risk he takes, want degree of responsibility for investment and management he has, and whether and how far he has an opportunity of profiting from sound management in the performance if this risks.

If the engaged person's performance of the task requires significant capital investment on his part, and especially if he is on risk, in the sense of standing make a sizeable profit or incur a substantial loss, depending on how efficiently he does the job, he will be regarded as an independent contractor.

Where this entrepreneur element is present as a rule, it points to a contract for services, regardless of how much control or how much integration there might be.

E) MULTIPLE TEST ECONOMIC REALITY TEST

The courts nowadays look at all the surrounding features thus applying what is in fact a multiple test.

Certainly, the power of selection, the payment of wages, income tax, holiday money and pensions and the power to suspend or dismiss are all relevant features which need to be taken into account. In Ready Med Concrete Ltd & V Minister of Pensions & National Insurance, Mackena .I, held that there were 3 conditions necessary to establish but a contract of services existed.

1. The servant agrees that in consideration of a wage or other remuneration he will provide his own skill in the performance of some service for his master.

ii. He agrees expressly or impliedly that in the performance of that service he will be subject to the others control in a sufficient degree to make that other master.

iii. The other provisions of the contract are consistent with its being a contract of service in that case, the fact that the driver, could and did employ a substitute was clearly crucial in deciding that they were self employed contractors. As a general principle it can be said that if a person is not contractually bound to perform the contract personally but may delegate to others if he chooses, he is, not an employee.

Note: In a contract of service, the principle obligation undertaken by the employee is to provide himself to serve whereas in a contract for services, the principle obligation is, not to provide himself to serve the employer but offer his services for the use of the employer.

Importance of the Distinction between independent Contractors and Employees

The distinction between employees and independent contractors is of fundamental importance to employment law but that distinction is not clear- cut. It is in respect of the many statutory rights and duties; that the distinction between the two categories is significant because most of the modern protection legislation applies only to the employer-employee relationship and not independent contractors

Smith and Wood, in .their book titled Industrial law, on page 9, stated that .the independent contractor 'may be in a better monetary position while working, but at a grave disadvantage if he falls off a ladder or is sacked.

Importance of the above distinction

• By virtue of the doctrine of vicarious liability, employers are liable for the torts of their employee committed in the course of employment, but not generally for torts of independent, contractors except for non derogable duties.

• Under the workers compensation Act, it is employees generally that are eligible to be compensated for injuries sustained in the course of employment

• Uncles the NSSF Act, it is only mandatory for employees to make contributions to the fund as well as their employers.

Under the income Tax Act, PAYE is only deducted from an employee s salary

Also the newly introduced local services tax is only deducted from employees' salaries.

Independent contractors may have to register for VAT (Value Added Tax) employees do not.

Employment legislation such as the employment , 2006 Act, 2006, Labour Unions Act, 2006, Occupational safety

& Health Act 2006 etc, only apply to employers and employees and not employers and independent contractors Thus benefits such as sick pay maternity & paternity leave apply only to employees. Sec 48 of the Employment Act makes employer' preferential creditor with regard to arrears of wages in case of bankruptcy or winding up of the employers business.

Employers must adopt higher standards of care towards their employees than towards independent contractors who work for them.

(4). Formation of a contract of Employment

So as to be legally binding, the contract of service! employment contract must comply with the normal —- contractual requirements, these include:

a) There must be offer and acceptance: the offer must contain the terms of service or indicate where the, maybe found. Parties will usually enter a contract after the stages of advertisement interview, offer and acceptance. The offer may be made and accepted at the interview, or may be made later letter of appointment. While a limited amount of negotiation may be possible perhaps over the starting date or salary, most prospective employees need the position more than the employer needs their services This doesn't mean that it is totally one sided. The contract may be oral or in writing, express or implied as per the Employment, act. However a probationary contract has to

be in writing, as well as any other contract required by arty other law to be in writing. See S25.

b) Consideration the consideration is the employers promise to pay the agreed wages in return ‘or the employee performing a particular task.

Capacity and legality: as with other contracts, the contract of service must not be tainted with illegality. Contracts tainted with illegality cannot be enforced by courts or tribunals. Such agreements may be contrary to public policy at common law or expressly or impliedly prohibited by law. The fact that ‘hr’ plaintiff on the applicant does not know of the illegality is irrelevant. Pat IV of the Employment Act of 2006 generally governs the employment relationship between the Employer and employee.

5 Attestation

Section 26 of the Employ lent Act requires an employment contract made with in employee unable to read and understand the language in which the contract is written to be attested to by a labour officer or a magistrate. The Act allows enforcement of an unattested contract

(where attestation was required) however, such a contract can only be enforced by the employee

(6) Written particulars

Sectoh-59 of the Employment Act .requires employers to provide employees a notice in writing of the specified particulars of employment. The notice is called the statement of written particulars. The notice shall be given to the employee not later twelve weeks (3rnonths) after the date on which employment commences. Where there are any agreed changes in the written particulars the employer shall issue a written notice of change to the employee. The general aim of this provision is to show explicitly and clearly the nest important laments of an employees' contract it is intended to be mirror of the agreement although it is not the agreement itself. The most widely cited statement of the effect of the written statement found in System floors (UK) Ltd V Daniel 198

ICR 54 where Browne- Wilkinson i said, "it provides very strong prima fade V evidence of what were the terms of the contract between parties but does riot constitute a written contract between the parties Nor are the statements of the terms finally on collusive they place a heavy burden on the employer to show that the actual terms of the contract are different from those which he has set out in the statutory statement"

Under section is 60 of the Employment Act, the written particulars of an employment contract shall be admissible evidence in the courts of law of the tern s and conditions of employment

(7). Terms of an employment Contract Service

The parties to an employment contract of employment contract agree on the terms of the contract personally and/or through employer associations and labour unions or both All such contracts cover basic issues such as salary, hours of ,‘ work, place of work, position held etc but their content will vary because what is deemed necessary for - inclusion depends on the type of organization, the position held, and so forth The parties agree to the terms

provided the terms are not less than what the Employment Act provides or do not purport to exclude the application of the provisions of the Act to the detriment of the employee. Where the contract is oral, the employee agrees to work on certain terms that are explained verbally. Contracts which may impose certain elaborate duties and provide for arrangements tends to take a written form.

Terms are incorporated into a contract of employment in the following ways

(a) Express terms

Express terms are those actually agreed on by the parties When the contract is written, the terms will appear' in the document forming their contract Where it is oral they are verbally explained to the employee Y although participial difficulties ran arise in prosing what was agreed where a dispute or differences arises between the parties concerning a matter which is covered by an express term then it is a question of the employment contracts. However, the court tends to require good faith, observance of specific term. The law does not lay down any special rules for the interpretation of employment contracts. However the courts tend to require good faith observance of specific terms aid insist that terms which con be a wide discretion on one party, usually the employer, should not be exercised unreasonably in the circumstances. On the other hand it is not for the courts to rewrite extravagant terms to which the confer a wide have agreed Although a contract of employment need not be in writing, it is of value with regard on such an important contract that its terms be reduced to writing or evidenced in writing. In this way disputes can be averted more easily and evidence will be easier to obtain.

(b) Collective agreements

Terms in a collective agreement are incorporated into a contract of employment. Se section 2 for the definition of a collective agreement and also sections 38 & 39 of the Labour Disputes (Arbitration & Settlement) act 2006

(c) Implied terms.

It would be impossible in making the contract at the outset to cover every eventuality and as such there will be instances where the parties never reached any agreement on a particular point or never even considered.

The matter And so in such instances it may be appropriate to fill the gap by implying a term into the matter. And so in such instances, it may be appropriate to fill the gap by implied. Important to not is that an implied term cannot contradict an express term, but an implied term can control the exercise of an express term. In united bank V Akhtarr (1989) i.r.lr 507, there was an express mobility clause in the employees to any branch in the United Kingdom, and discretion as to whether or not it would give relocation allowance. Aklater was given less than a week's notice to move permanently from the leads branch where he worked to the Birmingham he requested for three months' notice to enable him sell his house and also the fact that his wife was sick. This was rejected by the bank relying on the mobility clause in the contract on application to the employment appease tribunal, it was that although an express term.

Not be contradicted by an implied terms, it could control its exercise. And in this case a term was implied the bank should give reasonable notice of exercise of the mobility clause to enable Akhtar comply with contractual

obligations to move because employment contracts establish a somewhat unique continuing relationship the courts tend to imply some terms in circumstances where those terms may not be implied in other contracts. Implied terms of employment contracts may be on the basis of: implied by facts. i.e so obvious that it goes without saying notorious/ well known, must be certain, must be reasonable; and must be accustom regarded as obligatory subsequent conduct of the parties ie what they did after the employment commenced) and terms implied by law (i.e may be implied by the common law or statute (statutory terms prescribed in various legislation).

Implied statutory terms

Statutory terms are rights based on law passed by parliament. These terms will be implied in every contract and enforced by the courts even if the parties do not expressly agree upon them. They are contained in various statutes and these include:

The emplqynei1t act: duty to provide work (sec 43) wages and deductions (sec 40(4), 41,43,44,46 and 50 weekly hours of work and rest (sec 51 and 53); leave (annual, sick, maternity paternity and compassionate disciplinary procedures (part vii) and continuous service and severance allowance (part vii).

The Workers Compensation Act: the act regulates compensation to employees or their dependants (in case

of death of the employee) for injuries sustained in the course of employment see part ii of the act.

The National Social Security Fund Act: it obliges every employer to deduct and remit to the fund 5% of the employees' wages per month and also contribute 10% of the employee's salary to the fund.

The Occupational Safety and Health Act: regulates workers conditions of work and provides for duties obligations, rights and responsibilities of employers and employees.

Labour Unions Act

Allows employees' to form and belong to labour unions of their choice and rights conferred therein.

Terms implied by common law

These are terms, which are implied into every contract of employment. These implied terms are often expressed duties of the employers and employees respectively.

Duties of the employer as implied by common law

The duty to pay wages:

Wages constitute the central consideration given by the employer under the contract. Generally an employer is

expected to pay the full wages. But where the employee is absent due to sickness, there is no general right to payment of wages.

Duty to provide work

Generally while the employee is contractually obliged to attend at the work place during the agreed times for working, the employer is no obliged to furnish actual work to be done. All that is usually required of the employer is pay the agreed remuneration for the period during which the employee is at work. Although having no work to do may deprive the employee of actual satisfaction, generally a loss of job satisfaction is always regrettable but itself provides no cause of action.

However, this general principle does not apply where the employee's remuneration depends entirely on being provide the tasks to perform. For example where remuneration is based on piece rate or commission. In these circumstances, absent express stipulation to the contrary, it is an implied term that the employee will be supplied with sufficient work to earn such the ration as could be seasonally anticipated where act of the agreed remuneration is to be on piece rate or commission basis, circumstance may warrant implying a similar term.

Duty of care

Employers owe a duty to take reasonable care for the safety of their employees. This duty is founded in the port of negligence, but is also the subject of elaborate statutory provisions, notably, the occupational safety and health act of 2006. The employer's common law duty is owed to each individual employee and employers must take due account of the different physical and other attributes of their various employers. For example an employer owes a greater duty of care to a one eyed man than a normal man in respect of risk of injuries to the eye see Paris v Stepney borough council (1951) 1 All ER 42. The duty of care under common law include provision of safe premises for work (unsafe premises include: structural defects, poor ventilation ad slippery floor) safe equipment which the employee is expected to work with so that employees are not subjected to unnecessary risks, a safe system of work which includes (a) suitable working hours (b) training employees are not .a danger to others etc.

Duty to provide means of redressing grievances:

Employers should reasonably and promptly afford an opportunity to employees to obtain redress of a grievance. Failure to do so may amount to breach of contract by the employer.

Duty to respect an employee's privacy:

Recent developments show that the time may be ripe for a duty to respect the privacy of employees. This mainly i-

elates to non-intrusion by the employer in the employees private life.

Duties of the employee as implied by common law

Competence and care:

An employee must be reasonably competent to perform the job for which he was hired. Extreme incompetence will warrant instant dismissal. It has been held to be very unreasonable that an employer should be compelled to go on employing a man who, having represented himself as competent turns out to be incompetent.

Many employment contracts have elaborate procedures aimed at ensuring that the work is done with a reasonable degree of competence.

It is also an implied term of employment contracts, that employees will exercise a reasonable degree of care in the performance of their work. See Lister V Rumford Ice and Cold Storage co. Ltd.

Duty to obey reasonable and lawful orders:

There is a duty upon employees to obey orders reasonably issued by the employer. Orders may be given at the work place or may extend to the time when an employee is not actually at work.

Generally employers are not entitled to give orders regarding what employees do outside their working hours but there are some jobs which warrant giving certain instructions about what an employee should and should not do while off work. The orders must be reasonable See Ottoman Bank V Chakarian (1930) to 277.

Working as instructed is the employee's basic consideration under the contract Breach of this du' is invariable regarded as a fundamental breach of contract, which at common law entitles the employer to dismiss the employer without notice. The classic statement of the du is found in the judgment of Lord Ever Shed MR in Laws v Landon Chronicle (1959) willful disobedience of law full and reasonable order shows a disregard -a complete disregard of a condition essential to the contract of service, namely the condition that the servant must obey proper orders of the master, and that unless he does so the relationship is so to speak struck at fundamentally"

Payment in leiu of notice: It is well recognized that under common law that a par can dispense with notice making payment to the other par in leiu of notice where payment in leiu of notice is made, the contract eliminates immediately after such payment is tendered or made. In the case of Lulume v Coffee Marketing Board, where the employer terminated the contract of employment by paying the employee three months' salary in leiu of notice. The employee challenged the adequacy of the

payment on the ground that he had been entitled to the medical and dental treatment of himself, his wife and children and to free housing in deciding that point Dickson, J. stated that:

"it follows therefore that once the plaintiff had been given salary for a certain period in leiu of notice, his rights as an officer of the defendant had ceased and he and his wife and children were not entitled to free housing ,medical treatment and allowances in lieu therefore"

b) Misconduct: Under Section 69(3), employer is entitled to dismiss summarily and the dismissal shall be justified where the employee has by his conduct indicated that he has fundamentally broken his obligation arising under the contract of service

c) Complaint to the labour office: under section 70 of employment Act, an employee shall complain to labour officer where he feels the summary dismissal is unjustified. Under section 74 the labour officer shall entertain complaint if it is well founded.

9.4 Unfair dismissals

(a) Who may complain of unfair dismissal?

Under section 71 of the employment Act, only an employee who has been continuously employed by his employer for at least 13 weeks immediately before the

date of termination shall have the right to complain that he has been unfairly dismissed.

b) Probationary contracts: under section 71 (3), unfair dismissal does not apply to probationary contracts.

(c) Criteria for unfair dismissal: under section 73(1), termination that is founded on the reasons specified in section 75 shall be deemed as unfair dismissal. The grounds that will not constitute fair dismissal include: female employees pregnancy; taking leave that and employee is entitled to under the law or contract membership or proposed membership to labour union; race, colour, sex, religion, political opinion or affiliation nationality, marital status, social origin, H. I.V. status or disability initiation or proposed initiation of legal proceedings against the employer by the employee, except where in the opinion of labour officer this conduct was uncalled for or irresponsible and where there was a temporary absence for up to three months on work that was justified. Under section 76, the organization or intended organisation participation or intended participation of an employee in a strike or any other form of industrial action once lawful, shall not constitute a ground for dismissal or disciplinary penalty.

(d) Burden of proof under section 70 (6), the burden of proving a dismissal on the employee, a burden justifying the grounds for dismissal is on the employer

9.5. Remedies for unfair dismissal.

(a) Reinstatement: under section 71 (5) a court may order the employee to reinstate the employee, or order the employer to pay compensation to the employee.

(b Award by the labour office: under section 77,where the labour office decides that an employee's complaint of unfair termination under section 71 is well founded ,the labour officer shall, give the employee an award or awards of compensation as specified in section 78.

(c) compensatory order: under section 78 (1), an order for compensation to an employee who has been unfairly terminated shall in all cases be a basic compensatory order for 4 weeks wages under section 78(2), additional compensation is at the discretion of labour officer under section 78(3),the maximum additional compensation is 3 months of the dismissed employee and the minimum is one month's wages

(d)Settlement of termination cases by agreement: under section 80, an employer and employee may settle the case and make an agreement to that effect that has complaint will not lie to the labour officer in respect of a termination or if made it shall not be considered the agreement has to comply with the provisions there under the labour officer also has to make a written statement that the terms of the agreement are fair and reasonable, and all the employee's entitlement shave been paid.

(e) payment of severance allowance /packages :under section 87 (a),an employer shall pay severance allowance where the employee has been his /her continuous service for a period of six months or more in instances where among others the employee may have been unfairly dismissed however under section 88 there is no severance allowance for summary dismissal with justification.

9.6 certificate of service :under section 62, upon the termination of contract of service, an employer if so requested by the employee, shall provide the employee with a certificate indicating among others and where the employees so requests, the reasons for the termination of the employees employment.

9. Termination & Dismissal

9.1 Termination under the employment Act of 2006

(a) definition

Under section 2 of the employment Act of 2006, termination of employment "means the discharge of an employee from an employment at the initiative of the employer for justifiable reasons other than misconduct, such as, expiry of contract, attainment of retirement age.

(b) What constitutes Termination?

Under section 65 (1) of the employment Act, termination shall be deemed to take place in the following instances.

1. Where the contract of service is ended by the employer with notice.

2 Where the contract of service, being a contract for a fixed term or task, end with the expiry of the specified term or completion of the specified task and ,is not renewed within a period of one week from the date of expiry on the same terms not less favourable to the employee;

3. Where the contract of service is ended by the employee with or without notice, as a consequence of unreasonable conduct on the part of the employer towards the employee, and

4. Where the contract of service is ended by the employee, in circumstances where the employee has received notice of termination of the contract of service from the employer but before expiry date of the notice.

(c) termination of probationary contract.

Under section 67 (4) of the Act ,a contract for a probationary period may be terminated by either party giving not less than fourteen days' notice of termination ,or by payment ,by the employer to the employee seven days wages in lieu of notice

(d)Grounds of instances where a contract may be terminated

Death of employer under section 29 of the employment Act, where the employer's personal or legal position formed the basis of the employment relationship with the employee, the death of the employer shall cause the contract of service to terminate one month from the date of the employee's death, unless it is otherwise legally terminated with in that period in the case of Farrow v Wilson, the court held that if the employer is an individual his/her death terminates the contract of employment.

Insolvency of employer: under section 30 of the employment Act. The bankruptcy or winding up of the employer's business shall cause the contract of employment of any employee to terminate one month from the date of bankruptcy or the winding up order. However, this shall not apply where despite the occurrences of bankruptcy or winding up, the business continues to operate or is transferred.

Inability to pay wages by the employer: under section 31 of the employment Act. Where an employer is unable, or refuses, to pay wages, a labour officer ,on the application of any employee of that employer, shall declare the contract terminated. In case of Koning v Naranjee, the court stated that it cannot be doubted that payment of wages is a fundamental term of the contra Ct of a breach of which entitles the employee to rescind the contract without notice and claim for damages.

• Agreement: the parties may agree mutually on termination of contract of employment. The agreement may be embodied in the contract of employment may be concluded at any time after the employment has circumstances.

• Order of court: the contract of employment may also be terminated on application of either party to a court of law.

• Frustration: the doctrine applies to employment contracts .frustrating events usually render an employment contract unenforceable, for example where an employee whether as a result of sickness of accident is rendered permanently incapable of performing his/her obligations under the contract. Other frustrating events include war, call up for military service and legislative intervention.

Dismissals under the Act

(a).DefliiQ!1 under section 2 of the employment Act, dismissal from employment means the discharge an employee from employment at the initiative of his or her employer when the said employee has committed verifiable misconduct.

(b) Notification and hearing before dismissal: under section 66(1) of the employment Act, an employer shall before reaching a decision to dismiss an employee, on the ground of misconduct or poor performance. Explain to the

employee, in language the employee may be reasonably expected to understand, the reason for which the employer is considering dismissal and the employee is entitled to have another person off his /her choice present during this explanation. Under section 66(2) of the employment act, before reaching any decision to dismiss an employee, an employer shall hear and consider my representations which the employee, and the person chosen by the employee, if any, may make .under section 66(3),this should be done within reasonable time which should be accorded to them by the employer. Furthermore, under section 66(4) whether the dismissal is summary and justified, or whether the dismissal is fair, an employer that fails to comply with section 66 shall pay to the employee a sum equivalent to four weeks net pay.

(c) probationary contracts section 67 of the employment Act states that section 66 shall not apply to probationary contracts the maximum period for a probationary contract is six months but it may be extended further for another six months on agreement with the employee. Under section 67(3), an employer shall not employ an employee under a probationary contract on more than one occasion. Under section 67(4) a probationary period may be terminated by either party by giving notice of not less than 14 days

(d) Any claims that may arise out dismissal: in such instances the employer is to prove the reason or reasons

for dismissal. Failure to do so, the dismissal shall be deemed to have been unfair with in

9.3 Summary dismissal

Under summary dismissal two tests have been developed, these are whether it was summarily done, and secondly whether it was justified. Under section 69(1) of the employment Act, summary dismissal shall take place when an employer terminates the services of an employee without notice or with less notice than that to which the employee is entitled by any statutory provision or contractual term

(a) Notice: under section 69(2), except where the dismissal is a summary dismissal, no employer has the right to terminate a contract of service without notice.

CHAPTER TWENTY-ONE

INSTITUTIONS IN INDUSTRIAL RELATIONS

Ifeoma, C. N.

EMPLOYERS ASSOCIATIONS

An employer is that person legal / human whose duty is to exercise power and line authority on behalf of those who own the entity. Employers association are organizations consisting of employers whose principles purpose is to protect and promote the interests of its members as employers and regulate their relation with their employees. Employers' associations consist of large and small organizations ranging from the private to public organizations.

Employers' Associations regulate the relationship between employers; policy makers and other bodies whose operations affect the interests of the employers. Therefore the Employers' Associations can be seen as the collective vehicles for the employers interests.

It can be noted that the employers' associations do not exclusively deal with industrial relations but also provide assistance and advice on trade problems, standardization of products, research and development e.t.c

OBJECTIVES OF EMPLOYERS' ASSOCIATIONS

Employers' Associations facilitate the creation and maintenance of balance of power between the two parties i.e. management and workers. This is very important for the smooth functioning and stability of industrial relations hence promoting industrial democracy.

The specific objectives, which also reflect their principle functions, include;

1. To create and maintain a collective voice for the employers in their dealings with the employees unions. This protects their members against unfavorable trade unionism.

2. To achieve and maintain uniformity and consistence in the terms and conditions offered by the employers.

3. To provide a forum in which the employers can come together and discuss ways and means of improving their viability and success of business through a concerted effort e.g. through research and development training.

4. To identify and implement appropriate management strategies for purposes of organizational effectiveness and efficiency.

5. To initiate and enforce constructive dialogue with government in matters of economic and industrial development i.e. (employers association) act as pressure groups on government policies and programmes

EMPLOYERS ASSOCIATION IN UGANDA

In 1958 in Uganda a group of leading Ugandan companies and business men came together to find a way of working in a partnership that would promote their mutual interest . Out of this meeting arose a consultative society which was named the society of Ugandan employers and was officially registered on June 1, 1960 with an executive officer and a secretariat at Udyam House. The Organization had 36 members at the time employing nearly 60,000 people.

THE ROLE OF THE SECRETARIAT

1 To get Information and advice it’s members

2. To keep a check on labour amendments to legislations affecting employment.

3. To provide reports, facts and legal positions.

4. In cases of a legal dispute to research on and analyze comparative terms and conditions of employments

5. To maintain liaison with it's Kenyan and Tanzanian counterparts.

EXPANSION AND GROWTH OF THE EMPLOYERS ASSOCIATION IN UGANDA

The Organization grew and gained it's current name in 1961 when it merged with the Federation of Industry and was renamed Federation of Uganda Employer. It's title changed again when it incorporated the Uganda Chamber of Ccc1aerce to become the Federation of Uganda commerce and Industry. It lost this appendage in 1980 when the Chamber of commerce was re- established. The Federation of Uganda Employers (FUE) as it is more commonly known gained recognition by government as the sole organization representing employer views. As a result it is a member to a number of government boards and committees as highlighted below;-

a. Labour Consultative council

b. Special Security Advisory Council

c. Minimum Wage Advisory Board

d. Uganda Industrial Court

Others

e. National Social Security Fund

f. Labour Law Review Committee

g. Uganda Management Institute

h. East African Business Council

i. Private Sector supervisory committee

MISSION OF FEDERATION OF UGANDA EMPLOYERS

To offer advisory, training and consultancy services on employment, human resource management, development issues and promote members competitiveness by improving productivity and quality of work life.

MEMBERSHIP OF FEDERATION OF UGANDA EMPLOYERS

Membership is open to industrial companies, corporations, institutions, sectorial associations, education establishments and hospitals.

THE ROLE OF EMPLOYERS ASSOCIATIONS IN INDUSTRIAL RELATIONS

1. Provision of Employment Relations Services which involves provision of advice the existing labour legislation and practices in that particular country, representation in court on employment issues this has been beneficial to member organizations because it has improved on their industrial relations.

2. They provide guidance during drafting of procedural manuals on staff rules, regulations and formulation, employment contracts, collective agreements all this has led to better industrial relations in member organizations. FUE is very active in guiding its members on the importance of proper set staff rules and regulations because management needs motivated workers if productivity is to improve in an organization.

3 Sensitizing management and staff about their rights and obligations. This enables the organization to develop a harmonious environment and co-existence at the workplace which mitigates the risk of having poor industrial relations within the organization

4. Employers' Associations (FUE) in Uganda has representatives on different boards which helps them to represent interests of members on a wide range of National committees, Boards, statutory bodies. These members defend the cause of the employers and advise government on policies, which may not favour employers thus a contribution towards industrial relations.

5. Employers' Associations carry out research concerning work, environment and its impact on employees. This is beneficial to employers because they are then able to organize work in ways that reproduce the authority and control of management over labour. This is because no matter how executive the controls may be in the final analysis management is reliant on employee cooperation.

The above led to the invention of appropriate and approachable procedure of controlling labour and educating members hence innovation of the Human Resource Manager Position in Organizations and companies.

6. In Organizations the Capital owner is in charge of the business and has the right to control both the means of production and the labour it hires. However the capital owner must yield the means of production to the control of workers for their actual use in the labour process to produce. Since the capital owner must surrender the use of its means of production to labour, the capital owner must to some extent seek a cooperative relationship with labour.

If management is to exploit and maximize the social productivity of labour, it must generate consent and cooperation while retaining control from a vantage point. Employers' associations have emphasized the notion that if an organization has to succeed and progress

economically it must take into consideration the importance of its industrial relations.

'High wage, high productivity, high investment, high growth earnings, high value added.'

Ownership, Authority and control in an organization should be adequately handled for better industrial relations hence improved productivity.

7. Employers' Associations became prominent in the 1920's because of the need for industrial They therefore saw the need to develop between 1912 and 1921 because of the strike waves. The formation of Employers' Associations helped to ease pressure on individual exerted a lot of power. Due to the above less time was spent on negotiations hence less man-hours lost therefore there was harmony between trade unions and Employers Associations since pressure was reduced on both sides hence encouraging better industrial relations.

8. Employers' Associations (FUE) has assisted in consultancy competence training (in the last 10 years over 10,000 professionals) to line managers and staff from over 130 organisations on industrial and human relations (which) has contributed to better industrial relations) within these organizations hence a reduction on organisation disputes between management and staff.

Employers' Associations assist management in collective bargaining with trade union this is usually on cases of wages where the trade union leaders want to take advantage of the situation by requesting for higher (pay for their members without taking into consideration the profit made by the company and it's ability to pay. Employers' Associations (FUE) has been instrumental in assisting management of many organizations to bargain and hence reach a level of comprise win-win by both parties.

10. The Aids scourge which is sweeping across the world today Uganda not being exception , has had the advantage of PUB educating the employers on Aids prevention in the workplace, providing them with information, and nondiscrimination of the sick employees. This has reduced and curbed the discrimination of sick employees at work hence improving on the industrial relations in organisations.

11 .Employers' Associations do not exclusively deal with Industrial relations but also provide assistance and advise on trade problems, standardization of products, research and development training.

The employer organizations in Uganda

Uganda Manufacturers Association

Sector Association-Manufacturing

Advocates for interests of the manufacturers only

2) Private sector Foundation

Constitutes federations and sector associations

Advocates for policy formulation

Challenges of Employers organizations

• Lack of commitment from members

• Individualism

• Lack of adequate financing

• Political manipulation and interference

• Not popular with the working class

• Lack of transparency by organization leaders e.g. money meant for operations at times ends up in personal pockets

• Benefits that accrue to members may not be seen

Employers Association; The way forward

• The future of employers association is bright. Why?

• There is increasing need to promote industrial harmony

• The need to value employee productivity

• The growing trend of business consolidation and inter-business transaction

• The great costs of consultancy and advisory

• The need for professional handling of industrial disputes

• The ever increasing urge to promote pay equity to reduce turnover

• The increasing pressure exerted by trade unions

Revision Question

In the developing world today, the existence of employers' organizations only helps to worsen the working conditions of the employer and employees. Do you agree?

THE NATURE OF TRADE UNIONS

Trade unions are central institutions in any system of industrial relations.

Trade Unions play a great role in representing employee interests and regulating the relations between employers and employees. A Trade Union is a voluntary association of employees formed to protect and promote their interests, through collective action. According to the classical definition, a Trade Union is a continuous association of wage and salary earners for the purpose of

maintaining or improving the conditions of their working life.

A labor union is an organization of workers to promote, protect and improve through collective action the social, economic and political interests of its members.

A Trade Union can be described as any association of employees whether temporarily or permanently formed primarily for the purpose of regulating the relationship between the employers and the employees.

Trade unionism is considered as an organized expression of the needs and aspirations of the working class. Trade Unions know that socio-economic justice cannot be achieved without pressure or organized power. Therefore workers must be organized into pressure groups to be able to effectively represent their interests.

CHARACTERISTICS OF TRADE UNIONS

1. They are formed to operate without due influence of the management.

2, They are normally affiliated to a confederation of unions.

3. Their principle aim is to maintain and improve the conditions of members.

4. They use sanctions to pursue their aims i.e. taking industrial action or causing an industrial unrest.

OBJECTIVES AND AIMS OF TRADE UNIONS

The overall aim of Trade Unions is to protect and advance the interests of union members. Unions are essentially organizations of a number of members who collectively aim to ensure that they keep and improve what they have.

Objectives

1. To improve the working conditions of employees.

2. To negotiate with the management to pay reasonable wages and salaries to employees.

3. To ensure that the workers share the increased profitability of the company by paying an adequate bonus.

4. To provide and maintain welfare for union members.

5. To organize training workshops for union members in areas of economic, research, occupational health and safety and general issues of industrial relations.

6 To seek for international support in promoting employee& rights and conditions of work.

1. To improve social security.(students to research for more)

RECOGNITION OF TRADE UNIONS

Recognition of trade unions can be observed in the independence and rights of Trade Unions.

The independence of Trade Unions is an important condition for the effectiveness of Trade Unions. An independent Union is one that is not under due control of the employer or employers association. It is also one that is not likely to be deterred from taking action because of fear that office facilities and finances may be withdrawn by the employer.

Nevertheless, it's not possible for Trade Unions to achieve full independence. This is because the union leaders are employees of the organization, which has authority over them.

The rights of Trade Unions that must be promoted for the purpose of Trade Union recognition include:

Right for an employees to belong to unions and to take part in union activities without management's threat, dismissal or punishment.

2. To be recognized by the employer for negotiation purposes.

3. To receive information from the employer to assist in the bargaining process.

4. To be accorded reasonable time off duty when taking part in union activities especially Trade Union executives.

STRUCTURE AND GOVERNMENT OF TRADE UNIONS

Although it's difficult to make valid generalizations about the structure of Trade Unions, most Trade unions world over have the following levels;

National

District

Branch

Workplace

At the Trade Unions are staffed by full-time officials headed by an executive comprising of the President, Secretary General and other officials e.g .NOTU (National Organization of Trade Unions). In some unions these posts are appointed while in others they are elected. The head quarter staff gives to the affiliated unions a range of advisory, legal and welfare services. The headquarter

also provides technical skills in negotiation between workers and management. They are also responsible for implementing the union policies determined by annual delegates conference.

At the district level, the union is staffed with full time officials. There is a district executive committee with delegates from the local branches. The staff at the district provides advice and intervenes in disputes between workers and individual organizations.

The branch level brings together the employees of an industry within a locality. Each branch has a voluntary general secretary who does the administrative union work. In most cases, all union staff can be on voluntary basis and work part time. The branch consists of all members of the union in the industries in a particular location.

At the workplace level, the union is represented by a person referred to as a shop steward. He is the union representative at the actual place of work who may be appointed or elected by the union. He is the official who can be contacted on matters of members' welfare.

The effectiveness of a Trade Union is judged by effectiveness of the shop steward. The shop steward is supposed to be objective and impartial while linking the workers and management. The shop steward must fully comprehend the contents of the recognition agreement /collective bargaining agreement i.e. he must know the

procedure of handling grievances and be watchful of any violations of the labor laws or the agreement. The shop steward must endeavor to get members (new) to join the union He is also responsible for a collection of subscription fees from the members.

A Trade union is an organization whose members are wholly or mainly and whose principal purpose includes the regulation of relations between workers and employers or employer's associations. These trade unions are usually voluntary in nature formed to protect and promote employees' interests during their working life through collective action.

Trade unions also campaign for laws and policies which will benefit working people. In fact many people/employees join trade unions so that they can have better pay and working conditions and union protection in the event of any working condition problems. It is perceived that as part of a group employees shall be better represented than if they were an individual.

Most trade unions have now opted for even greater collectiveness by becoming affiliated to bigger trade union organizations. The Trade Unions congress (TUC) in Britain with over 74 trade unions affiliated to it and a combined membership of nearly 7 million members. It is yet another example. The motive behind the greater collectiveness is that these national trade Unions create an

even more powerful and effective voice if they work together to protect rights of worki5lg people.

TYPES OF TRADE UNIONS:

There are basically four types of Trade Unions:

a) Craft Unions which represent skilled workers from one occupation.

b) General Unions which represent many occupations.

c) Industrial Unions which represent workers who work in one industry. *

d) Professional / white collar unions which represent skilled workers mainly in the service industry.

A BRIEF ON TRADE UNIONS IN UGANDA

Traditional trade unionism in Uganda dates back to 1938, with the registration of the Uganda Motor Drivers Association. However due to the impending second world war, the colonial government did not support its growth. The colonial leaders rejected the idea and supported the formation of committees in which workers' representatives were appointed by the employers.

It was not until 1952 that the British government established the Trade Union Ordinance, the first Trade

Union law in Uganda. Several trade unions were formed and registered in 1955: the Uganda Posts and Telegraph Union, the African Railways Union; the clerical, commercial and General Workers Union, and the Busoga African Motor Drivers Association. Since then, the labour movement has gone through a number of phases that have shaped it into what it is today. In 1961, a national centre called the Uganda federation of Labour (UFL) was formed, and in 1964 another national centre, the Federation of Uganda Trade Unions (FUTU), emerged. The two centres amalgamated to form the Uganda labour Congress (ULC) in 1966.

Internal rivalries and political differences prompted the revolutionary council of government to close the African Labour College of the International Confederation of Free Trade Unions (ICETU) and the Uganda Labour Congress in 1968. Decree No.20 of 1973 made possible the establishment of the present day National Organization of Trade Unions (NOTU). The Trade Union movement in Uganda remains the voice of organized labour through which workers are expected to make their contribution to National development.

OBJECTIVES OF TRADE UNIONS

The overall aim of trade Unions is to protect and advance the interests of union members. They are basically formed because of principles of solidarity and social justice.

Through their collective strength, trade unions fight injustice and resist exploitation and demand fair employment conditions. Their objectives include the following;

a) To improve working conditions of employees by negotiating with employers to pay reasonable wages and salaries to employees.

b) To redress the balance of power between employers and employees. For example they ensure that workers share the benefits of increased profitability of organizations through earning adequate bonus.

c) To provide workers with a collective voice to make their wishes known to management and thus bring actual and desired conditions together in all terms of employment e.g. pay, working hours, holidays.

d) To participate in decision making on matters affecting members 'interests. For example unions play the role of pressure groups particularly for the reform of labor legislation. Trade Unions participate in formulating laws that affect labour in their respective countries.

e) To provide protection, legal and financial support to members. This is one of the most recent developments in trade union objectives.

f) To ensure that workers are able to participate in environmental audits at work places in environmental impact assessments to ensure that workers are not subjected to hazardous conditions.

g) To participate in environment and development activities within the local communities and promote joint active role in sustainable development activities of international and regional organisation.

h) To provide adequate training to its members. They organize training workshops to sensitize members in different aspects of human resource management and industrial relations.

i) To give effect to principles and rights concerning freedom of association and collective bargaining, nondiscrimination and elimination of child labour. For example, most Trade unions in Uganda have now incorporated gender structures to ensure systematic integration of gender issues and concerns in their collective bargaining activities and promote full and active participation of both males and females in workplaces, ensure gender responsive legislations.

j) To analyse trends in national and global employment and labor market developments and to elaborate, advocate and implement effective strategies for promotion of decent employment and human resource practices, e.g.

active equal opportunities policies, training and development of staff, job security, etc.

k) Trade unions are meant to promote social dialogue. Since their fundamental role is to act as instruments of democracy, they negotiate for consensus building and economic and social development.

1) Trade unions intervene in grievance with a view of pressurizing the management to promptly solve disputes and find practicable solutions to specific problems.

The above objectives must tally with the aims and objectives of NOTU which include the following:

a) To promote and safe guard the interests of all registered trade unions affiliated to it and workers throughout Uganda.

b) To assist unions to find practical solutions to problems relating to organizations and administration.

c) To settle disputes concerning representation and demarcation matters.

d) To determine the jurisdiction boundaries of Unions in line with established policies and practices.

e) To encourage the development of strong unified and viable Unions in Uganda and to discourage the development of revival Unions.

1) To give legal advice and legal assistance to its affiliates.

g) To promote welfare of workers in Uganda.

h) To promote social and economic benefits to its members.

i) To assist is affiliates in establishing and maintaining sound industrial relations.

j) To operate and promote and operate, aid and encourage the establishment of cooperatives and other economic institutions owned wholly or partly by workers, affiliated unions or NOTU on their behalf.

k) To assist and improve workers' knowledge and skills by organizing courses and seminars, in collaboration with other interested bodies as shall be deemed necessary for promotion of workers' interests,

l) To secure adequate presentation on government and industrial bodies dealing with the labour legislation or any other matters affecting labour.

CHALLENGES TO TRADE UNIONS

a) Despite the significant changes in the economic environment worldwide, labor management relations have not changed to any significant extent in the last 2 decades. Trade union movements have made a few changes in their traditional style and practice. They hence

face a challenge of change and' continuity in the current dynamic economic world. For example corporate management tendencies towards short termism have been observed. This kind of approach looks at short term returns on investment and respects fast decisions on business options rather than attaching importance to long term stable employment.

b) The tendency to favor public policies and corporate management practices based on the new market doctrine is yet another challenge to trade unionism. Problems like economic stagnation are now being attributed to traditional practices of retaining and using largely equitable pay systems. In Japan for example advocates of the market principle now argue for enhancing flexibility by making layoffs much easier by attaching importance to external Labor markets all of which threatens the existence of trade unions.

c) The political climates in most areas where trade unionism is practiced seem unfavorable for the trade union movement. In periods of political instability, economic and industrial development gets continuously eroded as matters of national priority.

d) Business enterprises are now facing fierce international competitiveness. Corporations now seek to exploit low wage workers employed on short term contracts. In the result such companies readily dismiss employees under

this kind of direction which emphasizes shareholders' interests and return on equity as the criterion for successful management with adverse effects on the trade union movement. This global competition has been accompanied by deteriorating workers' rights such that even governments are eager to secure short term that the global market may provide and see trade unions as obstacles to economic development. For example in Uganda, President Museveni publicly admitted to mass dismissal of striking textile workers because their action would "scare off' investors.

e) With the increasing urge to cope with globalization big corporations have either been forced to become multinationals or to globalize their corporate management. For example, in Japan big corporations have adopted to globalization through habitant "segregation" between domestic production where by new models and up market items are produced in Japan while inexpensive versatile items are produced offshore. This has resulted in unemployment within Japan hence affecting trade union interests.

Union rights continue to be violated across the world. Trade union rights continue to be undermined on two fronts-by employers and even governments. The global survey by the Iraqi federation of worker's trade unions (IFTU) of (June 2004) highlighted how governments in numerous countries have installed complicated

procedures to hamper trade union activity. For example in 2003 Columbia proved to be the most dangerous place in the world to be a trade unionist. A total of 90 people were killed for their trade union activity. Their families were also caught up in the violence and in some cases murdered in cold blood together with their trade union partners.

CHAPTER TWENTY-TWO

OTHER PLAYERS IN INDUSTRIAL RELATIONS

Ifeoma, C. N.

The other players in industrial relations are the International Labor Organization (ILO) and the Government.

ILO Defined

The International Labor Organization (ILO) is the United Nations specialized agency that seeks the promotion of social justice and internationally recognized human and labor rights. It was founded in 1919 and is the only surviving creation of the Treaty of the Versailles that brought about the League of Nations into being and it became the first specialized agency of the UN in 1946.

ILO OBJECTVES

The ILO has four principle strategic objectives:

1. To promote and realize standards and fundamental principles and. rights at work.

This is done through the formulation of international policies and programs and creation of international labour standards

Formulation of international policies and programmes to promote basic human rights, improving working conditions and enhance employment Opportunities

Policies and programmes of the ILO includes:

a) The declaration of Philadelphia.

b) The declaration on fundamental principles and rights at work.

a) Declaration of Philadelphia.

In 1944, the International Labour Conference met in Philadelphia, USA and adopted the following principles;

i. Labour is not a commodity.

ii. Freedoms of expression and of association are essential to substantial progress.

iii. Poverty everywhere constitutes a danger to prosperity everywhere.

iv. All human being irrespective of race, creed or sex have a right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity of economic security and opportunity

b) Declaration of international principles and rights at work

In 1988, the International Labor Conference adopted the declaration on fundamental principles and rights at work which affirmed the commitment of the international community to respect promote and realize in good faith the rights of workers and employers, to the freedom of association and effective right to freedom of collective bargaining.

It also commits member states to work toward the elimination of all forms of forced labor and the elimination of discrimination in employment and occupation for example sexual discrimination, discrimination of people living with HIV and PWDs that is people with disabilities.

The ILO creates labor standards that serve as guidelines for national authorities in putting these policies into action. Since 1919 conventions and recommendations have been adopted relating to work issues. These include basic human rights for example, freedom of association, abolition of forced labor, social security, employment of women etc.

Key ILO conventions include:

Forced labor convention (1930)

This requires the suppression of forced or compulsory labor in all its forms. Certain exceptions are permitted such as military service, properly supervised convict labor, and emergencies such as wars, fires and earthquakes.

Freedom of association and protection to organize convention (1948) Establishes the right of all workers and employers to form and join organizations of their own choosing with or without prior authorization and lays down a series of arantee5 for the free functioning of organizations without interference of public authorities. In Uganda workers should be free to join workers associations, which should then be affiliated to NOTU, National organization of Trade Unions.

Right to organize and collective bargaining convention (19491

It provides for protection against anti-union discrimination. It provides for protection of workers and employer association against acts of interference by each other and for measures to promote collective bargaining.

Equal remuneration convention (1951)

Call for equal pay and benefits for men and women of equal value

Women are usually paid less than men in the same positions and for the same amount of work done and this applies to both the formal and informal sector.

Abolition of forced labor convention (1957)

Prohibits any form of forced or compulsory labor as a means of political coercion or education, punishment for the expression of political views, workforce mobilization, labor discipline, punishment or the participation of strikes-or discrimination. Strike leaders are usually punished or even dismissed from work as in the case of the AGOA girls at the Tri Star Textile factory. The girls had complained about the deteriorating working conditions. The company refused to meet the workers union claiming that it had to prove that it represented 51% of the Tri star work force. It of course had the full backing of the government and the strike leaders were dismissed.

Discrimination (Employment and occupation 1958)

This calls for a national policy to eliminate discrimination on grounds of race, color, sex, religion, political opinion, national extraction or social origin. It also calls for the promotion of equality of opportunity and treatment.

In most African Countries, nepotism is widely practiced and people are still given or denied jobs on the basis of their political opinion.

Minimum age convention (1973)

This is aimed at the abolition of child labor. It stipulates that the minimum age for admission to employment shall not be less than the age of completion of compulsory schooling. In Uganda, children are still being used as housemaids and taxi conductors and worse still they are paid very low wages. Housemaids are paid as low as 10,000 UGS per month while other are not paid at all.

Forms of child labor convention (1999)

Is or immediate and effective measures to ensure the prohibition and elimination of the worst forms of child labor which include slave and similar practices, forced recruitment for use in armed conflict, use in prostitution and pornography and any explicit activity as well as work which is likely to harm the health and safety of children. In Uganda, children are used in armed conflict such as those abducted and forced to fight along the Lord's Resistance Army (LRA) in Northern Uganda. In Sudan, children from southern Sudan are used as slaves in Northern Sudan.

2. To create greater opportunities for women and men to secure decent employment.

The ILO's mission is to help people around the world find decent work in conditions of freedom, equity, security and human dignity. This is done through permanent contract with workers, employers, and governments; which are the ILO constituents, by helping them, forge new and innovative labor market and training policies. This is done through:

• An extensive programme of international cooperation formulated and implemented in an active partnership with constituents, to help countries in making these policies effective.

Training, education, research, publishing activities to help advance all efforts through;

a) **International training Centre** located in Italy it offers training opportunities to decision makers, managers, practitioners and trainers from governments; workers organizations; employer organizations and their partner institutions.

b) **International institute for labor studies** located in Geneva. It promotes policy, research and public discussions on emerging issues of concern to the ILO and its constituents, which is labor business and governments, The institute provides three major facilities;

A global forum on social policy enabling governments, business and labor to interact formally with academic community and other opinion leaders,

• International research programmes and networks linking academics with business, labor and government practitioners to explore emerging policy issues of potential relevance to the ILO and contribute to policy formulation.

• Educational programmes to assist trade unions, employers' organizations employers' organizations and labor administration in developing their institutional capacities for research, analysis and policy formulation in the economic and social fields.

ILO publications

These are aimed at policy makers and others concerned with the changing nature of work e .g

• World Employment Report

• ILO encyclopedia of Occupational health and safety,

• Key Indicators of Labor Market (KILM)

• ILO Journal- International Labor Review.

c**) Library and Information Service**

It has an information network connected to the ILO library in Geneva. It offers consulting services with access to over one million books, reports, journals, legal texts, statistical publications and electronic information sources e .g the LOBORDOC database.

ILO employment objectives include

• Equipping constituents analyze economic and labor market developments and elaborate and negotiate effective employment promotion policies and programmes on a global and regional level.

• Boosting employment through the small enterprise development.

• Helping women get more and better jobs.

• Effectively implementing policies and programmes upgrading the informal sector activities.

• Advising in the transition from centrally planned to market economies particularly with respect to employment, labour market and human resource policies.

• Adopting or strengthening targeted programmes enabling groups such as young worker, disabled migrants and indigenous populations to find employment.

The ILO's approach to gender equality is to mainstream gender concerns in all its policies and programmes

although women have transformed the labour market and have succeeded in obtaining greater opportunities and economic autonomy, inequalities still exist in the work place women form the majority of unpaid and underpaid workers in most counties.

The ILO is committed to an integrated policy on women and work. This involves

• The international programme on more and better jobs for women. This programme promotes more jobs for women through employment creation, training, development, improvement and improvement in access to the labour market and equality of opportunity. It promotes better jobs through equal pay, occupational desegregation, social security and family friendly work places.

The capacity building programs on gender, poverty and employment. This program focuses on enhancing women's' access to quality jobs strengthening their negotiating power and providing innovative ways of increasing social protection especially in the informal sector where the majority are employed.

3. To enhance coverage and effectiveness of social promotion for all

This involves social security and improving working conditions. Governments should ensure that every worker is socially and financially protected. In Uganda we have

the National Social Security Fund. However the fund has a number of shortcomings such as delayed benefits, insufficient returns to contributors, absence of a national social protection strategy and excessive government control. Social protection should go beyond providing for old age and surpass formal employment.

4. To strengthen tripartism and social dialogue

• Within the UN system, the ILO has a unique tripartite system with workers and employers participating as equal partners with governments in the work of the ILO governing organs.

The ILO encourages this tripartism within its member states by promoting social dialogue between trade unions in formulating where appropriate national policy on social economic and many other issues.

GOVERNMENT

The government, through the legislature, executive and judiciary play an important role in industrial relations,

LEGISLATURE

Legislature makes laws. For example in the Uganda constitution of 1995, Article 40(1) states that Parliament shall enact laws

To provide for the rights of persons to work under satisfactory, safe and healthy conditions;

e) To ensure equal payment for equal work without discrimination; and

f) To ensure that even worker is accorded rest and reasonable working hours and periods of holidays with pay, as well as remuneration for public holidays.

EXECUTIVE

This implements the laws through the Ministry of Gender Labour and Social Development. It was until recently in charge of the National Social Security Fund (NSSF) which is now under the rnini5 of finance. The NSSF is a compuls0 saving scheme, which covers all employees in the private sector, including nongovernmental organizations and parastatal bodies that are not covered by the government's pension scheme.

The Ministry of Gender Labor and Social development has introduced a number of policies these are:

National Action plan For Women (NAPW) 1999

In December 1999, the Government adopted the National Action Plan for Women for the period l999-200 The goal of the plan is to achieve equal opportunities for women by empowering them to participate in, and benefit from the

social, economic and political development The four areas for advancing the position of women are:

a) Poverty, income generation and economic empowerment;

b. Reproductive health and rights;

c. Legal framework and decision making;

d. The girl child and education.

The Plan provides a framework for implementing initiatives under these four areas by the various key players at community, district and national levels during the target period. The Plan outlines the strategic actions Uganda has to implement to concretize the 1995 Beijing Platform for Action.

National Gender Policy (NGP) 1997

The National Gender Policy was established in 1997, as part of Government policy of mainstreaming gender concerns in the national development process. The policy outlines strategies to achieve these objectives and the institutional framework, including roles and responsibilities of the line ministries, NGOs and the private sector.

The Ministry of Gender, Labor and Social Development is the institution established to promote gender equity and

is responsible for spearheading and coordinating gender responsive development. In particular, it ensures the improvement of women's status and advocates for gender equity at all levels.

The Ministry provides technical guidance and back up support to other institutions engaged in gender sensitive development planning. It also liaises with other actors in identifying and drawing attention to key gender concerns as well as initiating actions to address them such as law reform and awareness campaigns.

Employment Policy

There is a draft (as of 2003) national employment policy, which aims at the promotion of more rapid productive employment in all sectors of the economy.

draft spells out the need to analyze and understand the implications of employer roles in labor management and strategies to reduce them.

Police force that is under the Ministry of Internal Affairs is supposed to maintain law and order during strikes and demonstrations. However they are now led upon to suppress them instead.

JUDICIARY

The judiciary is supposed to interpret the labor laws. The industrial courts & Judiciary are involved in mediation and arbitration of labor cases.

In conclusion, both the government and the ILO as well as other stake holders such as employer associations and trade unions should work together to improve the state of industrial relations by sharing information and understanding each other's position.

REFERENCES

Armstrong M (1999). A hand book of Human Resource Management Practice, Kogan Page Ltd, UK.

Ellyne, Mark J (1995), Economic Reforms in Sub-Saharan Africa and the case of Uganda, Bank of Uganda Joseph Mubiru Memorial lectures, Kampala.

Erisa 0 Ochieng (2000), Stabilization and Adjustment Programmes in Uganda 1981- 1995, Paper Presented at a Stakeholders' conference organized by Ministry of Finance, Planning and Economic Development, and Kampala.

ILO (2005) International Internship course on Labour and Social Policies for decent work, Reading selection Vol.2, Geneva.

Loxeley John (1986), Alternative Approach to Stabilization in Africa,

Africa and the IMF, Washington.

Mugyenyi J B (1995). *Rehabilitation and Reconstruction in Uganda, the political economy of structural adjustment programmes*, presentation to postgraduate students, UMI.

Rugasira, Andrew M (1995), The impact of World Bank, IMF Structural adjustment policies on the industrial sector in Uganda: A critical assessment, CBR Seminar 3 1, August.

Salamon Michael (2000), Industrial Relations Theory and Practice, Ashford Colour Press Ltd, Great Britain.

Taylor and Francis group (2005), The International Journal of Human Resource Management, Vol. 16.No.8, Oxford Shire, 0X14 4RN, UK.

The magazine of the ILO, world of work, No.54, August 2005.

United Nations (1995), Africa Recovery, Vol.9.No.2 htpp:www.law.corflell.edU/ topics/collective

Pylee M, Industrial Relations and Personnel Management, UBS Publishers' Distribution Ltd.

Personnel Management and Industrial relations. Tenth revised edition RS Davar, Vikas Publishing House PVT Ltd.

Industrial relations and Personnel Management. Dr. MV Pylee, A Simon George, Vikas Publishing House PVT Ltd. http:// www. Employersassoc.com

Japanese Trade unions and their future: Opportunities and Challenges in an era of Globalization by Sadahiko Inoue at www.ilo.org

Workers 'Education Hand book on CHILD LABOUR IN UGANDA by Mohammed Mwamadzingo, Ouma Mangeni and Harriet - Mugambwa.

Gender policy for Trade Union Movement in Uganda at www.dfid.goviic

Civil society in Uganda at www.dfid.gov.uk

www.bized.ac.uk on Trade Unions and industrial Relations

A Web of English History: the new model Trade Unions 1851 onwards.

www.notu.co14g National Organization of Trade Unions

Academic Term Papers and Essays at w.academon.com www.ilo.com

www.minstryoflahourugandaorn.

The Employment Adt of Uganda 2000

Graham, H. T. and Bennet, R, 1992, Human Resources Management, London: Longman.

Katz, H. C and Kochan, T. A, 2000, An Introduction to Collective Bargaining and Industrial Relations, Mcgraw Hill Companies

Michael Salmon (1998), Industrial Relations: Theory and Practice 3rd ed., London: Prentice Hall Europe

SELECTED BIBLIOGRAPHY

Basu, R. (2007). The United Nations: Structure and functions of an international organizations. New Delhi, India: Sterlin Publishers Private Ltd.

Benns. F. L. & Seldon, M. E. (1965). Europe 1939 to the present. New York: Meredith Publishing Company.

Brodie, J. (ed.) (2002). Critical concepts: An introduction to politics. Canada: Pearson Educational Inc. Brucan, S. "Power and conflict in the study of international organization. In, Abi-Saab, G. (ed.) (1981). The concept of international organization. France: UNESCO.

Brun, H., Forman, L. & Brodsky, H. (2004). Global history and geography: The growth of civilization. New York: Amsco School Publications Inc.

Calvocoressi, P. (2009). World politics since 1945. England: Pearson Education Limited. Edward V. Gulick, "Our Balance of Power System in Perspective" Journal of International Affairs, XIV, 1960 Feller, A. H. (1952). United Nations and world community. Boston: Little Brown. Fulbright, J. W. "In thrall to fear. New Yorker, January 8, 1972

Funk & Wagnalls (1972). New Encyclopedia, New York: Funk & Wagnalls Inc. Vol. 25. Goldstein, J. S. & Pevehouse, J. C. (2011). International relations. New York: Longman Publisher.

Haddock, B. (2005). History of political thought: 1789 to the present. United Kingdom: Polity Press. Heath, E. "About

the future of the UN?" In, The Guardian Weekend, 10 July, 1993.

Jame, E. & Holl, J. E. "A Report on work in progress in conflict prevention strategies to sustain peace in the Post Cold War World. Report of the Aspan Institute Conference on International Peace and Security, Aspen Colorado, July 30 – August 3, 1996.

Kennedy, P. (2006). The parliament of man: The past, present and future of the UN. New York: Random House.

Knickrehm, K. M. & Hastedt, G. P. (2003). International politics in a changing world. New York: Pearson Educational, Inc.

Lerner, M. (1962). The age of overkill: A preface to world politics. New York: Simon & Schuster.

Lowe, M. (2005). Modern world history. New York: Palgrave Macmillan. Nye, J. S. (2003). Understanding international conflicts: An introduction to theory and history. New York: Longman Publishers.

Obiozor, G. A. "The United Nations system and objectives structure and reforms". In, Obiozor, G. A. & Ajala, A (1998). Africa and the United Nations system: The first fifty years. Lagos: NIIA. Pierre, P. "Rise and development of international organization: A synthesis." In, Abi Saab, G. (ed.) (1981). The concept of international organization. France: UNESCO.

Ranny, A. (1996). Governing: An introduction to political science. New Jersey: Prentice Hall, Inc.

Aboyade, O. (1976). *Issues in the development of tropical Africa*. Ibadan: Ibadan University Press.

Aderinto, A. A. (2014). *Insurgency as a security challenge to the Nigerian nation: management perspective.* A paper delivered at the 1st Anniversary Public Lecture of the Nigerian Institute of Management, Ede Chapter, July 17, 2014.

Agbaje A. A. B. (1999). Electoral administration in Nigeria, in Ayoade, J. A. A. (ed). *Handbook of Election Monitoring in Nigeria.* Ibadan: Vantage Publishers.

Ajah, M. (2011).How to end *Boko Haram* fire – back http://thewillnigeria.com/opinion/897.

Ajayi, G. (1990). *Government and religious patronage in contemporary Nigeria (1980 – 1989): Implications for the stability of the Nation*. Zeitschrift Tuf Afrikastuden (ZAST)nr.

Ake, C. (1967). *A theory of political integration.* Homewood: Durvey Press.

Akinyemi, A. B. (1979). *Readings on federalism.* Lagos: NIIA

Albert, I. O. (2017). Beyond Nigeria's Sambisa: Forests, insurgency and counter insurgency in Africa. *Unviersity Lecture.* Ibadan, Nigeria: Ibadan University Press.

Anyaoku, E. (2001). South Africa and the challenge of diverse pluralism.*A Convocation Lecture* delivered at Rhodes University, South Africa, Published in *ThisDay Newspaper*, Lagos , 16 April, 2001.

Arazeem, A. A. (2005). Combating political violence in Nigeria: Issues, prospects and problems, in Alanamu, A. S. (ed). *Issues in Political Violence in Nigeria. Ilorin, Nigeria*: Hamson Printing Communications.

Austin, P. K. (2010). *One thousand languages: Living endangered, and lost*. California: University of California Press.

Awolowo, O. (1968). *The peoples republic*. Ibadan: OAU Press.

Duverger, M. (1976).*The study of politics.* Hong Kong: Nelson's Political Science Library.

Emerson, R. M. (1962).Power-dependence relations. *American Sociology Review* (27).

Emily, A. G & Nadine, F. M. (2007). Religious social identity as an explanatory factor for associations between more frequent formal religious participation and psychology well-being.*International Journal for the Psychology of Religion,* 77 (15), 223 – 247.

Ezeh, O. C. (1998). Africa: democracy, governance and development. *The Challenge of African Development.* CASS Tributes & Essays in Honour of Professor Claude Ake. Lagos.

Frank, I. (1968). *Why federalism fail: An enquiry into the requisites for federalism.* New York: New York University Press.

French, W. L. & Bell, C. J. (1992).*Organizational development: Behavioural science interventions for organizational improvement.* New Delhi: Prentice-Hall (PVT) Ltd.

Friedrich C. (1963). *Federalism: National and international*. Oxford: Oxford University Press.

Hogg, M. A. Terry, D. J. & White, K. M. (2016). A tale of two theories: A critical comparison of identity theory with social identity theory. *Social Psychology Quarterly58(7).*

Ibidja, S. W. &Doda, R. (2007). Political parties, voting pattern and national integration; in, Jega, A & Ibeanu, O. (eds). *Elections and the future of democracy in Nigeria. Nigeria*: A Publications of the Nigerian Political Association.

Ikime, O. (1985). *In search of Nigerians: Changing patterns of inter-group relations in an evolving nation state.* Ibadan, Nigeria: Impact Publishers.

Iorhen, K. J., Terson, A I & Member, G. (2014). The activities of armed groups and the challenges of insecurity in Nigeria. *African Journal of Management, Social Sciences and Humanities,* 1(1), 72-87.

Javaid, U. (2010). Resistance and its progression to insurgency. *Journal of Strategic Studies,* xxx(1&2), Spring and Summer.

Jinadu, A. (1979). *A note on the theory of federalism.* Lagos: NIIA.

Jinadu, A. L. (2007). Explaining and managing ethnic conflicts in Africa: Towards a cultural theory of democracy. *Claude Ake Memorial Paper Series* (CAMP) No. 1, Uppsala: The Nordic Africa Institute.

Katsina, A. M. (2011). *Boko Haram*, Nigeria and sub-regional security in Nigeria.*Journal of International Affairs,* 37(3), September – December.

Marchal, R. (2012).*Boko Haram* and the resilience of militant Islam the Northern Nigeria. *Norwegian Peacebuilding Resource Centre (NOREF) Report,* June.

Mimiko, F. N. O & Adeyemi, L. O. (2005). Nigeria's National Dialogue: A charade repacked or a change for renewal? in Alli, W. O. (ed.). *Political reform conference for federalism and the national question in Nigeria.* Nigeria: A Publication of Nigerian Political Science Association.

Narrated by Muslim in al-Sahih: Kitab al – Zakat, chapter: The Encouragement to kill the Kharijites, 2:748 #1066; Abu Dawud in al-Sunani Kitab al-Sunna, Chapter: 'On fighting the Kharijites', 4: 244 #4768.

Nleme, C. O. (2011). Mobilizing security and protective services to suppress violence and commodity, in Ogundipe, O. A. Akinade, A &Omoegun, M. (eds.). *A book of proceedings on religions cum ethnic violence in Nigeria. Security and socio-economic perspective.*University of Lagos: Institute of Security.

Nnoyelu, N. A. U (1977). Ethnicity, national interest and national integration in Nigeria, in Ojiakor, N. & Chukwu,

G. W. *Nigeria socio-political development: Issues and problems.* Enugu: John Jacob Publishers.

Obia, V. (2016).As World celebrates the virtues of peace. *THISDAY: The Sunday Newspaper.* September 25.

Obiyan, A. S. (2010). Ethnic conflict, federalism and national integration in Nigeria, inAkinboye, S. O. & Fadakinte, M. M. (eds.). *Fifty Years of Nationhood? State, Social and Politics in Nigeria (1960 – 2010).* Lagos: University of Lagos, Department of Political Science.

Odunuga, S. (1999). Nigeria: A victim of its own success, in Adedeji, A. (ed.).*Comprehending and mastering African conflicts: The search for sustainable peace and good governance.* London & New York: Zed Books Ltd.

Olaoye, O. E. (2012). *Government and politics for Nigerian students.* Ondo State: Extajo Image Home.

Onyekakayah, L. (2014). Hypocrisy in seeking global peace. *The Guardian Newspaper,* Tuesday, August 19.

Oritsejafor, A. (2012). F. G. *Boko Haram* talk senseless. *Daily Sun Newspaper,* 26, March.

Osaghe, E. E. (2006). *Federalism and political accommodation: The Nigerian experience in comparative perspective.* NISER Distinguished Lecture Series, No. 1.

Saliu, H. A. (2016).*Nigerian foreign policy under the fourth Republic.* Ilorin, Nigeria: African Centre for Peace Research, Empowerment and Documentation (ACPRED).

Sani, G. (2012). Nigeria in 2012: Crisis and Reforms.

Suberu, R. T. (1998). States creation and the political economy of Nigerian federalism, in Amuwo, K. etal. (eds). *Federalism and political restructuring in Nigeria.* Ibadan: Spectrum Books Limited and IFRA.

Suberu, R. T. (2004). *Attractions and limitations of multi-ethnic federalism: The Nigerian experience:* Faculty Lecture delivered at the University of Ibadan, 2 December, 2004.

Sultan Sa'adAbubakar (2013). Blames leader's for Nigeria's woes. *Daily Independent Newspaper*, 1July.

Tayfal, H. (1972). The social categorization. *Journal of Psychology*, 1.

Turner, J. C. (1982). Towards a cognitive redefinition of social group, in Tajfel, H. (ed.). *Social identity and intergroup relations.* Cambridge: Cambridge University Press.

Umar, M. S. (1989). Islam in Nigeria: Its concepts, manifestations and role in nation-building, In Atanda, J. A. (ed).*Nigeria: First 25 Years*, volume ix (Religion). Ibadan: Heinemann Educational Books (Nigeria) Ltd.

Weiner, M. (1965). Political integration and political development, in Tinkle, L. & Gable, R. W. (ed.). *Political development and social change.* London: Oxford Press.