



A LEGAL APPRAISAL OF COLLECTIVE BARGAINING AND RIGHT TO STRIKE UNDER NIGERIAN LAW

*Davies, Ibim Alapuye**

Abstract

Conflict in Industrial relation is almost inevitable because of the divergent interest and aspirations of the parties in the relationship, that is the employer and employee. The relevance of collective bargaining is so enormous in order to bring about amicable settlement of trade disputes. Strikes are one of the bargaining tools used by workers to advance their interests. The findings indicated that collective bargaining is effective in resolving industrial conflicts that arises between labour and management. The problem of collective bargaining not being able to resolve issues of job security, unions' welfare, and safety of workers in Nigeria, as it is practice in other jurisdictions. The findings showed that collective bargaining does not guarantee job security but it helps labour unions to speak and act collectively as against a single individual: worker whose voice may not yield any impact on the decisions of the management. The paper concluded that in Nigeria, labour's right to strike is not automatic as some workers rendering essential Services are prohibited from resorting to industrial actions such as strike and they do not engage in collective bargaining of have any collective agreement with the government over conditions of service: Therefore, the paper recommended that during collective bargaining, all members of the union should ensure that the decisions that shall be taken by the leadership of the union on their behalf, is in accord with the majority opinion of the members of the union, else, the leaders might take a decision, which is unacceptable to the majority of the members. Nigerian workers with the exception of workers rendering essential services to the Nigerian Government should ensure that they join and participate in union activities as ibis observer that collective' decisions is better than an individual worker's decision which is feeble and may by ignored by management of an industry.

Keywords: *Appraisal, collective bargain, right, strike, Nigeria*

1.0 Introduction

The importance of the right to strike in industrial relations cannot be over emphasized. In his famous statement in 1942, Lord Wright observed that: 'where the rights of labour are concerned the rights of the employers are conditioned by the rights of the men to give or withhold their services. The right of workmen to strike is an essential element I the principle of collective bargaining. It is, in other words, and essential element not only of the union's bargaining process itself; it is also a necessary sanction for enforcing agreed rule.¹ In a free market economy everyone is only able to achieve economic

*LLB, BL; Email: ibimdavies12@gmail.com



progress by a clever manipulation of the forces of the market.² The right to strike is crucial in all modern industrial relations system.³ Indeed, the right to strike has been described as ‘an indispensable component of a democratic society and a fundamental human right.’⁴ These rights which are guaranteed in a democratic society is of particular importance to human rights defenders as freedom of association is enshrined under international human rights law including the universal Declaration on Human Rights (UDHR), the International covenant on civil and political rights (ICCPR), the International covenant on Economic, social, and cultural Rights (ICESCR), and the Declaration on Human Rights Defenders (DHRD),⁵

Freedom of Association is a universal human right, which all human beings are entitled to enjoy freely in a democratic society. Freedom of association is generally regarded as safeguarding individual civil liberties. Following the principle that people may do whatever they wish as long as they do not harm others, an individual should be free to join an organization and to act in association with others as long as no harm is caused. The right to freedom of association is promoted throughout the world. Freedom of association is the key enabling right and the gateway to the exercise of a range of other rights at work. Where freedom of association thrives, workers are free to engage in collective bargaining, which by way of explanation in an industrial relations involves dialogues, negotiations, arbitrations, and reaching a collective agreement on the demands of workers concerning certain improvements in terms and conditions of employment.⁶ It is important to say that when collective agreement fails, then union may resort to strike as the last variable weapon to put pressure on their employer to accede to their demands.

2.0 Collective Bargaining and the Right to Strike

Right to Freedom of Association

The birthing of every human being and his continuous living has in it survival. Importantly, nobody survives in isolations; therefore, there is need for association. The right to associate does not require

¹ *Crufter Hand Woven Hurriss Tweed Co. v Veitch* (1942) 1 ALL E.R 158-159. This statement was re-phased by the conditional cases of South Africa recently: (This right to strike) is of both historical and contemporaneous significance. In the first place, it is of important for the dignity of workers who in our constitutional order may not be treated coerced employees. Secondly, it is through industrial action its workers are able to assert bargaining power in industrial relations. The right to strike is an important component of a successful collective bargaining system. See *NUMSA v Bader Pop (pty) Ltd* 2003 (3) SA 5213

² OVC Okene, *Labour Law and Industrial Relations in Nigeria*, op cit 235

³ R. Ben-Israel; ‘Introduction to Strikes and Lock-outs’. (1994) 29 *Bulletin of Comparative Labor Relation*, 1.

⁴ O Kahn-Freund and BA Hepple. *Laws against strikes. International Comparisons in Social Policy* (London Fabian Research series, 1972

⁵ Universal Declaration of Human Rights 1948, art. 20; International Covenant on Civil and Political Rights 1966, art. 22; International Covenant on Economic, Social and Cultural Rights 1966, art. 8; Declaration on Human Rights Defenders 1998, art. 5.

⁶ OVC Okene, *Labour Law in Nigeria: The Law of Work* (3rd edn, Claxton and Derrick Publication 2012) 31.

the approval of anybody or any law because it is a right attached to life, thus, an inalienable right. No matter how life may seem to be, everybody cannot belong to the same walk of life. That is why people form and belong to different associations according to their field, belief, ideologies and orientations.

The constitution in its section 40 stipulates thus:

Every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any association for the protection of his interest⁷.

Section 40 holds great significance for Nigerian workers, for it gives labour movement a constitutional right to associate and, in particular, to join or form trade union for the protection of one's interest. Undoubtedly, the right to associate and carry out trade union activities is a condition precedent for the protection of workers' rights.

Naturally, the right to collective bargaining and collective agreement vested in persons by virtue of being humans, not even a legislation no matter unambiguously worded can strip them off these rights, otherwise chaos and public unrest shall be inevitable in the labour environment. The principal purpose of collective bargaining is to settle the terms and conditions of employment concerning improvement. Collective agreement which is a by-product of collective bargaining, serves as a source of labour law since it provides rules which regulate the employee-employer relationship by incorporating the terms of the collective agreement into the contract of employment. The right to collective bargaining is a voluntary negotiation between employers or employers' organizations and workers' organizations with a view to the regulation of the terms and conditions of employment, which ends in a collective agreement⁸ which when adhered to produces a harmonious working output between the employers' and workers' organizations respectively.

3.0 Appraisal of the Right to strike in Nigeria

Right to Strike

The right to strike is a keystone of modern industrial society. No society which lacks that right can be democratic. Any society which seeks to become democratic must secure that right⁹. Strike is an essential tool of trade unions all over the world for the defence and promotion of the rights and interests

⁷ A Emiolola (N2)29

⁸ Right to Organise a Collective Bargaining Convention, 1949 article 4, in M J D Akpan, 'Nature of Collective Agreement in Nigeria: A Panoramic Analysis of Inherent Implementation Challenges' (2017) Vol. 5, Global Journal

⁹ L. MacFarlane. The right to strike London, Penguin Books (1981), P. 12

of their members, and is a necessary countervailing force to the power of capital¹⁰. The right to strike has now been accepted as an indispensable component of a democratic society and a fundamental human right.¹¹

Strike as a means by which employees exert pressure on their employers to according to their demands has a long standing history. Upon the existence of contract of employment between the employers and employees and the failure of the employers to maintain and fulfil the terms and working conditions that became part of the said contract, and upon resort to negotiations and other means of resolution and consistent failure on the part of the employers to implement the terms of the contract, strike becomes a last resort to the employees to force the implementation of the terms and working conditions of the contract of employment as agreed by the parties to the contract.

The right of workmen to strike is an essential element in the principle of collective bargaining. Over the years, collective bargaining has acquired greater significance in the private sector in response to several internal and external forces. Internal forces derived from the tendency of management to foist unilateral decisions on workers and have increased the awareness among workers of the benefits of collective action for improving their employment conditions and welfare. External forces derived mainly from public policy, which has enhanced the organizational capacity of both sides to engage in bargaining. Collective bargaining activities (industrial relations) have witnessed a tremendous increase in the public and private sectors in Nigeria¹².

The management of every organization have their internal policy, which guide and regulate industrial relations between workers and employers. Industrial policies are the vehicle through which corporate goals are achieved. Although, there are diversities in management, the basic approach to collective relations with labour rest on these three opinion to wit:

- i. The basic right of management to manage and control resources in the most efficient manner.
- ii. The belief that the achievement of corporate goals is enhanced and influenced through a satisfied and contented workforce¹³.
- iii. The primacy growth and continued desire to operate profitably.

¹⁰ Kahn-Freund refers to these interests as Platitudinous Confrontation of expectations and interests. See O. Kahn-Freund, *Labour and the Law* (1977), pp. 48-49

¹¹ See O. Kahn-Freund and B.A. Hepple, *Laws Against Strikes*, Fabians Research Series (1972), P. 4

¹² T Fashoyin, *Emerging Trends in Collective Bargaining in Nigeria* (Perman Publisher 1982) 26-27

¹³ T Fashoyin, *Industrial Relations in Nigeria* (2nd edn, Longman Nigeria PLC, 1992) 107



The right to organize and collective bargaining convention, 1949 (No. 98) has guaranteed the rights and privileges workers all over the world should be enjoying under their contract of employment. Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment¹⁴. Such protection shall apply more particularly in respect of acts calculated to:

- a. Make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;
- b. Cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employers, within working hours¹⁵. The ILO convention has a far reaching implication since Nigeria has ratified this convention, it is binding on all employers of labour and trade unions in Nigeria for promoting collective bargaining, protecting workers' rights, and improving industrial relations.

4.0 The Impact on Quality Education of ASUU Strike in Nigeria

Workers or Unions' unaccepted demands for higher wages, benefits, or other contract improvements tends to give rise to industrial action ... where the employer fails to accept the unions' demands or refuses to negotiate with them¹⁶.

This has been the trend in Nigeria labour atmosphere as the employer (federal government) is in constant default of not granting the employees demands. The foregoing has led to too many industrial actions and some examples are the strike that was embarked by the Nigerian labour congress in March 2020 that lasted for over seven months, and as of recent that embarked by the Academic staff union of universities (ASUU) over failure of the Federal Government to fulfill some of the agreement it made as far back as 2009.

The Academic staff union of universities (ASUU) is a prominent trade union in Nigeria's education sector, and its frequent strikes have had a significant impact on the country's higher education system. In recent years, ASUU has embarked on several strikes, citing grievances related to pay, inadequate funding, poor infrastructure, working conditions, and the overall state of education in the country. The effects of these strikes on the quality of education in Nigeria have been a topic of concern for many stakeholders, including students, parents, policy makers, and educators.

¹⁴ ILOC 1949 (No. 98) art. 1(1)

¹⁵ ILOC 1946 (No. 98) art 1(1)

¹⁶ OVC Okene (n70) 175



The Federal and state governments in Nigeria have been establishing public universities based on fact needs as advised by the Ashby Commission of 1959. At this moment, there are currently 258 universities in Nigeria, 50 Federal Universities, 60 state universities and 148 private universities (premium Times, 2023). Universities in Nigeria face numerous challenges in delivering quality education. These challenges include insufficient funding, inadequate infrastructure, shortage of qualified teaching staff, and the lack of essential teaching and learning resources. The cumulative effect of these challenges, worsened by ASUU strikes, raises concerns about the overall quality of education and its impact on students' academic performance, perceptions of students, faculty, and staff regarding the quality of education, and Nigeria's socio-economic development¹⁷.

Due to the time wasted, students get rushed through the curriculum without attention being paid to whether the concepts taught are understood or not. This leads to a drop in academic performance and low motivation towards excellence. Presently in Nigeria, students in public universities who join in strike actions experience delays in their graduation time. Some spend seven years studying a course which is supposed to take four years. A famous proverb says the idle hand is the devil's workshop. As a result of the strike action, many university students have resorted to engaging nefarious activities since they have a lot of free time on their hands with nothing to do to while away the time, unproductive activities have caught their eye. Cybercrime, drug additions gambling, cultism, and other immoral acts have been on the rise since students have been at home. These activities draw students away from academics since they leave no time for them to read and then affect their performances thereby leading to yielding of half-baked graduates from the educational sector.

The Right to Strike in other Jurisdictions

South Africa

In South Africa, the right to strike is a constitutional right and it is generally regulated by section 23 of the constitution of the Republic of South Africa Act 108 of 1996 and other labour legislation that govern employment relationships. The constitution provides that every worker has the right to strike. The constitution places no restrictions on the right to strike. Limitations, however, are provided in the labour relations Act 1995 (LRA) as to procedure, subject-matter of the issue in disputes and persons entitled to exercise the right.

The labour relations Act of 1995 (LRA) defines a strike in section 213 as "the partial or complete concerted refusal to work or the retardation or obstruction of work by persons who are or have been employed by the same employer or by different employers, for the purpose of remedying a grievance

¹⁷ Academic Staff Union of Universities-Wikipedia https://en.m.wikipedia.org/wiki/Academic_Staff_Union_of_Universities Accessed on 23 June 2022



or resolving a dispute in respect of any matter of mutual interest between employer and employee, and every reference to work in this definition includes overtime work, whether it is voluntary or compulsory”. Similarly, South Africa laws recognize the right of workers to strike as ensured in various international, national and regional instruments.

In NUMSA & Others v. Bader Bop (pty) Ltd & others¹⁸ the South African court said, “the right to strike is essential to the process of collective bargaining. It is what makes collection bargaining work. In South Africa employees’ right to collective bargaining is traceable to the conciliation Act of 1924. The conciliation Act established industrial councils as institution of collective bargaining. The challenge with the industrial councils was Black workers who were denied access or right to centralized collective bargaining. This was made possible by denying Black workers the right to belong or establish a trade union of their own¹⁹. Black workers were only allowed to register trade unions as a result of democratic rule, hence, having strong workplace organization in 1970s, increased international pressure against apartheid. This led to registration of Black trade union and thus allowing Black workers to join the industrial councils.

United Kingdom

The United Kingdom does not have a constitution and there is no positive right to participate in industrial action in the UK. In the UK, while there’s no explicit constitutional right to strike, trade union-organized strike action is generally legal if certain conditions, like a lawful ballot, are met, as outlined in the Trade Union and Labour Relations (consolidation) Act 1992 (TULRCA). This Act is the primary legislation governing trade unions and industrial relations in the UK. The UK constitution does not explicitly guarantee a right to strike, but the right to strike is protected under the (TULRCA) 1992. Most collective bargaining arrangements in the UK are voluntary, meaning they are established through agreements between employers and trade unions rather than being mandated by law.

Collective bargaining in England has often been referred to as voluntaristic²⁰ and traditionally, UK labour law been based on the theory of legal abtentionism, the idea is that employers and employees should be left to bargain with each other freely over contractual terms and conditions without interference by legal regulations. This led England being one of the first jurisdictions with a well-developed, although largely unregulated system of collective bargaining, as a result of which there is

¹⁸ (2003)24 ILT (cc) 305 at 367

¹⁹ I Macon, ‘Trade Union Membership and Power’ in G Adler and E. Webster (eds), Trade Union and Decentralization in South Africa 1985-1997 (Johannesburg: Witwatersrand University Press 2000) 421

²⁰ O Khan-Freund, ‘Legal Framework’ in A Flanders and H A Clan. The System of Industries Relation in Great Britain (Basil Blackwell 1954) 44



less statutory protection of workplace rights than other countries²¹. There is no law that compels an employer to bargain collectively with a trade union in England, even if collective bargaining takes place and there is a collective agreement, such agreements is not legally binding, the law does not regulate the law to strike. Unions must conduct a lawful ballot of all members who will be called upon to take part in the strike action. The union must provide sufficient notice to the employer before the strike action begins.

However, 1998, a proposal was made concerning legislations that would provide for statutory recognition of unions. Collective bargaining is only possible where an employer recognizes a trade union and they agree on the scope of negotiations. These proposals resulted in the Employment Relations Act 1999 (ERA). The policy consideration behind the legislation is the achievement of an effective partnership between the employer and the workforce. There central feature of ERA which follows from the white paper fairness at work were identified as being a culture of support of families for a mutual benefit of the employees, equal and fair treatment for all in the work place. Specific performance is the only remedy available for breach of collective agreement in the UK, and this is very difficult to enforce by the government in UK²².

At common law, in *Ford v. A.U.E.F.*²³ the court held that collective agreements were not legally binding. But the Industrial Relations Act 1971 introduced by Robert Carr provides that collective agreements were legally binding, unless a written contract clause declare otherwise. This law was later reversed to reflect the tradition in British industrial relations policy of legal abstentionism from workplace disputes²⁴. The law is now contained in section 179 of the Trade Union and Labour Relations (consolidation) Act 1992 which dictates that a collective agreement is not presumed to be legally enforceable unless it's in writing and explicitly states the parties intend to be legally binding. Under this section, a collective agreement is not automatically considered a legally binding contract unless it meets specific criteria.²⁵

The fact remains, however, that there is no positive right to strike in the United Kingdom. Honeyball and Bowers noted that, "it is virtually impossible in modern Britain to take industrial action which is lawful... The consequences of this are naturally serious. To take part in industrial action may mean the worker can be dismissed or lose pay and lack qualification for job seeker's allowance or other benefits.

²¹ J Oliver, *Trade Union Regulations: Fairness at Work* (Comparative Labour Law and Policy Journal 1998

²² Oliver (n 22) 33

²³ (1968) 2 QB 303

²⁴ Collective Agreement https://en.wikipedia.org/wiki/collective_agreement accessed 3 April 2020

²⁵ Ibid



This is so even if the employer is totally to blame for the breakdown in relations that leads to the action.²⁶

However, the contrast is the fact in Germany, where collective bargaining at industrial level between labour unions and employers' organizations is still the most important mechanisms for settling wages²⁷. In Germany, the right to strike is a constitutionally protected freedom of association, derived from Article 9(3) of the German Basic law and forms part of the principle of collective bargaining autonomy. There is no bargaining at national level covering the whole of the economy. Instead, collective bargaining at industry level between individual trade unions and employers' organisations remains the central point for settling pay and conditions in Germany. Separate agreements between trade unions and specific companies are less common, although there are some exceptions (such as the agreement covering the motor company Volkswagen), and they are found more frequently in the former Eastern Germany. Negotiations normally take place between the unions and employers' federations. The agreement is legally binding in respect of trade union members and the members of the employers' organization that signed it.²⁸

Again, in France, the right to collective bargaining and strike is constitutionally protected with the 1946 constitution preamble stating workers can participate in determining their working conditions and the right to strike is to be exercised within the framework of the laws that govern it. Collective bargaining and the right to strike is codified in France²⁹, thus employer-employee relationship are governed by a complex set of laws and regulations which leaves little room for individual negotiation. The French labour code (code du Travail) is the primary legal document that outlines the rights and obligations of employers, employees, and unions. It includes detailed provisions governing labour unions' formation, operation, and activities. Employers and labour unions are permitted by law to negotiate freely, but the French government may decide that the collective agreement covers even those employers who are not members of the employers' association and is therefore mandatory throughout the industry. Once a consensus is reached, the collective agreement is drawn up, outlining the terms agreed upon by each side. Once signed, the agreement is legally binding. The new contracts are implemented, and the union and the employers are each responsible for ensuring compliance. But that, disputes that arose from collective agreements are settled by the specialized Tribunal³⁰.

²⁶ C Hartmann, 'The Telegraph: French Union Staged a Seventh National Day of Protest Against Pension Reform' <https://www.telegraph.co.uk/news/2020/01/24/french-unions-promise-moths-strike-action-despite-failing-numbers/> accessed 3 April 2020.

²⁷ Ibid

²⁸ Ibid

²⁹ O Kupets, Collective Bargaining in Germany and Ukraine: Lessons Learned and Recommendations for Ukraine (Ukraine: International Labour Organization 2021) 34

³⁰ S. Honeyball, and J. Bowers, Textbook on labour Law, 8th edition (2004) P. 388



The role of the state is one of the most outstanding features of the French collective bargaining system, the strength, and spread of which have never rested on the existence of strong bargaining parties, but on the support of the state in particular via the extension of collective agreement and the existence of a statutory minimum wage³¹. Strikes in France are a significant negotiation tool in labour disputes. On industrial actions in France, for example, in May 2024, Paris railway workers and garbage collectors went on strike just two months before the Olympic Games. Strikes allow workers to air their grievances and demand better working conditions, wages and benefits from their employers. French law grants employees the right to form unions, negotiate on their behalf and strike without fear of employer retaliation. In Nigeria, labour unions have always resorted to industrial actions to compel the government to yield to their collective demands but it always yields little or no result as the government are not sensitive to the plight of their workers.

5.0 Lessons from Other Jurisdiction

The South African experience with collective bargaining and the right to strike offers valuable lessons for other countries. In South Africa for any discussion on collective bargaining or right to strike can never be complete without reference to the South African constitution being the highest law of South Africa, South Africa's collective bargaining framework is institutionalized through the Labour Relations Act, which provides a structured process for negotiations between trade unions, employers, and the government. The constitution recognizes the right of workers to strike if there is failure of collective agreement³². Thus, the constitution recognizes the right of all trade unions, organization of employers and even employers to engage in the process of collective bargaining. It encourages the enactment of national legislation for the regulation of collective bargaining. Bargaining councils are established to facilitate collective bargaining at the industry level, promoting sector-wide agreements and improving working conditions. It is submitted that the South African model tries to meet international best practice by specifying what constitutes essential services, hence making it easier for employees rendering such service to be identified. The South African experience demonstrates the need to balance competing interests between workers, employers, and the government, ensuring that collective bargaining and the right to strike are exercised in a responsible and sustainable manner³³.

6.0 Conclusion

Collective bargaining and the right to strike are fundamental components of labour relations in Nigeria, reflecting the dynamic interplay between workers' rights and employers' interests. The idea of this

³¹ Industrial-Relations>accessed 3 April 2020

³² Ibid, section 175

³³ Ibid, section 170

dissertation is to highlight the importance of the right to strike as a viable weapon in the hands of labour union where there is breach of collective agreement between union and management.

Another limb of this dissertation is to highlight the efficacy of collective bargaining as a practical approach to resolving industrial conflicts. Collective bargaining, while recognized and regulated under Nigerian law, faces significant hurdles. The enforceable of collective agreements remains a critical issue, as these agreements are often not binding in the way that parties might desire. This limitation can undermine the effectiveness of collective bargaining, reducing it to a mere formality rather than a robust mechanism for resolving disputes and improving working conditions. Thus, freedom of association and industrial democracy are two inseparable creeds that give rise to collective bargaining and the right to strike in an industrial relations in every democratic society such as Nigeria in particular. The right to strike arises when all internal mechanism for dispute resolution in an industry has failed to yield results and all efforts by labour to compel the management to comply with labour's demand proved abortive.

Collective bargaining and the right to strike are internationally recognition conventions as part of industrial democracy whereby labour unions go into negotiations with employers' organization in order to ensure increase in workers' wages and good working environment. Nigeria law, influenced by International labour standards, particularly those set by the international labour organization (ILO), provides a frame work for these practices.

To align more closely with international labour standards and to foster a more equitable labour environment, Nigerian laws governing collective bargaining and the right to strike may benefit from reform. Such reforms could focus on clarifying the enforceability of collective agreements, reforming the definition and scope of essential services, and ensuring that the right to strike is protected while also considering the public interest. The only country where collective bargaining/agreement is ineffective or unenforceable is in the United Kingdom (England, Wales and Scotland) where the common law rule of abstentionism and voluntarisms made the government of the United Kingdom to refuse to interfere in collective agreement between labour unions and employers' organisations in its territory.

This is however, sharp contrast with what is practiced in Germany where the national government takes part in the bargaining process between labour unions and employers organisations on yearly bases to ensure that there is increase in the wages of workers' and other conditions of service. Similarly, in Nigeria our laws also encourages collective bargaining since it is an offspring of the freedom of association and freedom of expression. In China both in the private and public sectors of it economy collective bargaining thrives and labour allows industrial actions.

Ultimately, the effectiveness of collective bargaining and the right to strike in Nigeria depends on the ability of all parties-workers, employers and the government to engage in good faith negotiations and to adhere to legal frameworks that protect the rights and interests of all involved. By addressing the current limitations and challenges, Nigeria can work towards a more balanced and productive labour relations environment that supports economic growth, social justice, and the well-being of its workforce.

7.0 Recommendations

In the course of this dissertation on collective bargaining and the right to strike under Nigerian law, the following recommendations were made:

1. It is highly recommended that the government of Nigeria should define essential services, as can be seen, the list of essential services comprises a whole gamut of services that could legitimately come under the law. The Nigerian definition of essential services must be criticized not only as being grotesque but also as it makes nonsense of the basic concept of essential services. The list of essential services is arguably over inclusive and strongly questionable to the extent that the broad definition of essential services deprives a sizeable ration of Nigerian worker of this basic human right at work. That clearly defined essential services and limit the scope of services that are considered essential, to prevent unnecessary restrictions on the right to strike.
2. Recommended to promote good faith bargaining. Collective bargaining is workable only if the parties bargain in good faith having been duly recognized, a trade union would expect the employer to be prepared to enter into genuine negotiations with it. Lack of genuine negotiations on the part of government is the cause of the recent strike actions by the Academic staff union of Universities (ASUU), highlight the tensions and challenges inherent in labour relations in Nigeria. Such strikes not only disrupt educational services but also draw attention to broader issues such as funding, working conditions and the welfare of academic staff. These strikes often culminate in negotiations that may not result in satisfactory outcomes for the parties involved.
3. Review and update labour laws: It is recommended that regularly review and update labour laws to ensure they align with international best practices and address emerging labour issues.