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BROKEN DIALOGUE, BROKEN PROMISES: LEGAL FAILURES AND THE COLLAPSE OF INSTITUTIONAL DUE DILIGENCE IN NIGERIA'S PUBLIC SECTOR

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Abstract

This paper critically examines the institutional and legal failures undermining the enforcement of labour standards and dispute resolution mechanisms in Nigeria's public sector, with particular attention to the state's obligations under international labour law. Drawing on the recurring breakdown of dialogue between government and public sector unions—such as the Academic Staff Union of Universities (ASUU), the paper interrogates the systemic collapse of institutional due diligence, the non-implementation of collective agreements, and the ineffectiveness of existing dispute resolution frameworks. Although Nigeria is a signatory to core ILO Conventions, including Convention No. 87 and 98, the reality of state practice reveals a troubling gap between international commitments and domestic enforcement. The paper argues that this disconnect is not merely administrative but fundamentally legal and structural, rooted in ambiguous statutory provisions, institutional overlap, and a weak culture of compliance. Using doctrinal and comparative methodologies, the paper evaluates Nigeria's existing labour dispute mechanisms under the Trade Disputes Act, the National Industrial Court framework, and the newly enacted Arbitration and Mediation Act 2023, exposing their inadequacies in providing timely and credible remedies. Further, the study draws lessons from international models such as the UK's ACAS, South Africa's CCMA, and the US FMCS, recommending the establishment of an independent national body for institutionalised mediation in the public sector. It concludes that without strategic legal reform and genuine commitment to social dialogue, Nigeria risks eroding both public trust and its international labour reputation. The paper contributes to the literature on labour law, institutional accountability, and legal reform in developing economies and proposes a model of dispute resolution that aligns with both constitutional obligations and global labour standards.

Keywords: Broken dialogue, Broken promises, Legal failures, Institutional due diligence, Nigeria, Public sector

1. Introduction

The legal regulation of labour relations within the public sector lies at the heart of any government's commitment to social justice, administrative accountability, and sustainable development. In democratic and rights-based jurisdictions, mechanisms for resolving employment disputes especially within the civil and public service are designed to uphold the rule of law, guarantee fair treatment, and preserve industrial harmony.[1] However, in Nigeria, public sector labour relations have become increasingly volatile, marked by recurrent strikes, unmet collective bargaining agreements, and institutional reluctance to engage in meaningful dialogue. The persistent failure of the Nigerian government to honour signed agreements with public sector unions such as the Academic Staff Union of Universities (ASUU), the National Association of Resident Doctors (NARD), and the Joint Health Sector Unions (JOHESU) raises fundamental questions about the strength, credibility, and effectiveness of Nigeria's legal and institutional mechanisms for managing public sector labour disputes.[2]

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[1]International Labour Organization, 'Governance and Tripartism: Labour Dispute Resolution in Democratic Societies' (Geneva: ILO, 2018), 12.

[2]C Onyekwere, *Collective Bargaining and the Nigerian Public Sector: A Legal Perspective* (Abuja: Nigerian Institute of Advanced Legal Studies, 2022), 112.

This paper arises from the recognition that the frequent breakdown of dialogue and institutional engagement with public sector unions in Nigeria is not merely a political or administrative problem, it is fundamentally a legal failure. The incapacity or unwillingness of state institutions to implement binding agreements, initiate early intervention in industrial conflicts, and maintain a transparent framework for dispute resolution undermines the normative essence of constitutional governance.[3] It also frustrates the achievement of the Sustainable Development Goals (SDGs), particularly Goal 8 (decent work and economic growth) and Goal 16 (peace, justice, and strong institutions). At a time when the international community increasingly evaluates state behaviour based on labour standards compliance and institutional accountability, Nigeria's pattern of reneging on public sector agreements threatens its international labour image and domestic legitimacy.[4]

Nigeria is a signatory to several core International Labour Organisation (ILO) conventions, including Convention No. 87 on Freedom of Association and Protection of the Right to Organise, and Convention No. 98 on the Right to Organise and Collective Bargaining.[5] These instruments impose obligations on states to promote genuine social dialogue, protect trade unions, and provide effective avenues for the resolution of industrial conflicts. Yet, in practice, Nigeria's adherence to these obligations has been selective and inconsistent. Public sector workers, especially in strategic sectors like education and healthcare, are routinely subjected to long periods of unpaid salaries, stalled negotiations, and broken agreements, often without recourse to effective legal remedies.[6] The legal architecture that ought to protect them-primarily the Trade Disputes Act, the National Industrial Court Act, and more recently, the Arbitration and Mediation Act 2023has failed to deliver predictable and credible dispute resolution outcomes.

This paper investigates the structural and legal failures that underlie Nigeria's inability to uphold institutional due diligence in resolving public sector employment disputes. It adopts a doctrinal and comparative methodology, combining an analysis of Nigerian statutes and case law with insights from international best practices in employment dispute resolution. Countries such as South Africa, the United Kingdom, and the United States have developed specialised institutionsthe Commission for Conciliation, Mediation and Arbitration (CCMA), the Advisory, Conciliation and Arbitration Service (ACAS), and the Federal Mediation and Conciliation Service (FMCS) respectively—that offer neutral, effective, and timely resolution of labour disputes.[7] These models are premised on the principles of independence, accessibility, and enforceability, which are largely absent in Nigeria's fragmented and bureaucratically constrained system.[8]

The significance of this research is not limited to the labour sector. At its core, the failure of the Nigerian state to institutionalise dispute resolution mechanisms that are credible and legally binding calls into question the broader rule of law and governance landscape. When public officers negotiate and sign agreements they do not intend to honour, and when statutory dispute resolution bodies lack the autonomy and enforcement powers to ensure compliance, the entire machinery of democratic accountability becomes compromised. For a country seeking to reposition itself as a responsible actor in global governance and international economic partnerships, such institutional weaknesses are not only unsustainable but legally indefensible.[9]

[3]Constitution of the Federal Republic of Nigeria, 1999 (as amended), s 17(3).
[4]International Labour Organization,' Nigeria Country Report: Labour Standards Compliance' (Geneva: ILO, 2023), 34.
[5]International Labour Organization, 'Conventions and Recommendations' (Geneva: ILO, 2020), C087 and C098.
[6]*ASUU v Federal Government of Nigeria*, Suit No. NICN/ABJ/270/2022 (National Industrial Court of Nigeria, 2023).
[7]South Africa, "Commission for Conciliation, Mediation and Arbitration", *Annual Report* 2022 (Pretoria: CCMA, 2022); ACAS, Code of Practice on Disciplinary and Grievance Procedures (London: ACAS, 2019); FMCS, Federal Mediation and Conciliation Service: 2023 Report (Washington, DC: FMCS, 2023).
[8]Trade Disputes Act, Cap T8, Laws of the Federation of Nigeria, 2004; National Industrial Court Act, 2006; Arbitration and Mediation Act, 2023.
[9]International Labour Organization, 'Global Governance and Labour Standards' (Geneva: ILO, 2021), 56.

2. Legal and Normative Foundations of Labour Dispute Resolution in Nigeria

The regulation of employment disputes, particularly within the public sector, draws its authority from both domestic and international legal sources.[10] In Nigeria, this framework is shaped by constitutional principles, statutory enactments, judicial pronouncements, and international labour obligations.[11] Understanding the interplay of these legal norms is crucial to assessing the effectiveness and legitimacy of the country's labour dispute resolution system.

2.1 Constitutional and Statutory Basis

The 1999 Constitution of the Federal Republic of Nigeria (as amended) provides a foundational backdrop for the protection of labour rights. Although labour is a subject on the Exclusive Legislative List (Item 34 of Part I, Second Schedule), implying exclusive federal competence, the Constitution remains largely silent on the mechanisms for resolving labour disputes. However, Section 254C of the Constitution (as amended by the Third Alteration Act 2010) vests exclusive jurisdiction in the National Industrial Court of Nigeria (NICN) to adjudicate on labour and employment-related matters. This constitutional provision underscores the importance of specialised adjudication in labour law.

In addition to the Constitution, Nigeria's primary labour legislation is the Trade Disputes Act (TDA),[12]The TDA sets out the statutory procedure for dispute resolution involving trade unions and employers, particularly in cases involving collective bargaining agreements. The Act provides a mandatory dispute reporting mechanism involving the Minister of Labour, conciliation, reference to the Industrial Arbitration Panel (IAP), and ultimately, adjudication by the NICN. While this layered approach is intended to promote amicable settlement, in practice, it has become mired in delay, inefficiency, and state interference.

The Labour Act[13], while more focused on individual employment relations, also plays a supplementary role by regulating terms of employment, contracts, and termination. However, its relevance to public sector disputes is limited, as civil servants and public officers are governed largely by the Public Service Rules and sector-specific statutes.

2.2 The Role of the National Industrial Court

The National Industrial Court of Nigeria (NICN) has been central to the development of Nigeria's employment dispute jurisprudence.[14] As a superior court of record with specialised jurisdiction, the NICN has contributed to the interpretation of collective agreements, union rights, and enforcement of employment contracts.[15] Yet, despite its expanded powers, the NICN is often overwhelmed by caseloads, procedural rigidity, and delays in judgment delivery.[16] Moreover, its effectiveness in resolving mass public sector disputes—such as university strikes remains limited, as court orders are frequently ignored by either the state or unions, leading to questions about enforceability and compliance.[17]

The NICN also lacks a mandatory pre-litigation mediation mechanism.[18] Unlike jurisdictions with embedded alternative dispute resolution (ADR) stages, Nigerian labour litigation often proceeds

[10]International Labour Organization, 'Labour Administration and Dispute Resolution' (Geneva: ILO, 2019), 15.
[11]Constitution of the Federal Republic of Nigeria, 1999 (as amended), s 17; Trade Disputes Act, Cap T8, Laws of the Federation of Nigeria, 2004.
[12] Cap T8, Laws of the Federation of Nigeria 2004
[13] Cap L1 LFN 2004
[14] National Industrial Court Act, 2006, s. 7(1), Laws of the Federation of Nigeria
[15] A. A. Adeogun, 'The Role of the National Industrial Court in Nigeria's Labour Jurisprudence*', Journal of Nigerian Law* (2016) 22(1) 45–60.
[16]O. Ogunniyi, *Nigerian Labour and Employment Law in Perspective* (Lagos: Folio Publishers, 2004), 190–205.
[17]*ASUU v. Federal Government of Nigeria,* Suit No. NICN/ABJ/307/2022 (National Industrial Court, 2022).
[18] C I Emiri, 'Alternative Dispute Resolution in Nigerian Labour Law', *African Journal of Labour Studies,* (2018) 5(2) 78–92.

directly to full adjudication, thereby missing opportunities for early settlement and preserving working relationships.[19]

2.3 Recent Reforms and the Arbitration and Mediation Act 2023

In response to broader calls for ADR reform, Nigeria enacted the Arbitration and Mediation Act 2023, repealing the 1988 Arbitration and Conciliation Act[20]. The new law codifies mediation as a standalone mechanism, aligns local arbitration with UNCITRAL standards, and enhances enforcement of mediated agreements.[21] However, it does not create or mandate institutional mediation frameworks for employment disputes in the public sector. In effect, public sector employment disputes characterised by power asymmetries, collective bargaining complexities, and constitutional stakes remain underserved by this reform.

The failure to provide a dedicated institutional structure for employment mediation, particularly in high-stakes public sector disputes, continues to fuel recurrent strike actions and collective unrest. The ADR infrastructure under the new Act is largely commercial in orientation and lacks specificity for labour and industrial relations contexts.

2.4 Nigeria's International Labour Law Obligations

As a member of the International Labour Organisation (ILO)**,** Nigeria has ratified several core conventions that frame the legal obligations of the state concerning dispute resolution and union protection. [22]These include:

- ILO Convention No. 87: Freedom of Association and Protection of the Right to Organise;
- ILO Convention No. 98: Right to Organise and Collective Bargaining;
- ILO Convention No. 151: Labour Relations (Public Service);
- ILO Convention No. 154: Collective Bargaining.

These instruments, though not self-executing, obligate Nigeria to create institutions and procedures that facilitate genuine dialogue between the state and workers.[23] However, there remains a significant gap between ratification and implementation. For example, Nigeria has yet to establish a standing national mediation body or an independent labour ombudsman to facilitate compliance with these norms.

Nigeria's periodic reports to the ILO have drawn criticism for their lack of transparency and poor documentation of state action. The recurrent industrial disputes, especially in education and healthcare, indicate that the principles of Convention 98-such as mutual respect, good-faith negotiation, and institutionalised grievance handling-are not consistently observed.[24]

2.5 Limitations in the Current Legal Framework

While the Nigerian legal framework provides a procedural route for dispute resolution, it suffers from several deficiencies:[25]

- **Over-centralisation**: The role of the Minister of Labour as a gatekeeper in initiating statutory processes creates delays and politicisation.

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[19] B Bercusson, *European Labour Law* (Cambridge: Cambridge University Press, 2009), 230–245.
[20] Arbitration and Mediation Act, No. 8, 2023 (Nigeria), s. 1.
[21] Ibid., s. 3–10; UNCITRAL Model Law on International Commercial Arbitration, 1985 (amended 2006).
[22] International Labour Organization, *Ratifications for Nigeria*, <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:103259.>accessed 20 July 2024
[23] International Labour Organization, *Social Dialogue and Tripartism*, <https://www.ilo.org/global/topics/social-dialogue-tripartism/lang--en/index.htm.> accessed 20 July 2024
[24] O V C Okene, 'The Status of the Right to Strike in Nigeria', *African Journal of International and Comparative Law* (2007) 15(1) 26–45.
[25] Trade Disputes Act, Cap T8, Laws of the Federation of Nigeria 2004, s. 4–17.

- **Lack of independence**: The Industrial Arbitration Panel is not fully autonomous and often lacks enforceability of its awards without ministerial referral.[26]
- **No enforceable timelines**: The absence of binding timelines for each stage of the dispute process results in indefinite strike actions and government inertia.
- **Exclusion of public sector-specific mediation**: The public service operates without a structured mediation mechanism, despite its susceptibility to industrial crises.[27]

These legal gaps hinder the realisation of sustainable industrial peace and undermine both workers' rights and public service delivery.

3. Patterns of Breakdown: Dialogue Failures, Government Inaction, and Public Sector Unrest

Nigeria's public sector has become emblematic of a deepening crisis in state-labour relations. Despite a range of formal mechanisms for dispute resolution, recurrent strike actions, stalled negotiations, and the outright breach of collective agreements underscore a systemic pattern of failed dialogue between the government and public sector unions. This section critically examines how dialogue mechanisms routinely collapse, the legal and institutional triggers of government inaction, and the broader implications for public service delivery and democratic accountability.

3.1 Recurrent Industrial Actions in Education and Health Sectors

The education and healthcare sectors pillars of national development have become the epicentre of Nigeria's labour disputes.[28]The Academic Staff Union of Universities (ASUU) has embarked on strike actions for over 50 cumulative months since 1999, often due to the federal government's failure to implement previously signed agreements. Similarly, resident doctors under NARD have routinely withdrawn services over unpaid salaries, lack of facilities, and policy breaches. These prolonged industrial actions not only disrupt academic calendars and healthcare delivery but also reveal the dysfunctionality of Nigeria's industrial relations system.[29]

Crucially, these strikes are often not triggered by new demands but by the non-implementation of pre-existing agreements. This phenomenon signals a dangerous breach of the doctrine of pactasuntservanda (agreements must be kept), which is fundamental to both contract law and collective bargaining. [30]Government failure to honour agreements erodes trust and signals institutional unreliability, thereby justifying industrial resistance.

3.2 Institutional Bottlenecks and Legal Loopholes

The collapse of dialogue in public sector disputes is often worsened by institutional inertia and legal loopholes.[31] Under the Trade Disputes Act, the Minister of Labour wields significant discretion in referring disputes for conciliation or arbitration. However, in practice, ministerial action is either delayed or politically influenced, creating a vacuum in dispute resolution. [32], the lack of statutory timelines for these processes allows disputes to fester.

The Industrial Arbitration Panel (IAP), which should provide interim relief, is functionally redundant in most public sector cases, owing to delays in setting up panels, lack of independence, and the requirement that its decisions be referred to the Minister before becoming binding. These

[26] E E Uvieghara, *Labour Law in Nigeria* (Lagos: Malthouse Press, 2001), 145–160.
[27]Emphasis, mine.
[28]A O Ajala, 'Public Sector Employment Relations in Nigeria: Challenges and Prospects', *Journal of Public Administration* (2018) 12(2) 45–60.
[29] O Fajana, *Industrial Relations in Nigeria: Theory and Practice* (Lagos: Panaf Publishing, 2000), 102–120.
[30] Vienna Convention on the Law of Treaties, 1969, art. 26; O.V.C. Okene, "Collective Bargaining in Nigeria," *Nigerian Journal of Labour Law* 8, no. 2 (2010): 15–30.
[31] E E Uvieghara, *Labour Law in Nigeria* (Lagos: Malthouse Press, 2001), 145–160.
[32] A Adedeji, 'Industrial Relations and the Challenge of Social Dialogue in Nigeria', *Journal of Labour and Society* (2017) 20(3) 345–362.

flaws reduce the dispute system to a symbolic structure rather than an effective tool of conflict management.[33]

3.3 The Role of Judiciary and Executive Abdication

While the National Industrial Court of Nigeria (NICN) has intervened in several labour crises by issuing injunctions or compelling parties to return to negotiation, its judgments are not always enforced.[34] For example, during some ASUU strikes, NICN orders for lecturers to resume duties were disregarded, raising concerns about judicial authority and executive compliance. This reflects a broader issue of constitutional governance, where court orders are treated as advisory rather than binding.[35]

In many cases, state inaction is not merely administrative but reflects an executive strategy of attrition delaying negotiations until the urgency of public outcry forces unions to suspend their actions without achieving tangible outcomes. This "wait them out" tactic constitutes a serious violation of the right to collective bargaining and undermines the spirit of mutual respect required in employer-employee relations.

3.4 Political Economies of Non-Compliance

Government reluctance to engage meaningfully with public sector unions is also rooted in broader political economy dynamics.[36] During electoral cycles, budgetary reallocations, debt servicing pressures, and elite capture of public finance result in the deprioritisation of wage-related obligations. The politicisation of union demands often leads to a framing of workers as antagonists rather than partners in development.[37]

Additionally, the absence of independent fiscal oversight in implementing union agreements means that even well-intentioned policy documents lack budgetary backing.[38] The lack of alignment between negotiated agreements and Medium-Term Expenditure Frameworks (MTEF) further contributes to delays and non-compliance.

3.5 Impact on Public Sector Performance and SDGs

The consequences of repeated breakdowns in government-union dialogue extend far beyond industrial relations.[39] In the education sector, prolonged strikes have led to mass student migration to foreign institutions, loss of academic morale, and widening inequality in access to quality education. In the health sector, industrial actions delay treatments, weaken institutional credibility, and contribute to the country's poor health indices.

These effects are directly linked to the failure of state institutions to build reliable mechanisms of engagement with labour.[40] Nigeria's progress on the Sustainable Development Goals (SDGs), particularly Goal 4 (quality education), Goal 3 (good health), and Goal 16 (strong institutions), is significantly impaired by this governance gap[41]. The breakdown of dialogue is thus not simply a labour problem—it is a developmental and constitutional crisis.

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[33] Emphasis, mine.
[34] Federal Government of Nigeria, Suit No. NICN/ABJ/307/2022 (National Industrial Court, 2022).
[35] A O Orifowomo, 'The Rule of Law and Labour Disputes in Nigeria', *Journal of Nigerian Law* (2019) 25(1) 67–82.
[36] A O Ajala, 'Public Sector Employment Relations in Nigeria: Challenges and Prospects', *Journal of Public Administration* (2018) 12(2) 45–60.
[37] O Fajana, *Industrial Relations in Nigeria: Theory and Practice* (Lagos: Panaf Publishing, 2000), 120–135.
[38] Federal Government of Nigeria, *Medium-Term Expenditure Framework* 2023–2025 (Abuja: Budget Office, 2022).
[39] Emphasis, mine.
[40] A Adedeji, 'Industrial Relations and the Challenge of Social Dialogue in Nigeria', *Journal of Labour and Society* (2017) 20(3) 345–362.
[41] United Nations, Sustainable Development Goals, <https://sdgs.un.org/goals> accessed 20 July 2024

4. Comparative Institutional Models: Lessons from ACAS, CCMA, and FMCS

In addressing the structural deficiencies in Nigeria's public sector labour dispute mechanisms, comparative analysis offers a wealth of institutional lessons. Jurisdictions such as the United Kingdom, South Africa, and the United States have developed well-established, independent dispute resolution bodies-namely the Advisory, Conciliation and Arbitration Service (ACAS), the Commission for Conciliation, Mediation and Arbitration (CCMA), and the Federal Mediation and Conciliation Service (FMCS), respectively. These models offer valuable insights for institutional reform in Nigeria.

4.1 ACAS (United Kingdom)

ACAS is a statutory body established to improve workplace relationships through impartial advice, mediation, conciliation, and arbitration.[42] Funded by the UK government but operating independently, ACAS has become a trusted intermediary between workers and employers, particularly in the public sector. One of its hallmark features is its focus on preventive dispute resolution through early conciliation-an approach that has significantly reduced litigation rates and enhanced industrial harmony[43].

ACAS's early conciliation service, introduced in 2014, mandates that potential claimants in employment disputes must first notify ACAS before approaching the employment tribunal. This enables parties to explore settlement options informally with the help of trained conciliators. The institution also offers collective conciliation for unions and employers, providing neutral facilitation during large-scale disputes.[44]

The success of ACAS lies not only in its legal mandate but also in its operational model: professionally trained staff, rapid response systems, and public trust[45]. Nigeria, which currently lacks a dedicated independent conciliation body, can draw inspiration from ACAS's capacity to foster dispute resolution outside the court process, thereby reducing pressure on formal adjudication.

4.2 CCMA (South Africa)

South Africa's Commission for Conciliation, Mediation and Arbitration (CCMA) is a quasi-judicial body established under the Labour Relations Act of 1995.[46] Unlike ACAS, CCMA decisions can have binding legal consequences. The CCMA has been lauded for its efficiency, accessibility, and decentralised structure, with regional offices providing services to both formal and informal sector workers across the country.

Key features of the CCMA include compulsory conciliation prior to arbitration, a statutory time frame for dispute resolution (usually 30 days), and the authority to issue binding arbitration awards. These mechanisms ensure prompt and cost-effective resolution of labour disputes. Furthermore, the CCMA engages in proactive outreach and education, building capacity among workers, employers, and trade unions.[47]

In contrast to Nigeria, where the Industrial Arbitration Panel is often bureaucratic and under-resourced, the CCMA operates with budgetary independence and is managed by an executive director appointed through a transparent process. The success of the CCMA demonstrates the value

[42] Advisory, Conciliation and Arbitration Service (ACAS), <https://www.acas.org.uk/about-us> accessed 20 July 2025
[43] B Bercusson, *European Labour Law* (Cambridge: Cambridge University Press, 2009), 230–245.
[44] ACAS, Collective Conciliation, <https://www.acas.org.uk/collective-conciliation> accessed 20 July 2025
[45] J Goodman, 'The Case for ACAS: A Model for Dispute Resolution', *Industrial Law Journal* (2006) 35(1) 45–60.
[46]Labour Relations Act, No. 66 of 1995 (South Africa), s 112–115.
[47] CCMA, Outreach and Education Programmes, <https://www.ccma.org.za/services/outreach> accessed 20 July 2025

of strong institutional design, autonomy, and enforceable mechanisms in managing employment disputes.[48]

4.3 FMCS (United States)

The Federal Mediation and Conciliation Service (FMCS) was created in 1947 to resolve industrial disputes in the United States, particularly in the context of collective bargaining.[49] Unlike courts or administrative tribunals, FMCS acts as a neutral mediator and does not impose outcomes. Its strength lies in its voluntary framework, technical expertise, and ability to intervene early in labour-management conflicts.

FMCS mediators are highly trained professionals with experience in negotiation theory, conflict resolution, and collective bargaining. The agency also offers training, facilitation services, and preventive mediation programs aimed at addressing disputes before they escalate into strikes or litigation.[50]

One unique aspect of FMCS is its use of data-driven methods to identify dispute trends and deploy mediators proactively.[51] This strategic approach allows the agency to resolve thousands of disputes annually, often before they result in work stoppages. Nigeria's current system lacks such data intelligence, early warning mechanisms, or national mediation infrastructure.

5. Strategic Imperatives for Strengthening Nigeria's Dispute Resolution Framework

Given the evident deficiencies in Nigeria's existing mechanisms for resolving public sector labour disputes, there is a compelling need for structural and institutional reform. This section outlines strategic imperatives that can reshape the architecture of dispute resolution in Nigeria's public sector, drawing from international best practices, domestic realities, and the demands of sustainable development. The proposed imperatives span legislative overhaul, institutional redesign, procedural innovation, and stakeholder engagement.

5.1 Establishment of a National Employment Dispute Resolution Commission (NEDRC)

A central reform imperative is the establishment of a dedicated National Employment Dispute Resolution Commission (NEDRC), an independent statutory body with a clear mandate to mediate and conciliate labour disputes in the public sector.[52] This Commission should be autonomous, adequately funded, and insulated from political interference, with commissioners appointed through a transparent process involving both government and social partners.[53]

The NEDRC should serve as a one-stop institution to manage disputes across ministries, departments, and agencies. It should be empowered to conduct early conciliation, enforceable mediation, and, where necessary, recommend arbitration.[54] The Commission's structure should include regional offices to decentralise access, shorten response times, and promote institutional presence nationwide.

5.2 Codification of Social Dialogue as a Legal Duty

Unlike jurisdictions where social dialogue is embedded in legal frameworks, Nigeria lacks an enforceable duty on the government or employers to engage in structured dialogue with trade

[48] P. Benjamin, "The CCMA: A Model for Labour Dispute Resolution," *South African Labour Bulletin* 30, no. 4 (2006): 22–30.
[49] Labor Management Relations Act, 29 U.S.C. § 171–173 (1947).
[50] FMCS, Preventive Mediation Services, <https://www.fmcs.gov/services/preventive-mediation> accessed 20 July 2025
[51] FMCS, Annual Report 2022, <https://www.fmcs.gov/about-us/annual-reports> accessed 20 July 2025
[52] Document: 'Broken Dialogue, Broken Promises', 16.
[53] A O Ajala, 'Public Sector Employment Relations in Nigeria: Challenges and Prospects,' *Journal of Public Administration* (2018) 12(2) 45–60.
[54] C I Emiri, 'Alternative Dispute Resolution in Nigerian Labour Law', *African Journal of Labour Studies* (2018) 5(2) 78–92.

unions.[55] A fundamental strategic shift involves codifying social dialogue as a mandatory component of industrial relations, particularly in the public sector. This codification should require government agencies to maintain dialogue mechanisms, keep records of meetings, and respond within stipulated timeframes to union demands.

Legislation should further require impact assessments of policy decisions likely to affect terms and conditions of employment and mandate government consultations before introducing major changes, such as wage reviews or outsourcing policies.[56] The existence of such legal obligations would reduce arbitrary decision-making and strengthen trust between government and labour.

5.3 Mandatory Implementation of Collective Agreements

The persistent failure of the Nigerian government to honour collective agreements particularly in the education and health sectors has delegitimised the negotiation process and fuelled repeated strikes.[57] To address this, collective agreements concluded with recognised unions should be granted statutory force. This may involve legislative amendments to the Trade Disputes Act to make negotiated agreements binding and enforceable without further executive discretion.

Additionally, a provision for monitoring and compliance should be embedded within agreements, alongside dispute escalation pathways in cases of breach. Sanctions for non-compliance by public institutions, including personal liability for public officials who wilfully breach agreements, should be considered as deterrent measures.[58]

5.4 Professionalisation of Labour Dispute Practitioners

Another imperative lies in the development of a professional cadre of dispute resolution practitioners. The quality of conciliation and mediation in Nigeria is often undermined by inadequate training, lack of neutrality, and poor understanding of sectoral dynamics.[59] A national certification framework for employment mediators particularly those handling public sector disputes should be established, with minimum professional and ethical standards.

Institutions such as the Nigerian Institute of Chartered Arbitrators (NICArb), Industrial Arbitration Panel, and university faculties of law and industrial relations could collaborate to provide structured training programmes. These programmes should cover negotiation theory, public service dynamics, labour law, dispute prevention, and restorative justice practices.[60]

5.5 Digital Infrastructure and Dispute Data Management

The current dispute resolution infrastructure in Nigeria suffers from weak data collection and poor case tracking. To facilitate evidence-based decision-making, an integrated digital platform should be developed to register, monitor, and report disputes in real time.[61] This platform should be accessible to unions, employers, regulators, and the public, and provide transparent data on dispute types, resolution timelines, agreement implementation, and enforcement status.

Such digital transparency would increase public accountability, identify systemic issues across sectors, and allow for predictive interventions.[62] For instance, if data shows that most education-

[55] International Labour Organization, Social Dialogue and Tripartism, <https://www.ilo.org/global/topics/social-dialogue-tripartism/lang--en/index.htm> accessed 20 July 2025
[56] O V C Okene, 'Collective Bargaining in Nigeria: Legal and Policy Implications', Nigerian *Journal of Labour Law* (2010) 8(2) 15–30.
[57] ASUU, *The 2009 ASUU-FGN Agreement: A Review of Implementation Challenges* (Abuja: ASUU National Secretariat, 2019).
[58] A O Orifowomo, 'The Rule of Law and Labour Disputes in Nigeria', *Journal of Nigerian Law* (2019) 25(2) 67–82.
[59] C I Emiri, 'Alternative Dispute Resolution in Nigerian Labour Law', *African Journal of Labour Studies* (2018) 5(2) 78–92.
[60] J Goodman, 'The Case for ACAS: A Model for Dispute Resolution', *Industrial Law Journal* (2006) 35(1) 45–60.
[61] World Bank, Digital Governance in Nigeria (Washington, DC: World Bank, 2021), 56–70.
[62] FMCS, Annual Report 2022, <https://www.fmcs.gov/about-us/annual-reports> accessed 20 July 2025

sector disputes stem from delayed wage reviews, early action can be taken to forestall industrial action.

5.6 Budgetary Commitment and Funding Autonomy

Reform cannot succeed without financial commitment. Public dispute resolution institutions, including a future NEDRC, must receive guaranteed annual funding through the federal budget, possibly through first-line charges or legal earmarking.[63] Autonomy in budget management would allow these bodies to recruit qualified staff, invest in infrastructure, and provide consistent service delivery across the federation[64].

In addition, a Dispute Prevention and Resolution Fund could be created, sourced from employer contributions, international donor support, and government subventions.[65] This fund could be used to finance training, research, public education, and subsidised mediation services for low-income public servants.

5.7 Strengthening Judicial Backing for ADR Outcomes

While Alternative Dispute Resolution (ADR) is encouraged in principle, its practical implementation in Nigeria suffers from lack of enforceability and judicial support.[66] Courts often delay or undermine ADR outcomes by allowing excessive litigation or granting restraining orders against enforcement.[67]

To strengthen the system, the National Industrial Court of Nigeria (NICN) should be legislatively empowered to give summary recognition to mediated settlements and arbitral awards from accredited labour ADR institutions. Time-bound procedures for enforcement, limits on judicial review, and training for judges in ADR principles would further reinforce the legitimacy and utility of ADR mechanisms.

5.8 Awareness, Advocacy, and Stakeholder Engagement

Lastly, successful implementation of reform requires mass awareness and stakeholder buy-in. Government must partner with labour unions, professional associations, civil society, and the media to launch campaigns that educate public servants and employers on the availability and benefits of reformed dispute mechanisms.[68]

Workshops, radio jingles, townhall meetings, and policy briefs can be used to break down legal reforms into understandable content.[69] Regular public reporting on dispute resolution outcomes and compliance status will enhance transparency and incentivise institutional accountability.

5.9 Measuring Reform through SDG Indicators

All reform strategies should be aligned with Nigeria's commitments under the Sustainable Development Goals, particularly SDG 8 (decent work) and SDG 16 (peace, justice, and strong institutions).[70] Monitoring tools should be developed to evaluate the impact of reforms against these indicators, including dispute resolution timelines, agreement compliance rates, and stakeholder

[63] Federal Government of Nigeria, *Medium-Term Expenditure Framework* 2023–2025 (Abuja: Budget Office, 2022).
[64] A O Ajala, 'Public Sector Employment Relations in Nigeria: Challenges and Prospects', *Journal of Public Administration* (2018) 12 (2) 45–60.
[65] World Bank, *Nigeria Public Finance Review* 2022 (Washington, DC: World Bank, 2022), 34–50.
[66] C I Emiri, 'Alternative Dispute Resolution in Nigerian Labour Law', *African Journal of Labour Studies* (2018) 5(2) 78–92.
[67] A O Orifowomo, 'The Rule of Law and Labour Disputes in Nigeria', *Journal of Nigerian Law* (2019) 25(1) 67–82.
[68] International Labour Organization, Social Dialogue and Tripartism, <https://www.ilo.org/global/topics/social-dialogue-tripartism/lang--en/index.htm> accessed 20 July 2025
[69] A Adedeji, 'Industrial Relations and the Challenge of Social Dialogue in Nigeria', *Journal of Labour and Society* (2017) 20(3) 345–362.
[70] United Nations, Sustainable Development Goals, <https://sdgs.un.org/goals> accessed 20 July 2025

satisfaction. Such alignment will ensure that dispute resolution reforms are not only domestically relevant but also situated within global best practices and development priorities.[71]

6. Conclusion and Policy Pathways

The analysis presented in this paper reveals that Nigeria's public sector dispute resolution framework is beset by legal, institutional, and procedural inadequacies that compromise its capacity to deliver industrial peace, policy consistency, and sustainable development outcomes. Drawing from both comparative models and international labour standards, this concluding section consolidates key findings and articulates policy pathways capable of transforming the public sector industrial relations landscape.[72]

First, the Nigerian government's approach to labour disputes remains largely reactive, underpinned by weak enforcement of agreements, absence of timely interventions, and over-reliance on judicial mechanisms that are neither swift nor specialised.[73] This model is unsustainable in a dynamic and often volatile public sector environment, where disruptions in education, health, and utilities directly impair the welfare of citizens and economic productivity. The consequences are not only fiscal but also reputational, affecting Nigeria's obligations under international labour instruments and development frameworks such as the Sustainable Development Goals (SDGs).

The comparative review of institutions such as ACAS (UK), CCMA (South Africa), and FMCS (USA) demonstrates the value of establishing dedicated, independent, and professionally managed public dispute resolution bodies. These agencies function with a proactive mandate to prevent disputes, foster dialogue, and build institutional trust.[74] Nigeria's reliance on ad hoc panels and ministerial interventions lacks this consistency and expertise, and fails to embed dispute prevention and social dialogue as core components of labour governance.

From a policy standpoint, the most urgent reform is the creation of a National Employment Dispute Resolution Commission (NEDRC)**.** This body should be backed by robust legislation, endowed with operational autonomy, and empowered to handle early conciliation, binding mediation, and structured arbitration. By decentralising access to mediation and embedding institutional continuity, NEDRC would significantly reduce strike frequency and increase trust in state–labour relations. It would also serve as a platform for knowledge generation, policy feedback, and conflict monitoring. Another critical lesson is the need to codify social dialogue and collective bargaining obligations in public sector governance. The absence of enforceable legal duties on government agencies to engage constructively with trade unions has created a pattern of neglect, followed by industrial action and last-minute interventions. A legal duty of dialogue would institutionalise proactive engagement, require structured consultations, and create documentary records that enhance transparency and historical accountability.

Closely linked to this is the need for the statutory enforcement of collective agreements**.** In their current form, most agreements between unions and the government are treated as political commitments rather than legal obligations. This contributes to cynicism, discourages compromise, and ultimately leads to the breakdown of trust.[75] Granting these agreements legal force coupled with oversight mechanisms and penalties for breach would raise the cost of non-compliance and encourage greater discipline among public sector negotiators.

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[71] International Labour Organization, Nigeria Country Profile, https://www.ilo.org/africa/countries-covered/nigeria/lang--en/index.htm.
[72] Ibid.
[73] O Ogunniyi, *Nigerian Labour and Employment Law in Perspective* (Lagos: Folio Publishers, 2004), 190–205.
[74] International Labour Organization, Social Dialogue and Tripartism, <https://www.ilo.org/global/topics/social-dialogue-tripartism/lang--en/index.htm> accessed 20 July 2025
[75] A O Orifowomo, 'The Rule of Law and Labour Disputes in Nigeria', *Journal of Nigerian Law* (2019) 25(1) 67–82.

On the capacity side, this paper has shown that dispute resolution in Nigeria suffers from underdeveloped human capital**.** There is an urgent need to professionalise mediation and conciliation through nationally accredited training programmes, certification systems, and continuous development pathways. These initiatives would raise the quality and neutrality of ADR processes, while also creating employment opportunities for a new cadre of labour conflict resolution professionals.

Technology also offers transformative possibilities. A centralised dispute monitoring and case-tracking platform integrated across ministries, agencies, and trade unions—would allow for real-time tracking, predictive interventions, and greater transparency. It would also enhance public confidence and provide researchers and policymakers with evidence to diagnose trends and allocate resources more efficiently.

Financing remains an indispensable enabler of reform. Budgetary autonomy for dispute resolution bodies, as well as the establishment of a dedicated Dispute Resolution and Prevention Fund, would provide financial stability and allow agencies to focus on institutional strengthening rather than fundraising. The fund could also support legal aid for low-income public servants, thereby democratising access to dispute mechanisms and reducing inequalities in the exercise of workplace rights.

To ensure the sustainability of these reforms**,** there must be deliberate investment in research and development on industrial conflict trends within the public sector. Academic institutions, think tanks, and policy institutes should be supported to undertake longitudinal studies, publish policy briefs, and host dialogue forums that link evidence to policymaking.[76] The integration of empirical research into the formulation of labour policy would anchor reform on verifiable data rather than anecdotal assumptions.

Finally, all these recommendations must be harmonized with Nigeria's international obligations under the Sustainable Development Goals.[77] SDG 8, which promotes decent work and inclusive growth, and SDG 16, which calls for effective and accountable institutions, provide a universal yardstick against which reforms can be measured. Indicators such as dispute resolution timelines, reduction in strike days, agreement compliance rates, and stakeholder satisfaction should be tracked and published to ensure accountability and progress. Strengthening public sector accountability through effective dispute resolution in Nigeria requires a paradigm shift from reactive litigation to proactive engagement, institutional redesign, and legal innovation. It demands commitment not only from government but also from trade unions, the judiciary, academia, and civil society. Reform is not merely a matter of law-it is a political, ethical, and developmental necessity.

[76] O Adebayo, 'Policy Implementation Gaps in Nigeria's Public Sector', African *Journal of Public Administration* (2016) 10(1) 23–39.
[77] United Nations, Sustainable Development Goals, <https://sdgs.un.org/goals> accessed 20 July 2025