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INDUSTRIAL PSYCHOLOGY DEPARTMENT

ASSESSMENT OF THE EFFICACY OF THE MECHANISMS FOR CONFLICT RESOLUTION IN EMPLOYMENT RELATIONS AT A MULTINATIONAL COMPANY IN NIGERIA: LESSONS FROM SOUTH AFRICA

BY

JOSHUA O. OLABIYI

(STUDENT NUMBER: 3874619)

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SUPERVISOR: PROF CHARLES OK ALLEN-ILE

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DECLARATION

I, **OLABIYI OLANIYI JOSHUA,** declare that this PhD thesis was exclusively composed by myself, that the work contained herein is my own except where explicitly stated otherwise in the text, and that this work has not been submitted for any other degree or professional qualification except as specified.

Student Number: 3874619

Signed---------- **Date**----------

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DEDICATION

I dedicate this dissertation to the memory of my late parents; specifically, the memory of my mother Olamidesi Maria Olabiyi. Although she inspired me to pursue my doctorate, she was unable to attend my graduation. I'd like to thank my academic supervisor, Prof Charles OK Allen Ile, and his wife for their support. As a result of their guidance and assistance, I was able to write and publish two articles arising from my thesis. This dissertation is dedicated to my beautiful, kind-hearted, and understanding wife that God has given to me. My sincere appreciation to the family of Professor and Mrs Oladunjoye for their encouragement, moral support and prayers while completing my dissertation.

Contents

ABSTRACT

An organisation or country that aims to experience industrial tranquillity and collaboration among social partners in employment relations must put in place an outstanding and potent conflict resolution mechanism. Within the context of labour relations, conflict is predictable in the workplace environment and the result could be a strike or lockout. This result can be avoided if there is an appropriate conflict settlement machinery on the ground. Overall, conflict resolution mechanisms must be centred around negotiation and dialogue which is an integral part of dealing with discord whenever it arises in employment relations.

This study seeks to investigate the efficacy of mechanisms for conflict resolution in employment relations at a multinational company in Nigeria and South Africa. The study also examines the effectiveness of the machinery for regulating the affairs of labour relations statutorily or voluntarily. Additionally, the study undertakes a comparative analysis of different mechanisms employed whenever conflicts arise in both employment relations environments that are in South Africa and Nigeria. This analysis gives more insight into how conflict resolution mechanisms work in South Africa as compared to Nigeria. Moreover, the study explores the necessary tools and frameworks of legislative resolution instruments that lead to long-term reconciliation and peace thereby reducing the rate of disputes in employment relations in South Africa as well as Nigeria.

A non-experimental descriptive research design that utilises a survey approach was adopted in the study. The research employed a mixed-method approach, that is, qualitative and quantitative data collection methods. A total of 400 questionnaires were distributed to respondents in two organisations, 200 for each organisation in Nigeria, and South Africa respectively via online google forms. A total of 363 responses were returned for the quantitative data collection while a total of 20 respondents participated in online interviews as part of the qualitative data collection. Thus, the final aggregate sample size for this research was 383 participants.

Results from the study indicated that the conflict resolution mechanism in South Africa functioned successfully compared to that of the counterpart organisation in Nigeria. Moreover, the study revealed that South Africa has a developed apparatus for managing industrial conflicts. possibly in Africa as a whole. This was found to be

because of how the South African government rigidly pitched a high labour legislative framework and requirement concerning labour conflict resolution. This is intended to create a conducive and harmonious labour relations environment. It is assumed that introducing a similar legislative framework into Nigeria's labour relations environment will also foster a more harmonious relationship amongst the parties and social partners.

Finally, the study proposes and recommends that host environments of multinational corporations in Africa must continuously review their conflict resolution frameworks so that it serves as a guide for the operations of multinational companies that come to their countries. In addition, the study highlights that such mechanisms must make provision for opportunities for employees to feel that they are heard through sincere dialogue processes and effective communication channels between employers and employees. Overall, the study recommends that accommodating and congruent conflict resolution strategies must be encouraged among members of staff to facilitate a nonviolent labour relations atmosphere.

Keywords: *Conflict Resolution Mechanism, Employment Relations, Multinational Corporations, Labour Legislative Framework.*

CHAPTER ONE: AN OVERVIEW OF THE RESEARCH

1.0 Introduction

Labour disputes are inherent in all labour relations systems (ILO,2001). They tend to occur when the collective bargaining process is reaching a breaking point and, if not resolved, results in industrial actions, such as strikes or lock-out. The establishment of a system for the prevention and settlement of labour disputes is a cornerstone of sound labour relations policy (ILO, 2001). The nature of employment relations is such that the divergent interests and deferring objectives of the parties to the relationship frequently give rise to conflict (Venter, 2003)

No country aspiring to develop its economy has succeeded without a stable mechanism for settling labour, employment, or labour relations matters. This is even more crucial in a country such as Nigeria that is in dire need of a constructive system of dispute resolution for effective and speedy settlement to strengthen workplace industrial democracy. No reasonable foreign investor or multinational company would like to invest in an economy where the relationship between the employer and employee is not cordial or peaceful or where mechanisms for speedily resolving labour and industrial relations matters, when they arise, are not put in place (Odion, 2010:6). The state with its ever-increasing interest in labour and welfare issues cannot remain a silent and helpless spectator in the relationship. Therefore, it takes the responsibility of the government to provide legislative provisions meant to balance these conflicting interests in the arena of labour-management relations (Ahmed, 2014:29).

A multinational company otherwise known as a multi-national enterprises (MNE) or transnational corporation practically engages a host country through foreign trade and foreign direct investment through globalization. Thus, globalisation sets a stage for multinational company practices and certainly strengthens their technological, financial, and infrastructural movement from one country to another.

Regarding the operations of multinational enterprises (MNEs) in their host country, MNEs do not operate in a void without some form of influence from the host environment. This influence can be in the form of labour legislation especially around conflict resolution mechanisms which have been well documented (Burton, Bloch & Mark, 1994; Richard, 2007; Tyler, 1993). The operations of multinational enterprises

also influence the price, consumer, market behaviour as well as labour or employment relationship that exists in the host environment (Zhao, 1998). In influencing this employment relationship environment, multinational enterprises go further to influence the labour relations policy, and possibly the labour laws of the host country (Frenkel & Peetz, 1998; Stopford, 1998). For example, what happens if a multinational enterprise refuses to observe the labour laws of the host nation, how will the government sanction it? Are there any procedures or regulations, pre-established by the host nation's legislative framework, for dealing with such transgressions? Often, governments do not have pre-existing mechanisms to regulate these issues. Therefore, labour standards need to be established.

Labour 'standard' relates to how the government has established the nature and quality of the relationship that should be maintained by all the parties to the employment relationship in that environment. The focus of employment or labour standards is usually on how workers should be treated. This standard applies equally to both domestic and multinational enterprises (Allen-Ile & Olabiyi, 2019). Suppose the employment standard is too high and the multinational enterprise would rather that the employment standard is lower, for whatever reason. In what ways can a multinational enterprise attempt to subvert the employment standard of the government of the host nation? It is plausible that MNEs can employ a variety of tactics to circumvent this standard (Allen-Ile & Olabiyi, 2019).

In South Africa for example, the labour legislative regime is rigid and protective of worker rights. Some employers, including MNEs, have voiced their complaints against these standards. For example, sections 51, 161, and 167 of the Labour Relations Act (LRA) Number 66 of 1995, as amended, prescribe due statutory processes and mechanisms for the resolution of disputes which some employers may find extremely onerous and demanding. This has sometimes, rightly, or wrongly, been cited as one of the reasons for the reluctance of certain MNEs to invest in South Africa (Allen-Ile & Olabiyi, 2019).

Given the above labour standard, one of the avenues that may be open to an unscrupulous employer to attempt to circumvent the labour relations system could be around the dispute resolution mechanism currently in place. For instance, the process provides for parties to follow specific steps in resolving disputes between them. It is,

also, clearly statutorily provided for by the LRA that before a union or workers can embark on industrial action, there are procedural requirements to be followed (Allen-Ile & Olabiyi, 2019). The union or workers must apply for a right to strike and for the strike to be recognised, it must be a protected strike. For the strike to be protected, the employer must agree or acknowledge and issue a certificate for them to embark upon such a strike. The challenge may be that an employer may deliberately refuse to approve such a strike because they have an ulterior motive and may want to advance the excuse that the strike was not a 'protected' one. The employee would therefore be empowered to dismiss those striking workers and employ new workers and by that act sidestep the labour relations process and the law (Allen-Ile & Olabiyi, 2019).

In contrast to the above, a country such as Nigeria does not have a framework such as that of South Africa. The framework that exists neither applies nor provides coverage for public sector employees. The implication of this is that if an MNE extends its operations into Nigeria directly or indirectly, it could exploit the fact that the workers are not covered by the labour relations policy in Nigeria. The two scenarios above set the stage for the analysis of the role of MNEs in influencing the labour relations policy and the law of a host nation (Allen-Ile & Olabiyi, 2019).

Effective compliance to the resolution of labour disputes by parties involved is intricately linked to the promotion of the right to collective bargaining as entrenched in the LRA of 1995. The structure of dispute settlement systems is normally designed to promote collective bargaining, for example, most countries require the parties to exhaust all the possibilities of reaching a negotiated solution or to exhaust the dispute settlement procedures provided for by their collective agreement before having access to state or statutorily provided procedures (Noord et. al, 2011). One exception is South Africa which has used independent and non-governmental conciliation and arbitration institutions to resolve labour disputes, for example, Commission for Conciliation Mediation and Arbitration (CCMA), and National Economic Development and Labour Council (NEDLAC).

However, this study critically focused on the assessment and the effectiveness of conflict resolution mechanisms concerning employment relations at a multinational company between two host countries- Nigeria and South Africa. The focus was on mechanisms associated with the process of collective bargaining, application, and

interpretation of mechanisms that can be used to manage discords that arise between employers and groups of workers most often represented by trade unions.

In addition, the study investigated the comparative study of different mechanisms used whenever conflict ensues in both environments (South Africa and Nigeria), having more insight to the understanding of how the conflict resolution mechanism is working in South Africa labour relations environment compared to the conflict resolution mechanism in Nigeria environment. This study located and explored the necessary tools and frameworks in the legislated resolution that lead to solid reconciliation and peace, which reduce disputes in the employment relationship in South Africa and Nigeria.

1.1.0 BACKGROUND OF THE RESEARCH

Africa has experienced some positive developments, both economically and economically in terms of purchasing power and growth in purchasing power (ILO, 2010) Despite the abundance of natural resources on the continent, economic challenges persist. These broader contexts are reflected in labour markets. Most of Africa's workers practice family agriculture as the primary source of their livelihoods and more than half of those in employment are 'working poor,' living below the US$1.25 per day poverty line (ILO, 2011).

Nigeria, one of the countries studied in this study, is a multi-ethnic and culturally diverse society with abundant resources. It has approximately 184 million inhabitants. The country has the largest gas reserves on the continent and is Africa's largest oil exporter. Nigeria's GDP grew at an average rate of 5.7 percent per year from 2006 to 2016, as volatile oil prices drove growth to a high of 8 percent in 2006 and a low of 1.5 percent in 2016. Even though Nigeria's economy has performed better in recent years than during previous boom-bust oil-price cycles, such as in the late 1970s and mid-1980s, oil prices continue to drive the country's growth (World Bank, 2017).

As the 'giant of Africa' in terms of economic growth over the years, Nigeria has been able to outperform its South African counterpart, although the growth was a singular growth of a few corrupt individuals as opposed to government economic growth. By allowing monopolies/oligopolies to exist in some industries in the economy, the government has failed. Some people have been able to amass wealth either for themselves or for their families because of monopolisation. Traditionally, those

industries were supposed to be managed by the government and to generate funds for the national treasury.

Similarly, In Nigeria, according to Animashaun, & Shabi (2003) most labour laws regulating the practice of employment relations are part of the common law of England, which was inherited through colonisation enacted at various stages that include colonial parliament, pre-military parliament, military decrees, and post-military civilian national assembly. However, Customary law has not significantly contributed to the development of the rules guiding the employee-employer relationship and is not regarded as a source of the Nigerian labour law. The recognized sources include the constitution, various legislation, common law, collective agreements, rules of work, customs and practices as well as international sources (Ahmed, 2014:3).

In 1938, Labour legislation and administration in Nigeria only provided negative protection against open abuse of employment conditions, injury compensation, the employment of women at night, and employment of children under sixteen. The labour law, however, did little or nothing for the betterment of the living condition of workers. The first Trade union ordinance was enacted in 1938, and this was followed by the establishment of a labour inspectorate in October 1939 and a Trade Dispute (Arbitration and Inquiry) Ordinance in 1941. The position of the private sector in this period was akin to that of an outsider and the laissez-faire attitude was adopted. The laissez-faire attitude of the colonial period continued well after independence and the Ministry of Employment, Labour, and Productivity was expected to act as an umpire in respect of all labour disputes.

After the restoration of constitutional government in Nigeria in 1999, many statutes have been passed including those amending the constitution in the quest for socio-economic reforms by the civilian government and more importantly to ensure that existing legislation conforms with the constitution. These include statutes having a direct and indirect bearing on labour matters such as the Constitution (third iteration) Act 2010, the Employees Compensation Act 2010, the Trade Unions (Amendment) Act 2005, the Pension Reform Act 2004 as amended, the National Industrial Court Act 2006, the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003 as amended. (Ahmed, 2014:31). Despite all these enactments and reviews of employment relations laws in Nigeria, it has not measured up to the best international

standard of industrial relation system based on the process, structure, and the way conflict resolution mechanism has been performed all these years.

Over the years, the government of Nigeria has set up various committees and issued circulars in an attempt to stem industrial disputes, but to no avail. Recently, on Monday, September 24, 2018, a dispute erupted between the federal government and workers in Nigeria over a new proposed minimum wage. The Federal Government proposed a monthly wage of N24,000, which they argued was a reasonable wage. However, workers insisted on a monthly wage of N66,500. On the one hand, workers are concerned about corruption, greed, and the unending embezzlement of public funds by government officials, and on the other, they are concerned that the government allows private companies to disregard employment relations principles. The combination of these factors has led to an atmosphere of mistrust between the parties.

In contrast, South Africa, which was used as a comparative analysis in this study, saw a 1.3% increase in its economy in 2017. A further acceleration in 2018 is expected by the World Bank, to 1.4%. The gross domestic product (GDP) per capita has stagnated or fallen since 2014, leaving little room to reduce poverty among 58 million people. South Africa has a competitive advantage in the production of agriculture, mining, and manufacturing products relating to these sectors. South Africa has shifted from a primary and secondary economy in the mid-twentieth century to an economy driven primarily by the tertiary sector in the present day which accounts for an estimated 65% of GDP or US$ 230 billion in nominal GDP terms (World Bank, 2018).

Historically, the South African Native Labour Regulation from 1911 can be regarded as the origin of labour law in South Africa, which had been characterized by racial discrimination, prohibitions against industrial action, and forbidding black people to participate in labour law. However, the inaction of black people in labour law led to the transition in 1994 from apartheid to a democratic government, resulting in a new legal and institutional framework for labour relations, strengthening the role of the social partners in labour market governance (Fashoyin, 2009).

In South Africa, the conflict resolution mechanism had continued to be successful in resolving labour disputes, although there had been little progress in addressing the industrial conflict phenomenon as compared to Nigeria. This hybrid legal system is

characterized by constitutional supremacy underpinned by codified common law historically influenced by a variety of factors (Van der Merwe, 2004).

The South African conflict management system is one of the fastest developing in Africa. South African private law is based on Roman-Dutch principles introduced by the first European settlers in the 17th century (Cotton, 2016). Through colonisation, English legal traditions and principles shaped procedural and mercantile law. As part of the South African legal framework, customary law has also grown in importance. The advent of constitutional law brought about a change in the legal system. In South Africa, the Constitution is the supreme law, and legislation that is inconsistent with it needs to be amended (Du Plessis, 1999).

In recent times, South Africa's new labour relations dispensation promotes voluntary self-governance by the social partners through collective bargaining. The core of the dispensation was created by way of four statutes: the Labour Relations Act 66 of 1995, which revolutionised industrial relations in the country; the Basic Conditions of Employment Act 75 of 1997, which prescribed minimum conditions of employment; the Employment Equity Act 55 of 1998, which was aimed at correcting the demographic imbalance in the workplace, at removing barriers and at advancing the development of employees from disadvantaged backgrounds; the Skills Development Act 97 of 1998, which was promulgated to develop the skills of the workforce. Hence, an appropriate legal and institutional intervention is available when the process does not go smoothly, through bodies such as the Commission for Conciliation, Mediation and Arbitration, bargaining councils, and private agencies (Fashoyin, 2009).

Therefore, in discussing the background of this research, an attempt has been made to investigate the level of efficacy built into the process of conflict resolution mechanism at a multinational company within these two host countries- Nigerian and South Africa. An examination has been made of how effective conflict resolution mechanisms operate in a multinational company within these two host countries (Nigeria and South Africa). However, the main interest of the study is that the labour relations environment in South Africa appears to be more advanced than the environment in Nigeria according to the literature. The advancement in South Africa is not its economic advantages, but rather its successful observance of the arrangements and rules governing labour and management relations in employment

relationships, which are more developed in South Africa than in Nigeria. This is not that surprising considering the government's corrupt practices, gross violations of labour laws by employers, political instability, the military's intervention, insufficient infrastructure and manpower, cumbersome and outdated labour laws; all these factors have contributed to affecting the way Nigerian labour relations are conducted.

Having described the background of this study, it is hoped that the results of this research will offer some recommendations that can be made to improve labour-management conflict resolution methods. Particularly as it relates to multinational enterprises operating in Nigeria, to bring these practices in line with international best practices.

1.1.1 Historical Perspective on Industrial Relations in Nigeria

The emergence of the industrial relations system in Nigeria could be tied to labour regulations that have been obtained from colonialism around the time of the industrial revolution in the 1750s (Adebisi, 2013). Before independence in 1960, agriculture was the mainstay of the Nigerian economy providing food and employment for the populace, raw materials for the nascent industrial sector, and generating the bulk of government revenue and foreign exchange earnings. Before the discovery of oil, Nigeria (like many other African countries) strongly relied on agricultural exports to other countries to supply their economy (Chete, Adeoti, Adeyinka, & Ogundele, 2011).

The late development experienced in industrial relation systems in Nigeria may be described largely by the late experience of industrialisation and sometimes commercialisation in the Nigerian economy. This is because previous labour services were rendered in family agricultural methods with no wage payment (Fajana, 1995). However, Industrialisation and commercialisation which started in the 1940s in Nigeria led to the introduction of wage employment in a formal industrial setting which also marked the beginning of the industrial relations scene in Nigeria (Ubeku, 1993:37).

As Nigeria progressed in age and development, the British colonial masters carried out a few reforms in the labour sector, which created the legal frameworks for industrial relations in the country (Adebisi, 2013). Therefore, Britain's emergent industrial relations system was largely derived from the Anglo-Saxon model of industrial relations and a mixture of the activities of nationalist and worker’s agitations at the period (Adebisi, 2013).

The basic principle of the Anglo-Saxon model of industrial relations is that workers and their employers are in the best position to deal with situational factors at work, especially the issue of conflicts arising from employment matters. The state, therefore, should be a fair umpire in dispute settlement, having established the necessary legal frameworks upon which voluntary negotiation or collective bargaining is based. Under the Anglo-Saxon model, the state does not intervene directly in any dispute settlement procedure involving the parties - labour and their employers. For instance, the right of labour to strike is recognised under this model of industrial relations (Adebisi, 2013).

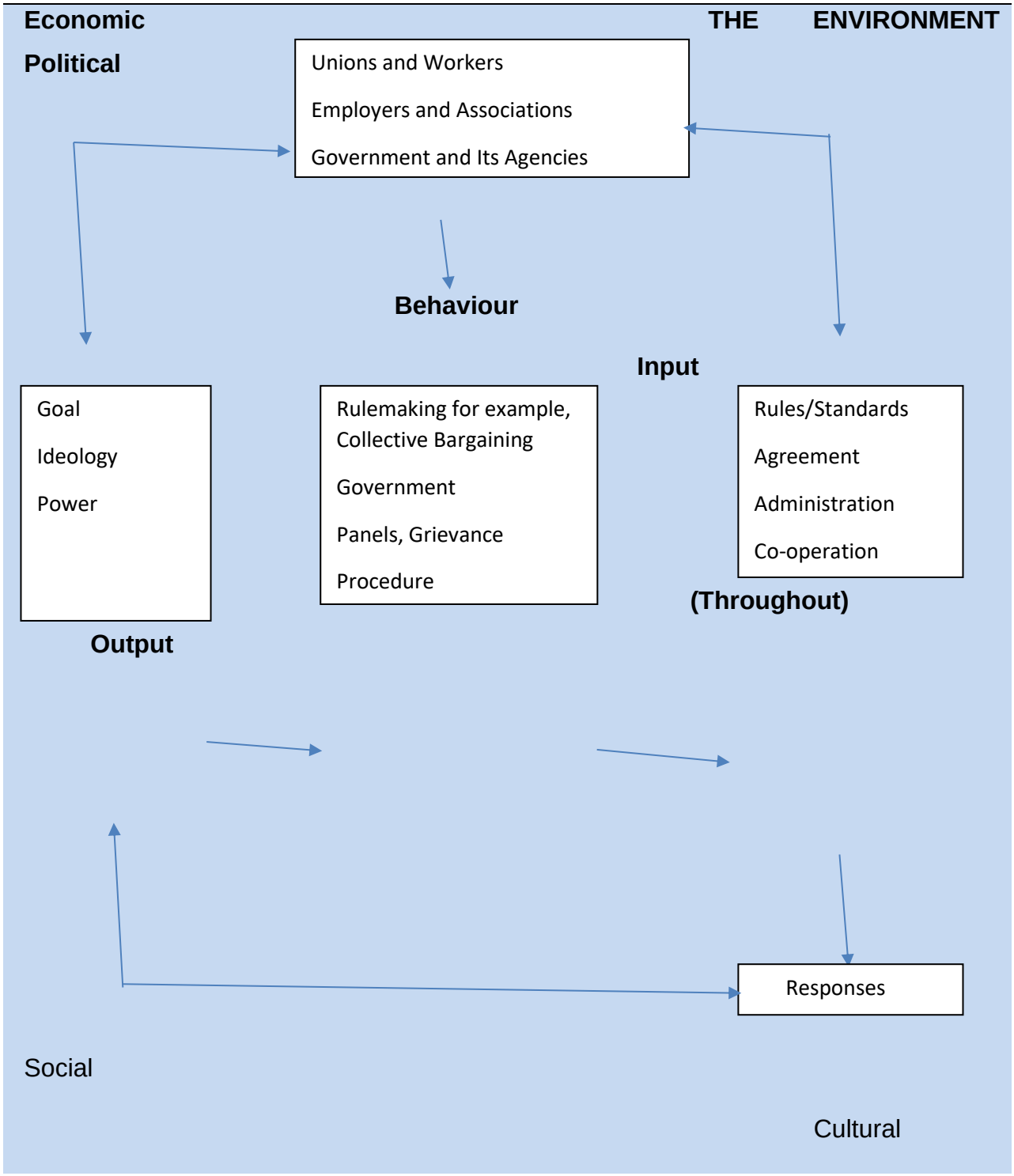
Consequently, the British imposed its models and other institutional values on Nigeria. Hence, the Anglo-Saxon principles of voluntarism became the foundation of industrial relations practice in Nigeria. Meanwhile, the Anglo-Saxon model of industrial relations was largely and eventually abandoned by the British for many reasons. First, the number of wage earners in Nigeria increased as an increasing number of Nigerians had become paid employees. Second, the introduction of western education increased the level of awareness or consciousness as far as a human right (right of labourers) is concerned. Lastly, the activities of early nationalist-war veterans, educated elites – raised the tempo of agitation for labour and democratic reforms. The British were neither prepared nor ready to accede to these demands. This forced them to abandon voluntarism for interventionism. (Adebisi, 2013). There is no doubt that a discernible model of industrial relations peculiar to an Africa society is emerging in Nigeria, although it should be noted that the “Nigeria system of industrial relations” is a commutation of an idea borrowed from another system (for example, British) which are adapted to meet the Nigeria local environment (Animashaun & Shabi, 2003:).

1.1.2 The Environment of Industrial Relations in Nigeria

The pertinent elements of the Nigerian system of industrial relations include the environment, which influences the actors in industrial relations as well as their goals, ideology, and power or input (Fashoyin, 1992). These in turn influence the behaviour and the relationship that exists among the actors especially in the process of rules-making, both procedural and substantive, on the whole phenomenon of industrial relations. Then the output surfaces in the form of rules and their administration. Both behaviour and output are influenced directly or indirectly, by the environment and, in turn, the emerging responses by the actors of the industrial relations system. Within this system, there is at least a “sub-system” in the public sectors where the system of

labour relations is distinct from that in the private sectors (Fashoyin, 1992:). In the public sector, the government, as an employer, plays a more important role in the industrial relations system. The above narrative is depicted below in Table 1.1.

Table 1.1.A Model of the Industrial Relations System (Adapted from Fashoyin, 1992:8)



In the Nigerian context, the behavioural and the relationship that exists among actors of labour relations, employees, employers, and the government are naturally different. Different in the sense that, the ideology, goals, and power which constitute the “input” mentioned above of these social partners are unequal because each actor has a divergent interest, they pursue in employment relations, and most of the time the contradictory interest may result in industrial conflict when it is not properly managed. This practically forms the genesis of the industrial relations system overall. Frequently, social partners expect a pattern of the relationship which is not necessarily consistent or in conformity with the practices of international standards of labour relations (Animashaun & Shabi, 2003).

Within the industrial relations system in Nigeria, the employer is generally viewed as the superior or elder who oversees command as in the era of the traditional system, and for this reason, usually does not accept the workers as his equals and differ markedly from that of western industrial societies. This is born out of the fact that Africa system of social relations is strongly rooted in paternalism, and this is taken to the place of work where the organisation of work, largely depend on western values which shows a total difference in the way things are being done in the larger society (Animashaun & Shabi, 2003).

On this note, any manager either from Nigeria or an expatriate operating for a multinational company in Nigeria that lacks the knowledge of cultural values of the host environment will have the problem not only with his workers or entire operations of the company, but his ability will automatically be questioned. This is also supported by the above diagram explanation that cultural values of the host environment must be accurately acknowledged to enhance the performance of multinational corporations. The expectation of the workers is different from that of international practice of labour relations and, any organisation or multinational company that wants to succeed will recognise this expectation so as to generally achieve a harmonious relationship in the world of work. No doubt, the culture of authoritarianism has persisted side by side with industrialisation in Nigeria and tends to influence social partners in their day-to-day interaction (Udo-Aka, 1986).

The trajectory of an adversarial relationship between management and trade union is also a relevant issue as the industrial relations system in Nigeria is concerned. Does it exist in a situation whereby the trade union leaders and administration frequently require financial support from the employers to sponsor their members on trade union training or the motivation of the Nigeria Labour Congress that regularly go to the government for grants? If so, this would have undermined the agitation by the trade union in challenging the anomalies of both government and employers. These practices do not refute the said confrontational relationship that exists between management and the trade union, nor does it automatically amount to the incorporation of the union, and they are not in the least at variance with societal customs and practices in the Africa environment (Animashaun & Shabi, 2003). In summary, the relationship is thus far from being equal, in as much as employers of labour continually sees himself as performing patriarchal service to his employees and his freedom within the limit of law to employ his resources or capital as he deemed it fit. This, therefore, influences the authority relationship as well as the expectations of both sides (Animashaun & Shabi, 2003).

1.1.3 Legal Framework of Industrial Relations in Nigeria

Apart from the other two actors, the government is involved directly and indirectly as an employer of labour. Its involvement is limited to playing the role of an umpire and arbiter and providing laws and regulations which ensure that the two parties are directly involved in playing the game according to the rules and when either party runs afoul of the rule of the game. It intervenes to ensure that chaos does not result. In effect, the role of the government in its position as the arbiter between employers and workers in an industrial setting is that of providing the legal framework within which industrial relations must operate and ensuring that parties directly involved act within this framework in their relationship with themselves (Animashaun & Shabi, 2003).

1.1.3.1 The Right to Unionise

In Nigeria today, every worker has the right to form and belong to any trade union of their choice. This is because this right is guaranteed to every Nigerian under section 40 of the constitution of the federation of Nigeria 1999 which provide that “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 other association for the protection of his interest”.

Most of these laws regulating the practice of industrial relations in Nigeria are part of the common law of England, which Nigeria inherited through colonisation and have since continued to form part of Nigeria's laws. Others can be found in the statutes, which were enacted at various times for Nigeria either by the colonial parliament, the pre-military, the military decrees, and the post-military civilian government.

In 1912, the very first union that was formally organised was the Nigeria Civil Service Union (CSU) established purposely to promote the welfare and interest of the native members of the civil service. In 1931 two other unions were also formed: The Nigeria Union of Teachers (NUT) and Railway Workers Unions (RWU). But despite the efforts made by Nigerian workers to unionise, their efforts were frustrated by a colonial government that labelled them as saboteurs that were frustrating and disrupting the machinery for the effectiveness of the colonial administration. It was not until 1938 that the British government approved the promulgation of Trade Union Ordinance No.44 of 1938 that gave legal backing to unionism in Nigeria (Animashaun & Shabi, 2003).

Table 1.2 The Development of Nigeria Labour Relations Laws

ORIGIN

- 1900 Common Law of English inherited from colonialism and infused into Industrial Relations system in Nigeria.
- 1938 Trade Union Ordinance was promulgated by British government, effective in 1939 and gave legal backing to Nigerian trade union.

Military Government Decrees	Civilian Government Enactment
Trade Unions Act of 1973: The act in the main makes provision for formation of trade unions. *Labour Act of 1974*: This act provides the general provisions in respect of wages, contracts, and terms of employments. *Trade Disputes Act of 1976*: establishes the settlement of trade disputes between workers and their employers. *Trade Disputes (Amendment) Act of 1977*: strikes are illegal once it reported to the ministry. (minister apprehension) The act also establishes what constitutes offences and penalties for workers, trade unions and employers for any failure to comply. *Trade Disputes (Essential Services) Act of 1976* empowers the President to proscribe any trade union whose members engage in essential services have taken part industrial action. *Labour Amendment Act of 1978:* This act amends the labour act of 1974 in other to make it obligatory for employers upon registration and recognition of a trade union to operate the 'check-off' system. *Trade Unions (Amendment) Act of 1978:* The trade unions amendment act of 1978 amends the trade unions act of 1973 as a result of the restructuring exercise, 70 unions, 42 industrial unions, 15 senior staff associations and 4 professional unions were all created. was also amended Trade Dispute 1992 decree *Factories Decree of 1987:* The provision of the Factories Act 1958 was reviewed by updating its provisions in line with contemporary conditions in the industry and the country in general.	*Trade Disputes Act 1990,* General Provisions as to protection of wages, contracts of employment and terms and conditions of employment. *Trade Dispute Act - CAP. T8 L.F.N. 2004* An Act to make provisions for the settlement of trade disputes and other matters of ancillary, apprehension of trade dispute by the Minister, reporting of dispute if not amicably settled, and Notice requiring compliance with sections 4 and 6. *Trade Union (Amendment) Act 2005* Laws of the Federation of Nigeria Notwithstanding anything to the contrary in this Act, membership of a trade union by employees shall be voluntary and no employee shall be forced to join any trade union or be victimized for refusing to join or remain a member". *NIC Amendment Act (2006),* the NIC is now a superior court of record just like the State High Courts, Federal High Courts, Court of Appeal, and the Supreme Court for labour matters. As a superior court of record, the NIC will no longer be subject to the supervisory jurisdiction of the State and Federal High Courts *The 2010 Act* also provided an elaborate scope of the NIC's specified jurisdiction by the insertion of a new enactment in Section 254C of the Constitution of the Federal Republic of Nigeria (Third Alteration) Act 2010.22 The 2010 Act conferred the NIC with the exclusive adjudicating power on labour and industrial relations laws. *The Employment Compensation Act 2010* *The National Minimum Wage Act 2011* *The Pension Reform Act 2014*

Source: (Olabiyi, 2019).

Looking at the above diagram, the overall formation of industrial relations in Nigeria can be seen in the procedures established by statutory regulations and internal mechanisms, which govern collective bargaining. The Nigerian industrial relations system is a hybrid of several systems – a combination of both voluntarism and state intervention – but to a great extent, it is a product of Nigeria's history and development. Colonialism, military rule, civil and inter-ethnic conflicts all combine in changing the industrial relations system from voluntarism to interventionism, which according to Ubeku (1983: 186) is more production-oriented and more integrative in its approach. Therefore, the enactments as stated above provided the fundamental legal frameworks for collective bargaining within the industry, and the actors have legalistic reference points or bases to indulge in negotiations. The Nigerian system of industrial relations provides for collective bargaining at the national level. In Nigeria today, industrial conflicts can be resolved in two ways:

a) Voluntary Procedure: Process of internal machinery (internal machinery).
b) Statutory procedures: (as contained in the Trade Disputes Act of 1976) that are, external machinery.

The principle of voluntarism has now been generally accepted in Nigeria as an established procedure for dispute settlement, and this is usually encouraged before any recourse to statutory procedures for the settlement of trade disputes. The main objective of the voluntarist approach is to ensure that a voluntary collective bargaining process between the parties leads to the resolution of any dispute between them.

According to Diejomoah (1979), many firms in Nigeria lack proper grievance procedures which in his words: "will cause poor bargaining (reflected in strikes, work-to-rule, lockouts, dismissal, etc.) and will lower worker morale, perhaps higher labour turnover rates, and malaise at the peremptory nature of decision" (Ubeku, 1983). There are four stages to the statutory procedures for resolving disputes, as directed by the labour minister in the wake of the failure of voluntary procedures. The stages are as follows:

i. **Conciliation**
ii. **Arbitration**
iii. **Inquiry**

iv. The National Industrial Court

Nevertheless, the arrogance of the Nigerian government in respect of labour matters had made nonsense of these mechanisms or procedures for dispute settlement. Often, the Nigerian government fails to honour its agreement with labour, thereby setting poor standards for employers in the poor sector.

On September 24, 2018, in Nigeria, Labour had demanded N66,500 which is equivalent to US$182 per month as the new national minimum wage for all Nigerian workers. The organised labour has begun preparation for its nationwide strike over federal government delay in the implementation of a new national minimum wage. The News Agency of Nigeria (NAN) recalls that the organised labour, made up of the NLC, TUC and ULC had on September 12 issued a 14-day ultimatum to the government to state an amount to enable the minimum wage committee to conclude its sitting. Labour had collectively demanded N66,500 per month as the new national minimum wage for all Nigerian workers as harmonised by organised labour.

The Nigerian government has violated agreements reached out of collective bargaining through tripartite joint committee than any other institutions in Nigeria. Consequently, the Nigerian industrial relations system today is replete with a case of violation of negotiated agreements because of executive lawlessness because of the unchecked governmental power (Adebisi, 2013).

1.1.4 Historical Perspective on Industrial Relations in South Africa

The history of South African industrial relations could be traced to the discovery of diamonds and gold in 1867 and 1886. This means that industrialisation began with the discovery of these natural resources in South Africa. However, before these events, South Africa majorly was an agrarian country. Merchants and craftsmen were supplying the services needed by different communities, while there was not any form of industrial performance. Even though machinery was on the ground to produce newspapers during that period, there were no industrial relations that existed as such in South Africa (Venter, 2003).

However, the employment relationship that was pronounced during that period was governed by the (Roman-Dutch) principle of the master-servant relationship act of 1841. This master and servant act promulgated to govern the process of industrial relations was amended in 1856 to objectively provide for the harsh infliction or

imposition of a penalty as retribution for an offence committed by black servants in the workplace. Not only that, the act of master-servant also governed the rules of works as it regards to black African employees, there were no collective relations between the masters and the servants and there was no attempt by the African employees to repeal them.

Industrialisation commenced in South Africa only at the end of the nineteenth century. As South Africa did not have a sufficient skilled labour force, Europeans, mostly British immigrants, were employed to do much of the work and brought in their imported unionism which was skilled union and the unskilled were blacks (Bendix 2006). Skilled labour proved to be a serious problem, and employers were often forced to bring skilled workers out from Britain and Australia (Cunningham & Slabbert,1990).

More also, the provision of a steady supply of unskilled labour proved to be a problem. The obvious source was the black population, but few blacks sought work on the mine, mainly because many of them were subsistence farmers. While the imposition of a poll and hut tax forced some of the black's farmers to seek work on mine, the discovery of gold on the Reef in 1886 increased the demands for unskilled workers. The formation of the Chamber on Mine in 1886 to promote enforced lower wages for black workers, and the imposition of the Pass Law by the Kruger government to channel workers to the mines, were both seen as attempts to alleviate the acute unskilled labour shortage by creating a ready labour supply (Finnemore and Van Der Merwe.1992:18)

The movement of black labour to the mines was a threat to white job security simply because black miners were often misjudged to be less intelligent than their white counterparts (Williams, 1989:48). However, this position soon changed, as blacks became more skilled. The introduction of Chinese labour law in 1904 to try and alleviate the shortage in labour after the Anglo-Boer war further heightened white fears. At the same time, the bank crises of 1880, the rinderpest epic of 1896, and the Anglo-Boer War of 1899-1902 gave rise to the poor–white problem. White, dispossessed of their land, were forced to move to the towns, leading to an increase in the number of poor –white, unskilled workers (Cunningham and Stabber, 1990: Section 2:5:). Black workers were considered cheaper, more reliable, and more skilled than this new class of white workers.

In 1907 a violent strike by skilled white labour erupted in response to this fear of competition. Increased poverty among whites, and the erosion of the colour bar (Williams, 1989:51). This led to the implementation of Ordinance No. 17 of 1907 (Transvaal) that effectively prevented Chinese workers from holding any skilled position in the mines.

However, the labour unrest continued, and two more strikes occurred in 1908 and 1911. It was during the latter action that prominent union leaders called on the government to actively intervene to protect white miner's interests (Venter, 2003: 36). The government responded by passing the Mines and Works Act of 1911 that essentially sought to exclude non-European from certain kinds of works. Certificate of competency was now required before workers could perform certain tasks, and these certificates were not issued to blacks' miners.

The Act further ensured that the movement of black workers in and out of the diamond fields and gold mines was restricted through a system of passes during workers contracts to prevent desertion. While the intensification of labour unrest and rising dissent among white workers in the mines thus helped to establish job security, it also highlighted the need for a conciliatory framework to help regulate the burgeoning conflict. (Venter, 2003:36)

1.1.4.1 The Industrial Dispute Prevention Act (1909)

The aim of the Industrial Dispute Prevention Act 20, passed in 1909, was to assist in the prevention of strikes and lockouts by making provisions for the settlement of any dispute by conciliation, after investigation of such dispute (Davis,1989:82). The Act proposed a one-month notice period for any changes in working conditions tabled by either employers or employees. In the event of a deadlock, no strike or lockout was to take place until the dispute had been thoroughly investigated by a government-appointed conciliation board and a lapse of a month after the publication of its reports. The Act further specified that a dispute involving fewer than 10 workers was not grounds for the appointment of a conciliation board. In terms of the Act, the findings of the board would become binding only if the parties agreed to the settlement. Most noticeable, however, was the exclusion from the operations of the Act of any person not classified as white.

The introduction of this Act did little to stem the tide of industrial unrest, and there was large-scale industrial unrest during the period 1913-1914. In 1914 the government attempted to table a bill that sought to further curb workers' rights but failed to gain political support from the Labour Party.

The war years of 1914-1918 brought a temporary respite as the white, predominantly English – speaking miners left their jobs for the battlefields of Europe. Some 25 per cent of the white labour force were estimated to have vacated their jobs (Williams, 1989:53). This had the dual effect of creating employment for unskilled white Afrikaners, while also providing new opportunities for the black miners. The introduction of the non-white workers into semi-skilled and skilled positions naturally caused much dissent among the white skilled workers, who felt threatened. However, despite repeated demands made by the unions, the Chamber of Mines refused to dismiss non-Europeans from semi-skilled or skilled positions, since they considered this immoral. In 1918 they did, however, agree to the implementation of a status quo agreement, which stipulated that the ratio of black to white workers in existing positions should be maintained and that no jobs held by white workers should be given to blacks and vice versa (Williams, 1989:53).

1.1.4.2 The Rand Rebellion Period (1911)

However, the mining capital's policy of substitution of black labour for white caused growing dissatisfaction. While whites in skilled positions were protected by the 1911 Act, the white unskilled and semi-skilled labour was substituted by black labour simply because it was cheaper. The crash in the gold price in 1921 did little to ease tensions, and the mines sought drastic measures to cut costs. The Chamber of Mines firstly laid off costly white workers, and secondly, where feasible, substituted cheaper black's workers. This amounted to an erosion of the 1918 Status Quo agreement, and eventually to its withdrawal by the Chambers of Mines. (Venter, 2003:37)

From August to December 1921, mining capital and labour were engaged in intensive negotiations over the wage cuts and changes in working conditions (Davis, 1989:85). In December, mining capital voiced its dissatisfaction with the proceedings and indicated its intention to cut wages further and retrench some 2000 workers, which it proceeded to do unilaterally. In January 1922, the miners came out on strike, followed

by engineering workers and power station personnel in what became the most violent strike in South Africa's history.

The action became known as the Rand Rebellion or the Red Revolt when 20,000 workers came out against the mining capital. The strike was largely organised by white communists who led protests and arson attacks and committed robbery (Williams, 1989:57). By March 1922, the strikes had the Witwatersrand under siege. Martial law was proclaimed on 10 March, and General Smuts called in some 7000 troops, bomber aircraft, and artillery. What had started as a general strike ended in a rebellion, and by the end of it as many as 200 were estimated to have been killed and some 534 people were wounded.

Mining capital saw this as a resounding defeat for white leaders, quickly moved to further substitute inexpensive black labour for white. At the same time, following the events of the 1922 rebellion, the white workers viewed Smuts as having sold them short, and they shifted their allegiance to Hertzog's and Malan's National Party. In 1923, a pact was announced between the National and Labour parties. This coalition went on to oust the Smuts government in the general elections held in June 1924, heralding the start, in 1948, of the 46-years of the National Party, and indeed the period of darkness of South Africa's history (Venter, 2003:38).

Notwithstanding this, however, and before his ouster, Smuts had, in 1923, commissioned the Industrial Board to investigate the circumstances surrounding the 1922 rebellion (Williams, 1989:61). The Board recommended that existing conciliatory boards on the mines be afforded formal statutory recognition, that bargaining in respect of wages and conditions of works be conducted between trade unions and the Gold Producers Committee, and in the event of this bargaining process breaking down, both a conciliation board should be convened, and an independent referee called in before any industrial action could be contemplated (Davis, 1989:88).

1.1.4.3 Industrial Conciliation Act (1924)

An outgrowth of the board's work was the Industrial Conciliation Act of 1924, which was introduced as a bill in 1923 (Williams, 1989:61). The Labour Party was, however, opposed to the bill. Labour saw it as upsetting the power equilibrium in favour of the employer. The bill was seen to disfavour the union movement by forcing it to disclose how it distributed its funds while lacking a similar requirement for the employers.

Furthermore, the bill infringed on the right to strike by imposing serious procedural limitations in the form of mandatory conciliation and mediation preceding the strike (Williams, 1989:61).

A select committee made certain changes to the proposed bill regarding the establishment of conciliation boards, but the limitations on the right to strike remained. When the Act was finally promulgated in April 1924, it filled the need for a formal conciliation mechanism, while simultaneously mandating the registration of white South African trade unions, but still retaining the extensive and rigorous pre-strike requirements. Perhaps the most far-reaching ramification of the Act, however, was that black workers were formerly excluded from the definition of employees. This effectively meant that the blacks were excluded from union membership and the conciliatory process.

It is thus clear that from the discussion so far, South African labour relations in its early developmental stages were characterised by gross racial disparities, with the system being designed exclusively for the protection of the interest of white workers from the encroaching threat of cheaper and often better skilled black labour. Protest action by black workers was strictly controlled by the mine management and the police. At the same time, the inter-tribal conflict made the establishment and organisation of trade unions exceedingly difficult (Finnemore & Van Der Merwe.1992:20).

1.1.4.4 The Wiehahn Commission Period 1979

The commission proposed the amendment of the Industrial Conciliation Act of 1924, the creation of a special court for labour dispute, and the formation of the National Manpower Commission to advise the Department of labour (Fick & High, 1987:81). This commission brought about significant changes to the labour-relations system in South Africa, before the country's first democratic elections in 1994 (Godfrey, Maree, Du Toit & Theron, 2010:57:). The Wiehahn Commission's recommendations had been gradually implemented, with the first changes brought about by the enactment of the post-independence Labour Act of 1992 and later changes implemented through the current Labour Act of 2007. Thus, one of the recommendations that were reached by the Wiehahn Commission was that race should cease to be a criterion for the recognition of trade unions by the government. According to Ferreira (2004), this recommendation was accepted by the government as it encouraged the mobilisation

of black workers since they would no longer be classified and distinguished based on their race.

1.1.4.5 The Labour Relation Act Period (LRA 66 of 1995)

The Labour Relations Act 66 of 1995 was passed to create a forum in which all the parties to industrial relations procedures can relate, as well as to provide a simplified and more flexible dispute resolution framework. As noted by Ferreira (2004), there was an attempt by the democratic government to achieve a balance of power between employee and employer and ensure the cooperation of all the parties involved in the labour process. According to Siphiwo (2008), before the Labour Relations Act of 1995 came into force the dispute resolution system in South Africa was marred by problems especially with regards to statutory procedures that were complex and full of technicalities so that, instead of reducing the disputes, they created additional disputes and intensified industrial action.

Table 1.3 The Development of South Africa Labour Relations (Adapted from Robert Venter, 2003:35)

ORIGINS
Remnants of slavery giving rise to a master-servant relationship. 1856 enactment enforcing registration of contract of employment.

WHITE SYSTEM	**BLACK SYSTEM**
Ordinance 17 of 1907: recruitment of non-white to unskilled position only. Industrial Dispute Prevention Act of 1909; dispute handled through conciliation-excluded non-white. Industrial conciliation Act of 1924 voluntary collective bargaining exclude non-white. Rise to power to Nat in 1948 Industrial Conciliation Act of 1956	Industrial Conciliation 1947 thwarted Nat in 1948. Botha Commission of 1953: on the basis its recommendation, govt institutes Black Labour Relations Act of 1953. This Act handled disputes. Wiehahn Commission of 1979: Initial reaction of govt to pass Industrial Conciliation Amendment Act of 1979 including only residents of South Africa. Disallowed mixed union.

THE DERACIALIZATION OF SOUTH AFRICAN LABOUR RELATIONS
The Govt amends Industrial Conciliation Act 1979 in 1981, creating LRA of 1956, Black Labour Relations Regulations Act was repealed: all trade unions rights were extended to all employees and the mixed unions are now allowed. CODESA takes place after Mandela was released & certain political organisation are unbanned. Interim constitution is drawn up with s 27 enforcing labour relations as a human right, (this was translated into s 25 of the final constitution). New government was elected in 1994. Establishment of Labour Relations Framework, giving effect to various constitutional rights, stating with promulgation of the LRA of 1995, followed by BCEA 75 of 1997, the Employment Equity Act 55 of 1998, Skill Development Act 97 of 1998.

1.2 THE RESEARCH PROBLEM

It is common for multinational corporations in Africa to influence the process of conflict resolution within their new host environments. Multinational enterprise (MNE) may influence public policy and labour relations in the nation in which they operate, particularly in the context of African countries. MNEs should be familiar with the mechanisms in place for the resolution of labour related or commercial disputes in their countries of origin. The MNCs may be asked to close down or be nationalised with the use of a "Hull formula" of prompt, adequate, and effective compensation as set out by the host country (Amusan, 2018). An employment relations system that is governed by law and order is rarely resisted by MNEs who want their way with the

existing labour legislation checking their operation. In the same way, poor countries with political instability, economic malaise and a heterogeneous environment (such as Nigeria) are fertile grounds for resource plunder by multinational corporations (Amusan, 2018). That explains why hotspots in Africa are where most of their operations take place (Coll, 2012: 59). However, there have been some strains to the concept of conflict resolution, which has been posited by numerous academics. In spite of the complexity of the tools and frameworks available, conflict resolution is often hampered by inadequacies in many countries around the world. Unattended conflict at work has a significant impact on employees and the organization, as reported by Dijkstra (2006) a better approach would be to fix the conflict more immediately, as opposed to conducting a fuller, more thorough (and ultimately time-consuming) investigation into the underlying causes. Hevenga (2004:88) further argued that organizations only achieve little by attempting to establish the underlying causes and sources of institutional conflict, as opposed to focusing on the key elements in developing conflict resolution strategies. If the causes of conflict are known and understood, Mayer (2000) proposes a 'conflict map' to guide peace processes.

It is also imperative that the body of knowledge is revised, in essence demanding a paradigm shift concerning determining whether the source or cause of industrial conflict ought to be identified before it can be adequately managed, even if ample tools are in place to alleviate conflict. Ideally, at this point, we must understand how conflict resolution mechanisms work in one country and why they don't work in others. Many countries and organizations of the world have not been able to adopt or implement the best international practices of labour enactments that enhance the protection of workers' interests in their workplace or nation. As a result of the nature of dispute resolution mechanisms in many African contexts, these mechanisms are generally ineffective in resolving industrial conflict.

The degree of adaptation of multinational corporations to the workplace climate of their host countries is another major area in the study. Thus, we have to ask: Would multinational corporations circumvent the employment relationship process or adapt it to suit their existing knowledge base if confronted with employment relations conditions in their host nation? International labour law could be challenged in this context. Briscoe, Schuler, & Tarique (2012), Eweje, 2009, Iyanda & Bello, 1979, & Onimode, 1978) already pointed out that MNEs tend to take the 'line of least resistance' when faced with higher labour standards.

In addition, the effectiveness of the conflict resolution mechanisms enshrined in the processes of each party (MNE and host country) needs to be evaluated in the study. The environment and political climate of the host nation must be considered in order to accomplish this. The government's overbearing and domineering influence over the awards given by the court and other settlement institutions has undermined the integrity of conflict resolution mechanisms and led to the disregard of these institutions. For instance, the Nigerian government has put in place obsolete mechanisms to promote industrial harmony among the actors in industrial relations that have led to an unsuccessful outcome.

Lastly, many countries have incorporated equitable labour-management relations into their labour laws overtime, but instances of non-compliance continue to increase. In some cases, the structure of the bureaucracy, especially the administration of justice, weakens, frustrates, and undermines the process of conflict resolution among the social partners in labour relations. As an example, the Vanguard Newspaper (9, July 2018) reported on picketing outside the offices of the mobile telecommunications service provider by the Nigeria Labour Congress (NLC) on allegations of non-compliance to labour laws and the refusal to allow unionisation of employees in their organisation. The development of such a situation is one of the triggers for this study and calls for a full investigation to understand what is going on in the society in terms of labour relations.

1.3 RESEARCH OBJECTIVES

1.3.1 General Objectives of the Study

- To examine how effective conflict resolution mechanisms are utilised in resolving industrial conflicts within South African and Nigerian employment relations environments.

1.3.2 Specific Objectives of the Study

i. To determine whether multinational companies across the board can influence the process of conflict resolution mechanisms within their new host environments.

ii. To examine the extent to which the multinational corporations adapt to the labour relations climate of the host environments.

iii. To compare the level of efficacy of the mechanisms built into the conflict resolution process of both parties – multinational companies and host countries.

iv. To explore possible non-alignment within the cultures and values of both parties– multinational companies and host countries.

v. To propose a conflict resolution framework that multinational companies that come to Nigeria can adopt for effective performance.

1.4 RESEARCH QUESTIONS

1.4.1 General Questions of the Study

- How are conflict resolution mechanisms employed within South Africa and Nigeria employment relations environments?

1.4.2 More Specific Questions of the Study

i. Do multinational companies influence the process of conflict resolution mechanisms within their new host environments?

ii. To what extent do multinational corporations adapt to the labour relations climate of the host environments?

iii. What is the level of efficacy built into the conflict resolution process of both parties – multinational companies and host countries?

iv. How does it compare to the conflict resolution mechanisms prevailing in multinational corporations?

v. What are the factors that influence the efficacy of conflict resolution mechanisms in both environments?

vi. What kind of conflict resolution framework, for more effective performance, can be proposed for multi-national companies that desire to go to a new host environment?

1.5 SCOPE OF THE RESEARCH

1.5.1 Delineation

The institutionalisation process in labour relations must be considered as the recent study raises concerns. The labour relations are governed by a complex set of laws, policies, and procedures, which regulate and facilitate labour relations (Venter & Levy, 2014). By demonstrating how these rules and regulations galvanize the affairs of the actors in labour relations, the constructed variable "conflict resolution mechanism" can

be applied to the study. Dunlop, (1958) also maintained that an industrial relations system at any particular time in its evolution is composed of actors, contexts, and ideologies that bind the industrial relations system together and a body of rules that govern actors at the workplace.

The study analyses the effectiveness of the rules and regulations put in place to guide the relationships between labour relations actors to see how well they work in different environments, as shown in the illustration above. As labour relations clarified the context in which this relationship takes place, compliance with the labour laws is another parameter the study analyses to determine whether non-compliance exists in the scope of matters. If that exist, it should be dealt with in employment disputes when it comes to multinational company operations in their host environment. Consequently, MNEs influence the process of conflict resolution mechanisms as far as labour legislation is concerned within the host environment. This also forms a critical issue discussed in the study. As a result, the observance and learning of the high-pitched labour relations in South Africa is another area that forms part of the study.

1.5.2 Delimitation

This study pertains to a multinational technology company that has a substantial presence in an African environment, providing information and communications technology (ICT) infrastructure and smart devices in Nigeria and South Africa. The study focuses primarily on two multinational companies in Nigeria and South Africa. There were three groups of participants: HR practitioners, employees in general, and leaders/executive management. Specifically, the researcher looks out for managers who oversee labour relations within both multinational companies, ten managers each from Nigeria and South Africa with experience in labour-management relations. The managers comprised twenty people in total. These people were the top leadership of the company, the executive management and HR directors. Their knowledge of labour relations issues cross-bordered Nigeria and South Africa. Then, two hundred participants from Nigeria and South Africa from those two organizations' general employees were organized for data collection. The study encompasses a total of about four hundred respondents with most of them coming from the human resources unit of that organization. No employees from outside of that organisation took part.

1.6 SIGNIFICANCE OF THE RESEARCH

Practically, the study illustrates how the conflict resolution mechanism acts as an umpire or arbitrator between workers and employers in labour disputes and helps foster harmony at work. Through the experience of industrial democracy and peaceful co-existence within their respective domains, employees and employers alike improve the process of regulating employment relations. Therefore, the significance of any system for settlement of labour disputes in any organisation or country is managing industrial conflict which results in increasing the productivity of employees at the workplace. More also, dispute resolution mechanisms contribute to strengthening the bond between employees, employers, and governments.

Besides, the study makes significant contributions to the academic literature on labour relations by developing a framework for how industrial conflicts should be resolved in organizations and countries. Additionally, it contributes to the body of knowledge by suggesting better conflict resolution processes and procedures for transnational organizations moving from one country to another, particularly those moving to Nigeria to conduct business and in all other African countries. The industrial relations system of South Africa might offer some lessons to Nigeria regarding its mechanisms and institutions for conflict resolution, such as CCMA and NEDLAC since Nigeria will be learning quite a lot from the process and administration of those mechanisms.

1.7 ETHICAL CONSIDERATIONS/COMPLIANCE

The research does not reveal any ethical dilemmas. According to research ethics expectations, this research had observed the following:

-Ethical clearance:

Before conducting the research, the researcher applied for and received ethical clearance approval from the ethics committee of the University of the Western Cape, South Africa. A letter of acceptance from the multinational company also permitted the researcher to research two different countries, Nigeria and South Africa.

-Confidentiality:

Information obtained from participants from the Nigerian and South groups was kept confidential. The research has relied on all information that they provided. There was no information released about the organization's operations or finances.

-Informed consent:

Informed consent was sent to participants before their opinions were solicited, their express consent was sought, and their voluntary participation was secured. The participants were fully informed about every aspect of the study.

-Anonymity:

Written assurances were provided to participants that their anonymity would be respected. As a result, they have been able to freely express their views. The personal information of research participants was not disclosed to any other party, as promised before the research began.

-Non-malfeasance:

Research about this topic was not likely to result in this kind of situation. The researcher ensured that no wrongdoing was committed during the research process.

-Protection from harm:

The researcher ensured that the research project did not harm the participants physically or psychologically, as was also the case when preventing malfeasance.

-Freedom to withdraw from participation:

Participants were informed at the beginning that they could withdraw from participation at any time during the research, without prejudice. As a result, the organization and the participants both have the right to have access to any publications that came out of this research if they so desired.

1.8 THEORETICAL FRAMEWORK

In the past three hundred years, the concept of employees and employers has evolved, which was characterized by divergent interests. While the concept is a contemporary area of study that got its beginning when employees and employers came together for the first time in a formalised setting, the prevalence of conflict sparked by various interactions prompted a need for a better understanding and management of the employment relationship. This relationship has become institutionalised over time through the adoption of rules and regulations governing it (Venter, 2003:6).

The study is based on the following theoretical considerations:

i. **System Theory,**
ii. **Dynamic Model of the Systemic Paradigm,**
iii. **Open System Analysis,**
iv. **Conflict Theory,**
v. **Oxford School.**

The application and implication of the above-mentioned theories to this study will be thoroughly explored and clarified in chapter two.

1.9 DEFINITION AND CLARIFICATION OF TERMS

The following terms describe key concepts used in the current thesis. The definitions of other terms used in the thesis are based on their context.

A **dispute resolution mechanism** may be one of several different processes used to resolve disputes between parties, including negotiation, mediation, arbitration, collaborative law, and litigation. By meeting at least some of each side's needs and addressing their interests, dispute resolution resolves a dispute or conflict (Katie Shonk, 2018).

Armstrong (2003) defines **employment relations** as the areas of human resource management that deal directly with employees or are subject to collective agreements where trade unions are recognized. Employees of the union enjoy good working conditions and welfare. An employee relations manager is generally responsible for managing the relationship between the employer and the employee in the workplace, whether it's formal or informal, such as an employment contract.

A **collective bargaining** relationship is an arrangement in which unions representing employees and employers through their representatives negotiate to conclude a new collective agreement or to renew a previous agreement, or resolve a dispute (ILO, 2002).

In **system theory,** industrial relations are viewed as a living organism with throughputs, inputs, processes, and outputs that should be constantly evaluated. As such, a system changes over time and is influenced by changing actors, ideologies, technologies, and environments (ILO, 2002).

The term "**dispute of interest"** refers to the situation in which there is disagreement about terms and conditions of employment or regarding the renewal of these. Disputes arising out of collective bargaining processes, such as annual salary negotiations, are also disputes of interest (Barker & Holtzhausen 1996:41).

The term **disputes of rights** refer to disagreements related to the interpretation, implementation, or violations of rights. These are rights that may be derived from statutory law, collective agreements, or individual employment contracts, for example, the right to unionize (Barker & Holtzhausen 1996:41).

The term **industrial conflict** refers to the range of behaviours and attitudes that demonstrate the opposition and divergent priorities between individual owners and managers, on the one hand, and workers and their organizations, on the other (Korhauser, Dubin, and Ross, 1995).

1.10 OUTLINE OF THE RESEARCH CHAPTERS

The study proposed to have six chapters outlined below.

Chapter One (1): Overview of the research. The purpose of this chapter in this dissertation is primarily to provide an overview of both South Africa and Nigeria's economies by dealing with their economic conditions in greater detail. A description of South African and Nigerian labour relations was provided as well. Chronologically, the chapter then moves to historical perspectives of industrial relations in South Africa and Nigeria. A cogent analysis was also provided of the objectives, how and what mechanisms were used in the industrial conflict in both environments, and the challenges posed to the effectiveness of conflict resolution mechanisms. This chapter includes research questions, the scope of the study, the significance of the study, definitions, and clarifications of terms.

Chapter Two (2): Literature Review. This chapter presents a critical review of carefully selected literature that presents knowledge about the process, implementation, and interpretation of conflict resolution mechanisms as they affect the relationship and behaviour of employer and employee. As part of its analysis of the middle (functional) level of labour relations activity, this chapter also examines how unions and employers negotiate within the confines of labour laws and the structures they use in those negotiations.

Chapter Three (3): Comparative Analysis of Conflict Resolution Mechanism in Nigeria and South Africa. The chapter provides adequate details of how conflict resolution mechanisms work in both countries by comparing the mechanisms in place to conciliate, arbitrate, and adjudicate industrial disputes as they arise in each region. Highlighting and explaining the differences and similarities between the labour dispute-resolution systems of the two countries.

Chapter Four (4): Research Methodology. Research design and methodology as well as the rationale behind their adoption are presented in this chapter. This chapter discusses in detail the respondents, instruments used, and the data analysis tool used.

Chapter Five (5): Data Presentation, Analysis and Results. This chapter summarizes the quantitative and qualitative data collected through a variety of non-experimental and statistical tools in tables and charts.

Chapter Six (6): Discussion Conclusion and Recommendation. Research findings are based on data collected during the study. In the framework of the literature review and analysis of the results, the findings and discussions are formulated using the data analysed. Finally, the research will present the conclusions and recommendations that relate to the discussion and findings of the thesis, both of which will highlight the significance and relevance of this research to academia and practitioners of industrial relations.

1.11 CONCLUDING REMARKS

The above sections summarized the general background of the study by explaining the divergent views of economic growth between South Africa and Nigeria. Historical perspectives of industrial relations as it relates to employment relations in Nigeria and South Africa were explored in the study. Moreover, problem statements were laid out with the hopes of providing a solution. This study has had its objectives and research questions clarified and relevant concepts defined. There are three sections in the following chapter, the first presents a theoretical and conceptual framework; a conceptualisation of multinationals is presented in the second section, while the third section provides an overview of the history and origin of labour-management relations in Nigeria and South Africa to contextualize the analysis of Nigerian and South African labour relations environments in this study.

CHAPTER TWO: LITERATURE REVIEW

2.0 INTRODUCTION

The chapter is divided into three sections: the first presents the theoretical framework and conceptual framework, the second discusses the concept of the multinational company, the third discusses the history and evolution of labour management in Nigeria and South Africa. Five distinct theories are slated to be examined in the study to clarify and examine the underlying concept of the body of rules as well as regulations-making in an employment relationship that is aimed primarily at conflict resolution mechanisms. As far as the study is concerned, the following relevant theories are listed and critically examined below:

2.1 System Theory

An influential theory for explaining conflict resolution mechanisms is provided by Professor John T. Dunlop (1958), an American economist who developed his own "system theory of industrial relations". Dunlop is widely regarded as one of the world's leading figures in the field of industrial relations. The concept of a system derives from structural/functionalist perspectives of the social system (society). Similarly, this refers to the macro-sociological, orderly, or social system view of society.

As the word 'function' has several different meanings, there are different ways to understand it. These are (i) teleological, where one asks about the goals or ends something serves (ii) mathematical, where one refers to the co-variation of a set of variables, for example, y=f (x); (iii) configurational, where one speaks of the interdependence of a set of elements within a system and asks what contribution each makes to the whole. The approach to industrial relations in the system is configurational. Dunlop developed his theory of industrial relations using the concept of a system, heavily influenced by Parsons' prior work (Fajana, 2000). Ogunbameru (2004) notes that American system approaches to the study of industrial relations were strongly influenced by structural/functionalist sociology.

The system theory by Dunlop has bias toward stability and order. Otobo (2000:17) posits that Dunlop's explanatory model began with a series of questions. How, then, should a system of industrial relations be understood? (Otobo, 2000:17). “In what sense is a ‘system’ involved? The term can be given a rigorous and analytical definition, or should it remain a perceptive phrase that corresponds to observations of

practical experience? Are there any characteristics that all industrial relations systems share? What distinguishes one industrial relations situation from another? Can the same concept be applied to facilitate analysis within and between countries?" (Otobo, 2000::17). These questions posed by Dunlop (1958) were then followed by six general propositions:

i. "An industrial- relations system is to be viewed as an analytical sub-system of an industrial society on the same logical plane as an economic system, regarded as another analytical sub-system. The industrial relations system is not coterminous with the economic system; in some respects, the two overlap and in other respects both have different scopes. The procurement of a workforce and the setting of compensation for labour services are common centres of interest. A systematic explanation of production, however, is within economics but outside the scope of industrial relations. The full range of rulemaking governing the workplace is outside the scope of an economic system but central to an industrial relations system.

ii. An industrial relations system is not a subsidiary part of an economic system but is rather a separate and distinctive subsystem of the society, on the same plane as an economic system. Thus, the theoretical tools designed to explain the economic system are not likely to be entirely suitable to another different analytical subsystem of society.

iii. Just as there are relationships and boundary lines between a society and an economy, so also are there between a society and an industrial relations system. All analysis of the economy makes some assumptions, explicitly or implicitly, about the remainder of the social system, so also must an analysis of an industrial relations system make some assumptions about the rest of the social system.

iv. An industrial relations system is logically an abstraction just as an economic system is an abstraction. Neither is concerned with behaviour. There are no actor whose whole activity is confined solely to the industrial relations or economic spheres, although some may approach this limit. Neither an economic system nor an industrial relations system is designed simply to describe in factual terms the real world of time and space. Both are abstractions

designed to highlight relationships and to focus attention upon critical variables and formulate propositions for historical inquiry and statistical testing.

v. This view of an industrial relations system permits a distinctive analytical and theoretical subject matter. To date, the study of industrial relations has had little theoretical content. At its origin and frequently at its best, it has been largely historical and descriptive. Several studies have used the analysis of economics particularly in treating wages and related questions and other studies, particularly of factory departments, have borrowed the apparatus of anthropology and sociology. Although, industrial relations aspire to be a discipline, and even though there exist separate professional societies, industrial relations have lacked any central analytical content. It has been a crossroads where a few disciplines have met, history, economics, government, sociology, psychology, and law. Industrial relations require a theoretical core to relate isolated facts, to point to new types of inquiries and to make research more additive. The study of industrial relations systems provides a genuine discipline.

vi. Three separate analytical problems are to be distinguished in this framework (a) the relation of the industrial relations to the society as a whole (b) the relation of the industrial relations system to the subsystem known as the economic system and (c) the inner structure and characteristics of the industrial relations subsystem itself." (Otobo,2000:17-19)

(Dunlop, 1958:7) postulated that, an industrial relations system at any one time in its development is regarded as composed of certain actors, certain context, and ideology which binds the industrial relations system together, and a body of rules created to govern actors at the workplace and work community. According to Dunlop, systems theory provides the analytical tools and the theoretical basis to make industrial relations an academic discipline.

2.1.1.1 Certain Actors

The actors that make up the industrial relations system are:

i. A hierarchy of managers and their representatives in supervision

ii. A hierarchy of workers (non-managerial) and their spokesmen

iii. Specialised governmental agencies and specialised private agencies created by the first two actors, concerned with workers, enterprises, and their relationships.

2.1.1.2 Contexts

This refers to the setting in which these actors operate, that is the larger environment that shapes the conduct of, and the rules established by workers, employers, and the state. Dunlop highlights three aspects of the environment.

i. **Technological Characteristics of the Workplace and Work Community**: These influence the form of management and employee organisation and the problems posed for supervisors. Thus, the adopted technology will greatly determine the size and skills of the workforce as well as the availability of labour. It also affects health and safety at the workplace. The adopted technology has far-reaching consequences in determining IRs rulemaking.

ii. **Market/Budgetary Constraints**: The products market or budget is a decisive factor in shaping the rules established by an industrial relations system. More so, the market or budgetary constraints also indirectly influences the technology and other characteristics of the workplace, including the scale and size of operations. In all, an industrial relations system created and administered by its actors is adaptive to its market and budgetary constraints (Otobo, 2000). More so, the profitability of the enterprise depends on its product market.

iii. **The Locus and Distribution of Power in the Larger Society**: The relative distribution of power among the actors in the larger society tends to a degree to be reflected within the industrial relations system. Thus, the distribution of power within the industrial relations system is affected by the distribution of power in the wider society. Dunlop is not concerned about the distribution of power within the industrial relations system, nor with the relative bargaining powers among the actors, nor their controls over the processes of interaction or rule set, rather the reference to the distribution of power outside the industrial relations system. Thus, the wider society is seen as providing certain external influences and constraints but not as completely dominating the industrial relations system (Odogwu &Okpala, 2012).

2.1.1.3 A Body of Rules

The actors in given contexts establish rules for the workplace and work community. Actors establish rules that govern their interactions. Dunlop referred to this as the “web of rules” that governs the parties. He further mentioned that this web of rules consists of procedures for establishing rules, the substances rules, and the procedures for deciding their application to a situation. The establishment of these procedures and rules---- the procedures are themselves rules----- is the centre of attention in an industrial relations system. The establishment and administration of these rules is the major concern or output of the industrial relations sub-system of industrial society. Over time the rules may be expected to be altered because of changes in the contexts and the statuses of the actors. In a dynamic society the rules, including their administration, are under review and change.

2.1.1.4 Ideology

Ideology connotes a set of ideas and beliefs commonly held by the actors that helps to bind or integrate the system as an entity. According to Otobo (2000:28) citing Dunlop, “each of the actors in an industrial relations system may be said to have its ideology. Dunlop insists rather strongly that all these ideologies must be sufficiently compatible or consistent to permit a common set of ideas which recognise an acceptable role for each actor”. Dunlop assumes that the ideology of the industrial relations (IRs) system must be one or the same among the actors.

2.1.2 The Dynamic Model of the Systemic Paradigm

The dynamic model of the systemic paradigm of industrial relations is a refinement to Dunlop’s analytical framework. This dynamic model is credited to Blain and Gennard (1970). The duo adopted Dunlop’s proposition of an industrial relations system being on the same logical plane as the economic subsystem. Their work centred on classifying the variables in an industrial relations system into dependent and independent variables, a task the Dunlop model made difficult to achieve. They expressed the industrial relations system algebraically as shown below:

$r = f(a, t, e, s, i)$

Where, r = the rules of the industrial relations system

a = the actors

t = the technical context of the workplace.

e = economic or the market/budgetary constraint

s = the power context and the status of the parties

i = the ideology of the system.

From the above equation, the rules can be viewed as the dependent variables being determined by the interaction of the five independent variables. Thus, the function of the industrial relations system is to establish a set of rules for the workplace and work community. In a dynamic society, the rules will frequently alter because of changes in the contexts or environment. Thus, the dynamic model emanated as a response to the criticisms levelled against the Dunlop system model which has been criticised as having a static view of industrial relations.

2.1.3 The Open System Analysis

Dunlop's systems theory uses the term 'system' in a too loose and undefined manner. The open system analysis is concerned with looking at the industrial relations system in terms of inputs and outputs and the interaction with the environment. According to Koontz, O' Donnel and Weihrich (1980::19) "almost all life is a system. Our bodies certainly are. Our homes and universities are, as are our government agencies and our businesses." Systems have interrelated parts which work together to form a complex unity or whole. The features of a system are as follows:

- ***Whole***: a system is more than the sum of its parts. It must be viewed.
- ***Closed or open***: A system is regarded as open if it exchanges information, energy, or material with its environment. A closed system does not have interactions with its environment. All social systems are by nature open systems.
- ***Boundary***: Every system has boundaries that separate it from its environment.
- ***Input and output***: All systems which interact with the environment are amenable to receiving inputs from other systems and giving output to other systems.
- ***Feedback:*** An informational input that tells whether the system is indeed at least achieving a steady-state and is not in danger of destruction.

- ***Homeostatic***: This is referred to as dynamic homeostatic (steady state). Hence an organisation will not be able to survive if its inputs do not at least equal its outputs.
- ***Subsystems***: Except for the Universe, all systems are subsystems. That is every system is a component of other larger systems.
- ***Equifinality***: All open systems have common ends or objectives as everyone performs in a manner that will enhance the attainment of the broad objectives of the system.
- ***Differentiation and Elaboration***: As the system grows, it tends to become more specialised in its elements and to elaborate its structure. This is exemplified by the expansion of product lines or the creation of new sales offices by an organisation.

Furthermore, John Dunlop (1984), states that in western societies, "give and take of the marketplace" and "government regulatory mechanism established by the political process" ranging from courts to administrative tribunals constituted "two approved arrangements over the past 200 years" for resolution of disputes among groups and organisations. The inability of the marketplace mechanism to achieve a social purpose and general dissatisfaction of the stakeholders with the government's regulatory role prompted the policymakers to seek alternatives that led to the establishment of independent regulatory and dispute settlement mechanisms. Even with these institutions, the question remains as to how we assess the quality of dispute resolution systems and how do we rate one against the other.

2.1.4 Conflict Theory

Additionally, to have a piece of comprehensive knowledge of the concept of conflict resolution mechanism it is imperative to consider conflict theory. Conflict theory is synonymous with the pluralist or the pluralistic frame of reference which is credited to Alan Fox (1966). Conflict theory views the organisation as the coalescence of sectional groups with different values, interests, and objectives. Thus, employees have different values and aspirations from those of management, and these values and aspirations are always in conflict with those of management. Conflict theorists argue that conflict is the inevitable, rational, functional, and normal situation in organisations, which is resolved through compromise and agreement or collective bargaining. Conflict

theorists view trade unions as legitimate challenges to managerial rule or prerogatives and emphasise competition and collaboration. This view recognised trade unions as legitimate representative organisations which enable groups of employees to influence management decisions (Rose, 2008). Rose further stated that the pluralist perspective would seem to be much more relevant than the unitary perspective in the analysis of industrial relations in many large, unionised organisations and congruent with developments in contemporary society.

2.1.5 Oxford School

For further clarification to the concept of the research, it is vital to also adopt the oxford school theory to expatiate on conflict resolution mechanisms. The oxford school emerged from the systems approach as both focus on institutions of industrial relations, although the point of difference is merely on emphasis. This approach is credited to Allan Flanders, a British academic. According to Flanders as cited in Hyman (1975::11), “industrial relations is the study of the institutions of job regulation”. Since the oxford school does not necessarily have to constitute a self-contained approach and has the elements of the systems theory, it should probably be viewed merely as a variant of the systems approach (Fajana, 2000).

Flanders opined that the rules of any industrial relations system are procedural and substantive. The procedural rules regulate the behaviour of parties to the collective agreements trade unions and employers or their associations, whereas the substantive rules regulate the behaviour of employees and employers as parties to individual contracts of employment.

It is the substantive rules of collective bargaining that regulate jobs. Thus, the collective agreement is made up of both procedural and substantive clauses. Some of the institutions of job regulation are internal as well as external. Internally, there is joint consultation, the grievance procedure, a code of disciplinary works’ rules, a factory wage structure, and a host of others. Externally, other institutions limit the freedom of the enterprise and its members in their rule-making activities, such as protective labour legislation, the rules of trade unions and employers’ associations. The rules of the industrial relations system are viewed as being determined through the rule-making process of collective bargaining which is regarded as a political institution involving a power relationship between employers and employees. The oxford approach can be expressed algebraically in the form of an equation. r = f (c)

Where r = the rules governing the industrial relations system.

c = collective bargaining

When the equation is compared with the equation of the dynamic systems model which states that r = f (a, t, e, s, i), the distinction between the dynamic systems model and the oxford approach lies on the right-hand side of the equation. But both have the same output but different inputs. The oxford approach has stressed the process of rulemaking through collective bargaining while the dynamic system model emphasises the role of wider influence on rule determination. For the oxford approach, political variables are of paramount importance but for the dynamic system model, economic, sociological, and ideological variables are thought to be significant.

2.2 CONCEPTUAL FRAMEWORK

In the industrial relations system, theorizing is a continuous process in the way knowledge is gathered, even if there are different opinions about the rules and regulations that shape the employment relationship. Suitable conceptualization of the research requires a focus on the body of rules established by workers, employers, and the state that guide the actors in industrial relations, as described in the Dunlop system theory.

Additionally, it is undoubtedly true that the procedure for making and enforcing rules governing the workplace and the work community plays a very important role in industrial relations. Let us examine the factors that prevent adherence and conformity to these laws, which are intended to offer solutions to industrial conflict in the industrial relations system. A system of industrial relations should also be focused on the level of efficiency built into these rules. These rules must be administered and regulated effectively to resolve an industrial conflict within the industrial relations system in a lasting manner.

The functionality and practicality of these rules at one workplace and work community, as well as the unreliable nature of these rules at another workplace and work community should be considered. In the current situation, why do these rules and processes work in one place of work, but not in another? Specifically, were these rules enforced and administered due to the establishment of specialized agencies? Does the (resolution mechanism) set of rules itself not measure up to an international

standard? Dunlop also mentioned that these rules are frequently reviewed and changed in a dynamic society, but the researcher believes, therefore, that the specialized government agencies (minister of labour) assigned this role of drafting, reviewing, and modifying the labour laws are not faithful in their assemblage of it. For example, the overbearing and domineering influence of the government on the institutions in Nigeria's labour laws has contributed to the collapse of the overall industrial relations system.

Hence, the establishment and administration of these rules, as proposed by Dunlop, must go beyond procedural and substantive issues alone, but also include an appropriate (resolution mechanism) set of rules for conflict resolution in the industrial relations system must also be considered. The actors in labour relations must establish the rules that will allow them to coexist in their employment relations. Whenever work community conflicts arise, workers should be treated fairly at their workplace by following the rules and procedures that have been established.

Power-sharing among industrial relations actors arose in the rulemaking process within the industrial relations environment, so, understandably, some ministers, commissioners, or government agencies in the administration of these rules received far too much power, which, in the end, undermined the process and procedure. Dunlop asserted that each actor in a system of industrial relations has its ideology. Do the legal procedures put into effect to govern those actors take into account the different ideologies these actors hold? In the workplace and to the work community, there would be pandemonium without the rules of law set aside to mediate the activities of the industrial relation actors.

In the technology context of the workplace, the use of technological advancement to make the workplace better should be based on adherence to the rule of law. Labour supply and demand in an economic context must be determined by legal contracts of employment, which are governed by laws created by either the employer or the government.

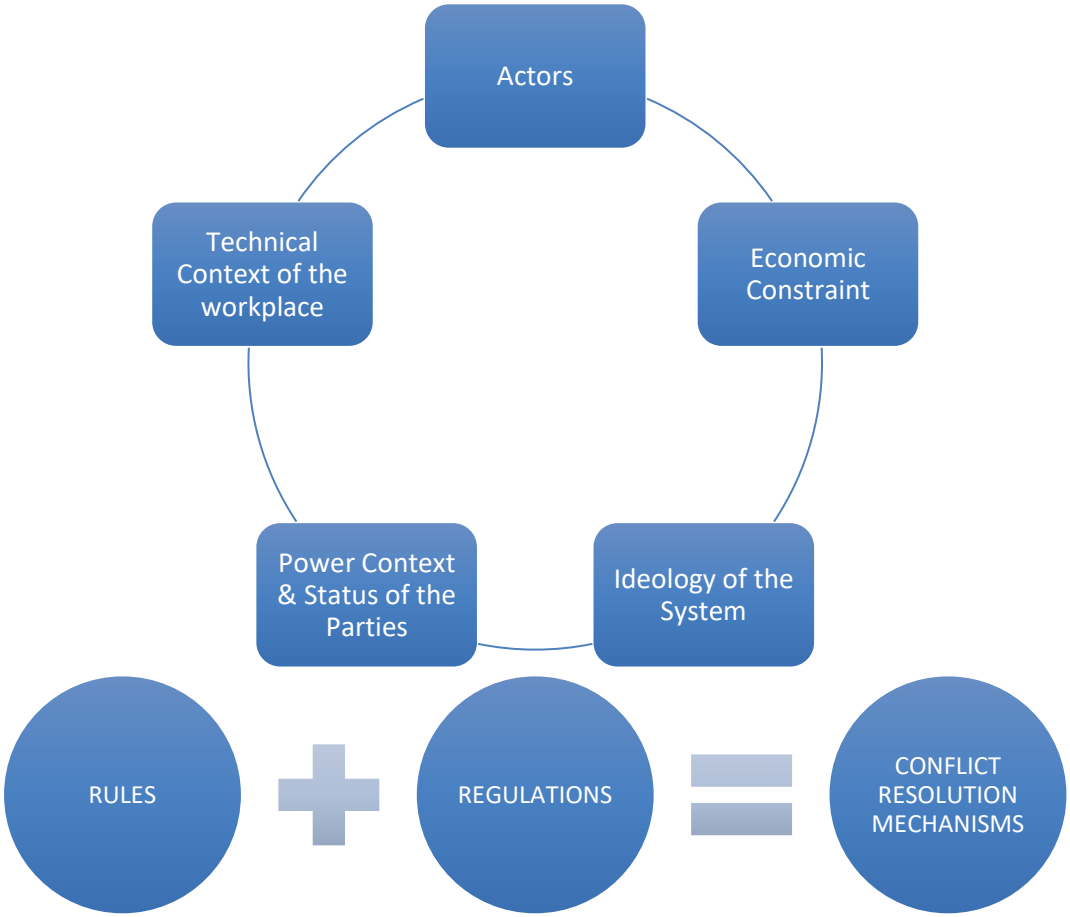
The power context and the status of the parties elaborated by the dynamic model, in line with the power distributed or allocated to the industrial relations actors should also be premised upon effective and efficient conflict resolution mechanisms. Even though

each actor demonstrates the power as it is centred on rules, there is an argument on the enormous power given to certain actors such as the state (minister of labour).

Lastly, employers, employees, and government always have divergent ideologies of industrial relation discipline, which always results in conflict in the workplace and work community. Nevertheless, it is expected that each ideology of the actor must be followed in line with the organisation's objective. The whole interaction and the relationship of the employees, the employers and the government must be galvanised under the listed below dependent and independent variables.

2.2.1 Adjusted equation for the study

R(CRM) = F (A, T, E, S, I)
Where, R = the rules of the employment relations (Conflict Resolution Mechanism)
A= Actors
T= Technical context of the workplace
E= Economic or the market/budgetary constraint
S= Power context and the status of the parties
I = Ideology of the system



Source: Author, 2020.

The open system theory by Koontz, O' Donnel and Weihrich (1980) criticised Dunlop's theory for using the term 'system' in a too loose and undefined manner. They stated that the systems theory is unacceptable simply because the postulation of Dunlop's system theory paraded all aspects of industrial relations by saying "an industrial relations system at any one time in its development is regarded as comprised of certain actors, certain context, and ideology which binds the industrial relations system together, and a body of rules created to govern actors at the workplace and work community". This succinct explanation by Dunlop encapsulates the nature of industrial relations. However, it is not possible to look at the issues of industrial relations from the inputs and outputs perspective. This is not an operation management system that explains the concept of input and output, and giving all those features by Koontz, O' Donnel and Weihrich (1980). In describing industrial relations, the open system theory is an empty proposition because the emphasis is always focusing on the employment relationship that consists of all aspects of human resource management that deals with employees directly. Through sophisticated conflict resolution mechanisms that

address industrial conflict where trade unions are recognised, the open theory has moved out of the industrial relation system as it did refuse to explain any single term in the field of labour relations.

In general, conflict theory holds that conflict is a rational, natural, and normal situation in organizations that is resolved through compromise, agreement, or collective bargaining as described by Alan Fox, 1966. Despite their claim that conflict is inevitable in an organization, conflict theorists have failed to explain and contain the sources of conflict. According to some scholars, when the source of conflict is identified, then there will be a way to resolve it. They have all failed by not recognising a prodigious method to resolve industrial conflict. The Oxford School of thought also supports Dunlop's system theory and further corroborates some concepts that apply to institutions of job regulations in employment relations. Therefore, the research aims to shed more light on the efficacy of mechanisms for conflict resolution in employment relations promulgated by industrial relations actors.

2.3 AN OVERVIEW OF MULTINATIONAL COMPANIES

The section examines the flora of multinational companies and the intricacies of how their operations impact employment relations in the context of conflict resolution mechanisms within the host environment. The literature indicates that multinational companies do not perform without influencing labour relations policy, and laws that govern the operations in their host environment. According to it, multinational companies are always compliant with labour conflict resolution mechanisms within the environment they operate from which they are comfortable and adapt to. When multinational companies are confronted with labour laws that are rigid and highly exalted within labour relations, they often seek to circumvent the process of the mechanisms that regulate the employment relationship.

In a globalised international society, the free market and economic liberalism play a crucial role in shaping the actions of multinational companies. According to economic realists, individuals are rationally motivated to maximise their under-priced aims of self-interest and thus, when individuals act rationally, markets arise, and these markets function best in a free-market system with little government intervention. In this way, international wealth is maximised through unrestricted trade (Mingst, 2014:310).

International companies are seen by many economists as the vanguard of liberal democracy (Mingst, 2014:311). The liberal ideal of interdependent world economies is fully embodied by them. The integration of national economies has gone beyond trade and money to include the internationalization of production. Production, marketing, and investment are being organized on a global scale rather than by isolated national economies (Gilpin & Robert 1975:39)

Another theoretical dimension of multinational corporations' role is that they interfere with the cultural development of local and national responses as a result of globalisation. Historically, there has been an emphasis on cultural management here at least since the 1960s. Ernest Dichter, an architect of Exxon's international campaign, recognized in the Harvard Business Review of 1962 that overcoming cultural resistance required an "understanding" of the countries in which a corporation operated. He observed that companies with "foresight to capitalise on international opportunities" must recognise that "cultural anthropology will be an important tool for competitive marketing".

However, the desired outcome was not the assimilation of foreign firms into national cultures, but the creation of "world customers". Creating a global corporate village required managing and reconstituting national attachments. There was no denial of the naturalness of national attachments, but globalisation of the way nations defines themselves (James, Paul 1983, p.63).

2.3.1 The Nature of Multinational Companies

A multinational company is usually a large corporation incorporated in one country which produces or sells goods or services in various countries (Doob, 2013). The two main characteristics of multinational companies are their large size and the fact that their worldwide activities are centrally controlled by the parent company. The roles and functions of multinational companies include:

- Importing and exporting goods and services,
- Making significant investments in a foreign country,
- Buying and selling licenses in foreign markets,
- Engaging in contract manufacturing — permitting a local manufacturer in a foreign country to produce their products,

- Opening manufacturing facilities or assembly operations in foreign countries.

MNCs may gain from their global presence in a variety of ways. MNCs can benefit from (a)economy of scale by spreading R&D expenditures and advertising costs over their global sales,(b) pooling global purchasing power over suppliers, and (c) utilising their technological and managerial know-how globally with minimal additional costs, (d)using their global presence to take advantage of under-priced labour services available in certain developing countries, and (e)gaining access to special R&D capabilities residing in advanced foreign countries (Eun & Resnick 2017).

Clouding all the above-supposed benefits, however, remains the problem of moral and legal constraints upon the behaviour of multinational corporations since they are effectively "stateless" actors. This is one of several urgent global socioeconomic problems that emerged during the late twentieth century (Gary, 2004).

Potentially, the best framework for analysing society's governance limitations over modern MNEs is the concept of "stateless corporations" coined, at least, as early as 1990 in Business Week. The concept was theoretically clarified in 1992 by the view that an empirical strategy for defining a stateless corporation is with analytical tools at the intersection between demographic analysis and transportation research. According to Holstein (1990) and later Voorhees et al, (1992) this intersection are known as Logistics Management, and it describes the importance of rapidly increasing global mobility of resources. In the long history of analysis of multinational corporations, we are some quarter centuries into an era of stateless corporations -

corporations that meet the realities of the needs of source materials on a worldwide basis and to produce and customise products for individual countries (Holstein, 1990: 98).

One of the first multinational business organisations, the East India Company, was established in 1600 (Medard & Bruner, 2003). After the East India Company, came the Dutch East India Company, founded March 20, 1602, which would become the largest company in the world for nearly 200 years. The main characteristics of multinational companies are:

• In general, there is a national strength of large companies as the main body, in the way of foreign direct investment or by acquiring local enterprises, established subsidiaries or branches in many countries.

• It usually has a complete decision-making system and the highest decision-making. centre, each subsidiary or branch has its own decision-making body, according to their different features and operations to make decisions, but its decision must be subordinated to the highest decision-making centre.

• MNCs seek markets worldwide and rational production layout, professional fixed-point production, fixed-point sales products, to achieve maximum profit.

• Due to strong economic and technical strength, with fast information transmission, as well as funding for rapid cross-border transfers, the multinational has stronger

competitiveness in the world.

• Many large multinational companies have varying degrees of monopoly in some areas, due to economic and technical strength or production advantages.

"Multinational enterprise" (MNE) is the term used by international economists and similarly defined with the multinational corporation (MNC) as an enterprise that controls and manages production establishments, known as plants, located in at least two countries (Caves, 2007:1). The multinational enterprise (MNE) engages in foreign direct investment (FDI) as the firm makes direct investments in host country plants for equity ownership and managerial control to avoid some transaction costs across countries Caves, 2007:69).

A ‘transnational corporation’ differs from a traditional multinational corporation in that it does not identify itself with one national home. While traditional multinational corporations are national companies with foreign subsidiaries (Drucker, 1997::167), transnational corporations spread out their operations in many countries to sustain high levels of local responsiveness. An example of a transnational corporation is Nestlé, which employs senior executives from many countries and tries to make decisions from a global perspective rather than from one centralised headquarters (Schermerhorn, 2009). Another example is the Royal Dutch Shell Company, whose headquarters is in The Hague, Netherlands, but whose registered office and main executive body are headquartered in London, United Kingdom.

Multinational corporations may be subject to the laws and regulations of both their country of origin/domicile and the additional jurisdictions where they are engaged in business. In some cases, the jurisdiction can help to avoid burdensome laws, but regulatory statutes often target the "enterprise" with statutory language around "control" (Blumberg, 1990).

2.3.1.1 Globalisation Conceptualisation

One other concept that is closely associated with the subject matter of this study is that of globalisation. Globalisation can be defined as a process of increasing global connectivity, integration, and interdependence in the economic, social, technological, cultural, political, and institutional spheres. Globalization, for instance, refers to processes that reduce barriers between countries and increase integration on world markets, thus increasing the pressure for assimilation towards international standards (Ali, 2005; Frenkel and Peetz, 1998; Macdonald, 1997).

The economic aspects of globalisation are the most visible and important ones. These include intensifying economic competition among nations, rapidly expanding international trade and financial flows and foreign direct investment (FDI) by multinational corporations (MNCs), disseminating advanced management practices and newer forms of work organisation and, in some cases, sharing of internationally recognised labour standards.

Globalisation enhances competitiveness, both at the company level and national level, which leads company management and governments to adopt strategies designed to increase labour effectiveness in terms of productivity, quality and/or innovation. In general, globalisation involves economies that are open to international competition and that do not discriminate against international capital. Therefore, globalisation is often accompanied by a liberalisation of the markets and the privatisation of productive assets. At the same time, globalisation has contributed to rising unemployment, increasing casual employment, and weakening labour movements (Ali, 2005).

The most important effects of economic globalisation include the following:

- increasing integration of global economic activities,
- rising competitiveness,
- relocation of economic activities,

- structural changes in the economy,
- rapid technological advancements and innovation.

Increased competition in global markets has created the demand for more specialised and better-quality items. This has led to higher volatility in product markets and shorter product life cycles which, in turn, requires companies to respond quickly to changes in market demand. In terms of production organisation, new technologies increase the scope for greater flexibility in the production process and resolve any information and coordination difficulties that previously limited the production capacity of enterprises in different locations around the world (Macdonald 1997). Due to the growth in competitiveness, companies increasingly focus on the demands of international and domestic niche markets in a way that contributes to a growing individualisation and 'collectivism' of work. Moreover, new technology has made it possible to produce the same level of production output with fewer workers. In both situations, an increased emphasis is placed on workers having higher value capacities and skills to perform a variety of jobs. This development has blurred the functional and hierarchical distinctions between different types of jobs and between labour and management in general.

Also, efforts to improve products through innovation, quality, availability, and pricing have led companies to set up cross-functional development teams, thus transcending the traditional boundaries between engineering, manufacturing, and marketing. These developments have been accompanied by the erosion of the standardised, segmented, stable production process which had facilitated collective industrial relations (Macdonald, 1997). These changes are also associated with a continuing shift in employment from manufacturing to service-oriented industries – in other words, jobs shift from traditional manual occupations to various forms of white-collar employment.

MNEs operations spread across the globe; they operate in industrial, commercial and services organisations. They have affiliates producing and selling through integrated networks in at least one or more other countries rather than merely selling abroad without fixed assets invested in such host countries (Fajana, 2000).

MNEs relocate many amounts of capital between countries as the need arises and they employ people of various nationalities under the prevailing labour laws in the host

country. The subsidiaries are controlled by the financial, technological, and managerial personnel at the headquarters. They are inevitably characterised by extremely large size, having in some cases, annual sales worth as much, in money terms, as the gross national product of some developing countries (Fajana, 2000).

In more recent times, multinational corporations have grown in power and visibility, but have come to be viewed more ambivalently by both governments and consumers worldwide. Indeed, multinationals today are viewed with increased suspicion given their perceived lack of concern for the economic well-being of geographic regions and the public impression that multinationals are gaining the power to national government agencies, international trade federations and organisations, and local, national, and international labour organisations (Wilburn, 2003).

Despite such concerns, multinational corporations appear poised to expand their power and influence as barriers to international trade continue to be removed. Furthermore, the actual nature and methods of multinationals are in large measure misunderstood by the public, and their long-term influence is likely to be less sinister than imagined. Multinational corporations share many common traits, including the methods they use to penetrate new markets, the way their overseas subsidiaries are tied to their headquarters operations, and their interaction with national governmental agencies and national and international labour organisations (Wilburn, 2003)

There are over 40,000 multinational corporations currently operating in the global economy, in addition to approximately 250,000 overseas affiliates running cross-continental businesses.

In 1995, the top 200 multinational corporations had combined sales of US $7.1 trillion, which, at the time, was equivalent to 28.3 percent of the world's gross domestic product. The top multinational corporations are headquartered in the United States, Western Europe, and Japan; they can shape global trade, production, and financial transactions.

Multinational corporations are viewed by many as favouring their home operations when making difficult economic decisions, but this tendency is declining as companies are forced to respond to increasing global competition. (Francis, 1993).

Although foreign direct investment in developing countries rose considerably in the 1990s, not all developing countries benefited from these investments. Most of the foreign direct investment went to a very small number of lower and upper middle income developing countries in East Asia and Latin America. In these countries, the rate of economic growth is increasing and the number of people living at the poverty level is falling. However, there are still nearly 140 developing countries that are showing very slow growth rates while the 24 richest, developed countries (plus another 10 to 12 newly industrialised countries) are benefiting from most of the economic growth and prosperity. Therefore, many people in developing countries are still living in poverty (Wilburn, 2003).

Similarly, multinational corporations are viewed as being exploitative of both their workers and the local environment, given their relative lack of association with any given locality. This criticism of multinationals is valid to a point, but it must be remembered that no corporation can successfully operate without regard to local social, labour, and environmental standards and that multinationals in large measure do conform to local standards in these regards (Wilburn, 2003).

Multinational corporations are also seen as acquiring too much political and economic power in the modern business environment. Indeed, corporations can influence public policy to some degree by threatening to move jobs overseas, but companies are often prevented from employing this tactic given the need for highly trained workers to produce many products. Such workers can seldom be found in low-wage countries. Furthermore, once they enter a market, multinationals are bound by the same constraints as domestically owned concerns and find it difficult to abandon the infrastructure they produced to enter the market in the first place. The modern multinational corporation is not necessarily headquartered in a wealthy nation. Many countries that were recently classified as part of the developing world, including Brazil, Taiwan, Kuwait, and Venezuela, are now home to large multinational concerns. The days of corporate colonisation seem to be nearing an end (Wilburn, 2003).

While no one doubts the economic success and pervasiveness of multinational corporations, their motives and actions have been called into question by social welfare, environmental protection, and labour organisations and government agencies worldwide.

National and international labour unions have expressed concern that multinational corporations in economically developed countries can avoid labour negotiations by simply moving their jobs to developing countries where labour costs are markedly less. Labour organisations in developing countries face the converse of the same problem, as they are usually obliged to negotiate with the national subsidiary of the multinational corporation in their country, which is usually willing to negotiate contract terms only based on domestic wage standards, which may be well below those in the parent company's country. Finally, government agencies fear the growing power of multinationals, which once again can use the threat of removing their operations from a country to secure favourable regulation and legislation. (Wilburn, 2003).

2.3.1.2 Legislative/Instrumentality Imperatives for Multinational Enterprises' Labour Relations operations.

It is generally acknowledged that no legislation can bind MNEs to adhere to higher labour standards in their operations than those applicable in the host country, but such international labour standards or instruments could have a great persuasive force. It is also expedient to further give attention in this paper to some of such international instruments on the duties of MNEs about employment relations. Such international instruments include:

2.3.1.2.1 A - ILO Tripartite Declaration of Principles concerning MNEs and social policy (5th edition)- (2017)

This Declaration sets out principles in the fields of employment, training, conditions of work and life, and industrial relations which governments, employers' and workers' organisations and multinational enterprises are recommended to observe voluntarily; its principles shall not limit or otherwise affect obligations arising out of ratification of any ILO Convention (ILO, 2017).

The principles set out in the MNE Declaration are commended to governments, employers' and workers' organisations of home and host countries and multinational enterprises themselves. The principles thereby reflect the fact that different actors have specific roles to play.

Multinational enterprises should fully consider established general policy objectives of the countries in which they operate. Their activities should be consistent with national law and in harmony with the development priorities and social aims and structure of

the country in which they operate. To this effect, consultations should be held between multinational enterprises, the government and, wherever appropriate, the national employers' and workers' organisations concerned.

Governments of host countries should promote good social practices under this declaration among multinational enterprises operating in their territories. Governments of home countries should promote good social practice by this Declaration among their multinational enterprises operating abroad, having regard to the social and labour law, regulations, and practices in host countries as well as to relevant international standards. Both host and home country governments should be prepared to have consultations with each other, whenever the need arises, on the initiative for a better environment (ILO, 2017).

2.4 HISTORY AND ORIGIN OF LABOUR-MANAGEMENT RELATIONS IN NIGERIA

Disputes between labour and management in Nigeria have been accumulating in recent years, and the government's response using the adversarial method leaves a bad impression. In Nigeria, a change in conflict-handling styles is required. The country is Africa's largest oil exporter, producing more than two million barrels per day, unable to afford a modest minimum wage pay (a new national minimum wage had been due since 2016). The Minimum Wage Act prescribes a five-yearly cycle of review in the arena of labour relations. If this is done for civil servants, then decent labour relations may be created, as well as social infrastructure for investors, both local and foreign.

Education for peace and justice has lacked the impetus it should have since the advent of civilian administration in 1999, and it should be at the heart of any developing country's development strategy. The theory of pacifism coined by the French peace campaigner, Emile Armand (2016), that peaceful, rather than violent or belligerent relations should govern human intercourse, was applied. Lack of awareness of other non-adversarial methods of resolving conflicts has led to its persistence, which has cost the country so much loss in human and material resources. (Layiwola, Salawu & Aina, 2017)

To convey relevant knowledge, a labour-relations dispute resolution should be staffed with people skilled in conflict resolution mechanism studies. A train-the-trainer

approach to knowledge transfer is also necessary. Nigeria's government needs to exhibit good governance. Due to the high rate of illiteracy in the country, a greater focus must be given to conflict resolution mechanisms, especially among the workforces. Conflict resolution mechanisms as a tool for mediation will promote a congenial environment in Nigeria's labour relations management (Layiwola, Salawu & Aina, 2017).

2.4.1 Subsistence Agricultural Period in Nigeria

Nigeria's labour-management relations began with the advent of agriculture as a means of employment. Agriculture encompasses all agricultural activities, as well as crops, poultry, and livestock, and before the discovery of oil in 1956, agriculture was Nigeria's main economic engine, providing more than 70 percent of the country's employment and resources. In the past, agriculture dominated the economy of Nigeria (Adebisi, 2013). There was already a labour-management relationship in Nigeria before the colonial era due to the overwhelming agricultural economy, culture, and traditions (Ubeku, 1984). A typical employer was a family head whose employees were members of both his immediate family and extended family (Yesufu, 1964).

Their employment relationship is derived from family ties, so the head of the family is the worker. On top of that, Nigerians are yet to learn how to receive wages for their work (George, Owoyemi, Onokala, 2012). The remuneration for such occasions was extremely basic due to the rural economy without monetary exchange or probably to reciprocate good gestures by helping another individual. Providing security in terms of invasion of the friend's farm or household by an enemy and in some cases as part of the bride price for a very beautiful fiancée.

As Lovejoy (1974) points out, "Commodities were used for exchange for goods and services, and this was called barter trading". The reason for this is that at the time, Nigerians did not have their own currency, so all exchanges relied on the commodity they possessed to purchase goods and services. Iwuji (1968) explains that employment relations in Nigeria before colonialism were governed by the employer or family head who decided on the reward system, recruitments, promotions, and selections, not necessarily based on merit or seniority. Additionally, he provided food, housing, and security for all employees (mostly family members) and even decided when and with whom they would get married. "This form of employment relations practice was termed the paternalistic employment relationship practice," Ubeku (1984)

wrote.”. The British voluntarism employment relations practice replaced the employment relationship. During the 18th and 19th centuries in England, the Industrial Revolution got started. The advent of British voluntarism employment relations practice did not immediately alter the employment relationship between employers and employees.

2.4.2 Wage Employment Relations Period (1800-1900) in Nigeria

George, Owoyemi, Onokala, (2012) noted that wage employment began with the advent of British colonists - Mungo Park, and his team - on 20 July 1795, when they entered what is currently Nigeria. Afigbo (1991) explained that Mungo Park employed two guides, Amadi and Isaac, and paid them wages in keeping with the practice of employment relations in colonial England. Sadly, at that time wage employment was unknown in areas to become known as Nigeria. Mungo Park was unaware of the implications of what he did; he had unknowingly introduced the British voluntarist practice of employment relations, which implies the law allows workers to form unions, and employers to form employers' associations, and leaves the two to work out their problems without further government interference. If either party overstepped the boundary of what was proper, the law could intervene to ensure fair play. Certainly, when wage employment was unconsciously introduced to Nigeria, the people could not accept the situation immediately.

As a result of the absence of universally accepted or standardised currencies until 1872, Iwuyi (1968) believes wage employment was severely hindered. As noted by Dike (1956), the British pounds, shillings, and pence were introduced to all the former British colonies in West Africa, including Nigeria, through the West African Currency Board in 1912. Barter was the original method of trading before goods and services could be exchanged - this was done by exchanging commodities. As all these currencies had fluctuating values depending on the region and time of year, they could not be considered universally accepted.

As Iwuyi (1968) finds, at first, workers were recruited through the chiefs who acted as hiring agents or third parties; slaves, their children, and children of less-favoured wives were frequently used. Wage employment was then considered demeaning, as slaves could only work for non-biological relatives.

According to Ubeku (1984), wage workers were not used to the discipline involved in work, because only the lowest class of slaves - those captured during inter-tribal wars -, followed by those with debts to their parents and unable to pay them, were disciplined. Hills (1976) & Yesufu (1967) conclude that workers in this new system had to report to work at a certain time, they could only go to eat at a certain time, and they could only close at a certain time; this was the lowest form of slavery. Moreover, Yesufu (1967) explains that workers who were late and who went to work unauthorised were fined. At the end of each month, the fine was deducted from their meagre salaries, ranging from a couple of dollars to a full day's pay.

In George, Owoyemi & Onokola, (2012), Ukpabi (1987) writes that "wage employment took on new dimensions when the Royal Niger Company (RNC) was given full control of trade and administration". George, Owoyemi, & Onokola, (2012), explain labour that the company became the first multinational organization (MNP) to have powers to trade and rule the country with legislative, military and judicial powers". Flint (1960) states that "the Royal Charter of July 1886 gave the company powers to administer, make treaties, levy customs dues and trade in all territories in the basin of the (River) Niger". Cook (1943) states that wage employment was further made popular when for economic, political, and strategic reasons the Royal Charter of the Royal Niger Company was revoked and the administrations of the Protectorates of the Northern and Southern Nigeria was taken away from a multinational company –Royal Niger Company- towards the end of 1899 and was vested directly in the hands of the British Government with effect from 1 January 1900.

Construction is heavily financed by England in this region. Construction work is similar to lane trains or telegram channels. The mining industry also employs 25,000-30,000 people as wage workers. In most cases, multinational enterprises (MNE) adopt the management practices of the parent companies, as Ferner and Quintanilla (1998) assert. In this explanation, Royal Niger Company explains how it can bring British Voluntary Employment Relations Practice to Nigeria. After that, the British colonial government introduced a tax on adult males.

Taxation for the adult male of the population, as noted by Yesufu (1967), forced more people to enter wage employment, while the British colonial government offered incentives in the form of free medical facilities and clean-living conditions. These

attracted people to wage employment. There are also other aspects of lifestyle that affect wage employment. George, Owoyemi, Onokola, (2012) argued that wage earners' tastes changed with the introduction of urban life and contact with the Europeans; the only way to satisfy these tastes was to attain permanent wage employment, which also provided status.

The collapse of the Royal Niger Company in 1899 led to the British taking control of Lagos. In this way, the colony could supply factories in England with raw materials. As a result of World War 2, 120,000 soldiers were trained to work administratively as telephonists, tailors, and storekeepers. Nigerians discovered that cocoa or palm did not provide enough payment, and foreigners discovered the same.

Luggard (1909) in George, Owoyemi, Onokola (2012) says that “the outrageous rates of pay which were instituted for the local labour of all kinds became one of the two most serious problems facing the administration”. Luggard (1909) in George, Owoyemi & Onokola (2012) adds that the rates for the so-called skilled labour, - clerks, artisans, engineers, and pilots - were 50 per cent higher than they should have been the Indians who were more efficient earned less than their Nigerian counterparts. The Governor-General, in frustration, concluded that "I hope to reduce (labour costs) by introducing motorized traffic and rolling traffic."

However, what had been planned was not running smoothly due to many foreigners who came back to gardening rather than doing a government job. Luggard (1915) in George, Owoyemi, Onokola (2012) says that “this made the Governor-General conclude some years later that there was a notable exodus from the towns where the wage employment was in abundance into rural districts to be engaged in farming”. The troubleshooting was done by recruiting the area that firstly has been colonised like Sierra Leone and Ghana. But it led to new problems, such as transport and language. Over time, the other alternative was to do forced labour by chiefs. Luggard, in this case, justified the practice, saying “among primitive tribes, a measure of compulsion through their tribal Chiefs to obtain labour construction and other famous works is justifiable as an educative process to remove fear and suspicion”. Yesufu (1967) found the following: By 1918 the problem of labour shortage was over as there was a surplus of labour and the law of supply and demand forced down the price of labour - wages- so that even African landowners could now hire some natives.

Iwuji (1968) adds that “there was, therefore, no more need for the use of forced labour; it was then time for the government to discourage the practice until the start of the economic depression of 1930”. In 1930, the International Labour Organisation (ILO) had a Forced Labour Convention that declared that forced labour was illegal. Ahmed (2014) says, “The International Labour Organisation (ILO)’s conventions and recommendations are the most important international sources of Labour Law in countries across the globe including Nigeria”.

At this stage, wage employment has been accepted in Nigeria, where Nigerian Paternalistic Employment Relations Practice changed into British Voluntarism Employment Relations Practice. According to George, Owoyemi, & Onokala (2012), “The British Voluntarists employment relations system has come to stay in Nigeria, yet the Nigerian Paternalistic employment relations system is refusing to die”. This was evident from the number of tribes in Nigeria that were still suspicious about this working relationship, so the government needed to conduct continuous education about British Voluntarism Employment Relations Practice.

Critics of this model of industrial relations argue that the colonists-imposed voluntarism employment relations practice on Nigerians based on the predominant socio-political and economic philosophy in Britain without taking due consideration of the unique culture, principles, level of civilisation and prevailing employment relations practice in Nigeria (Adebisi, 2013; George et al., 2012; Onimode, 1981; Ananaba, 1969; Kilby, 1967; Cook, 1943).

The activities of early nationalist-war veterans led to labour unrest which focused on the desire for labour, economic and democratic reforms in the 1920s. In the study done by Odesola (2009) in George, Owoyemi, Onokola (2012), some parts of Nigeria still do education, “The Federal Government of Nigeria spends more money on education in the Northern States than the Southern States up till today”.

2.4.3 Colonial Administration Period (1900-1960) in Nigeria

Nigeria's industrial relations system is part of the British colonial legacy. It was shaped by British industrial relations (Okene, 2012). The development of industrial relations was heavily influenced by British tradition. The colonial office in London initiated the first labour law in 1938.

In Nigeria, the majority of labour laws were enacted before the country gained independence in 1960. For better or worse, they have continually been reviewed and updated over the years (especially in regard to industrial relations under successive military regimes). The pre-independence legislation derived primarily from International Labour Conventions ratified by the colonial government on Nigeria's behalf (later confirmed by Nigeria at independence) and enforced by enactments and military decrees. (Yesufu, 2000).

The number of the country's labour legislation that was enacted by the colonial government illustrates the extent of this influence. It includes:

- The *Trade Unions Ordinance of 1938* formerly recognised organisations of workers and employers to represent their respective interests in labour relations matters. The *Labour Code Ordinance of 1941*, which stipulated a minimum standard of employment. To protect the worker against the abuses of management in the general area of employment.
- The *Trade Union Disputes (Arbitration and Inquiry) Ordinance of 1941* gave the state the power to intervene in labour disputes when the joint machinery for settling disputes and grievances had failed and it thus provided for government intervening machinery processes of inquiry, conciliation, and arbitration.
- The *Workmen's Compensation Ordinance 1941* which was a social security law that provided payment and compensation to workers who suffered injuries or occupational disease at work or in the case of death, provided for payment to the worker's dependents.
- The *Factories Act of 1945* was to ensure the safety, that employers provided clean and sanitary environment, good ventilation, lighting etc.; and
- The *Wages Board Act of 1957* established the use of voluntarism between the workers and employers in establishing conditions of work or for the government to prescribe wages and other conditions of employment if, in its judgment, conditions of work were unreasonably poor.

Taken together this colonial legislation could be perceived as trying to establish a voluntary approach to industrial relations. The indigenous leaders that took over the reign of power from the colonial British officers also gave support to the voluntary

industrial relations approach. At the International Labour Office Ministerial Conference in Geneva in 1955, Nigeria's Labour Minister Okotie Eboh reported:

"*We have followed in Nigeria the voluntary principle which was so important an element in industrial relations in the United Kingdom…compulsory methods might occasionally produce a better economic or political result, but labour-management must, I think, find greater possibilities, mutual harmony where results have been voluntarily arrived at by free discussion between two parties. We in Nigeria, at any rate, are pinning our faith on voluntary methods" (International Labour Organisation, 1955:33)*

Therefore, it is to be understood that labour laws in Nigeria during the colonial era and the first republic were voluntary. In practice, colonial policies, whether aimed at encouraging trade unionism or promoting industrial relations, were primarily meant to ensure that social institutions like trade unions did not threaten colonial economic interests, even though legislation seemed to support voluntarism (Fashoyin, 1992). Particularly for public sector workers, salaries were determined unilaterally by ad hoc commissions.

2.4.4 Military Intervention Period in Nigeria (1934-1966)

There were no fewer than thirteen (13) ad hoc commissions set up by the military between 1934 and 1966 (Okotoni, 2004 & Ikeanyibe, 2009) during the Military Overthrow of the Government of Nigeria. Around 90% of the work of those commissions was devoted to reviewing wages, general conditions of service, the grading system, and other issues that could have been resolved through collective bargaining under existing labour laws.

These issues should have been negotiated but under colonial practice, they were fixed by administrative fiat. Thus, despite the British initiative in introducing labour laws that accorded with world trends, it would be wrong to claim that industrial relations in Nigeria during the colonial and early independence era followed the voluntary approach. State-labour relations were interventionist paternalistic rather than voluntary, peaceful, and democratic. During the period, trade unions were still at the teething stage of their development. It seemed that the colonial government was enacting labour Ordinances in tune with International Labour Conventions as a de jure

stance to deceive the nationalists and the world that colonialism was a liberal and altruistic mission rather than an exploitative exercise.

Fashoyin (1992) acknowledges that the labour laws were comprehensive but finds that the laws suffered from under-enforcement. In some cases, the enforcement was opposed to the extant laws.

The Trade Disputes (Essential Services) Decree of 1976 amended the 1968 decree by changing the ban on strikes to a ban on strikes in areas classified by the Ministry of Employment as essential services. It gave enormous responsibilities to the Minister in the resolution of labour disputes including the power to apprehend any dispute and prescribe such steps as he thought appropriate for its immediate settlement {Trade Disputes Act, 1976, Sect1 (1) and sect 3 (2)}.

Even where there was settlement through the collective bargaining process, a copy of the settlement reached must be deposited with the Minister who in turn might enforce any part of the agreement. So, the government through decrees and commissions single-handedly continued to fix salaries of public servants, restructured the labour unions, creating in the process, industrial unions, senior staff associations, and employers' associations.

Trade unions on their part continued to be weak and ineffective. The military in a paternalistic and autocratic fashion chose to reorganise the over one thousand existing trade unions into bigger, stronger, and manageable groups. This action embarked upon in 1977 was contrary to the Trade Union Decree No 31 of 1973 which repealed and replaced the 1938 statute on trade unions and provided for free options for amalgamation among trade unions.

The merging and reorganisation of trade unions from 1977 to 1978 by the government were purely unilateral. Uvieghara (2001) has noted that the statutory provisions on amalgamation or merger of trade unions did not apply in 1978 and 1996 when there were such exercises. From the reorganisation of 1977 to 1978 emerged:

- Fifteen (15) Senior Staff Associations,
- Nine (9) Employers Unions,
- Twenty-nine (29) Workers' Unions.

Decree 22 of 1978 recognised only these as trade unions in the country (Ikeanyibe, 2009). The reorganisation also encouraged the formation of federations of trade unions or central labour organisations which eventually led to the emergence of the Nigerian Labour Congress as the only central labour organisation in the country (Uvieghara, 2001).

Perhaps ironically it is this umbrella labour union that has subsequently championed the onslaught against the autocratic and interventionist approach to labour relations of the state in the contemporary context and has also determined government responses to the labour issues in the contextual socio-economic and political developments in the country. The contemporary state labour relations policy in the country is geared towards crippling labour which has gained substantial power under the auspices of the Nigerian Labour Congress (NLC).

2.4.5 Labour Unions Movement (1912-1978) in Nigeria

It was noted that industrialisation preceded trade unionism in Nigeria compared to its South Africa counterpart. The evolution and chronicle of confrontations in the history of labour unions in Nigeria indicate that the first union, now known as the Nigeria Civil Service Union (NCSU), founded in 1912, emerged because of the growing wage employment in government establishments. It was not formed based on the ideals of labour union organisations like the need to fight for workers' rights, nor was it formed out of frustration or disaffection with their employment conditions.

As Yesufu (1968) remarked, the NCSU was formed primarily to provide a forum for social interaction among African officers in the colonial service, as was the case in the other British West African Colonies. In 1931, two other unions were created: The Nigerian Union of Teachers (NUT) and the Railway Workers Union (RWU) (Fajana, 2004). Industrial activities currently were low as the colonial employer was a father figure deserving the loyalty of the workers. Militant unionism was not a characteristic of labour unionism currently.

It was not until the 1930s, especially with the introduction of The Trade Union Ordinance of 1938 that led to the proliferation of labour movements in Nigeria. As alluded to earlier and in line with the position of many writers and industrial relations experts, the first organised and formalized labour union was the Civil Service Union established in 1912 (Fajana, 2006; NUPENG, 2009; Snelling, 2002). With the birth of

the NUT and RWU in 1932, labour unions began to emerge on the industrial relations scene in Nigeria.

However, there was insignificant development in industrial relations due to inadequate wage employment, repressive colonial labour policy, low level of economic activities, ignorance, absence of a legal backing for existing labour unions and so forth (Fajana, 2006).

Nonetheless, the Trade Union Ordinance of 1938 allowed at least 5 workers to form a union, which led to the proliferation of labour unions with most of them based on one employer or one enterprise and comprised few members indeed. This status quo continued until the 1970s. In fact, according to Fashoyin (1992), the unions then were close to 1,000 in number. It was in 1978 that there was a restructuring of labour unions and that pruned down the number of unions from more than 1,000 to 70 unions; broken down as follows: 42 industrial unions; 15 Senior Staff Associations; 9 Employers' Associations, 4 Professional Unions.

Table 2.1 - Structure of Trade Unions: 1978-2000

Type of Union	1978	1986	1988	1990	1996	2000
Industrial Unions	42	42	41	41	29	29
Senior Staff Association	15	18	21	20	20	20
Employers Association	9	22	22	22	22	22
Professional Unions	4	4	4	4	4	4
Total	70	86	88	87	75	75

Source: Fajana (2006).

This time started the era of industrial unions and sounded a death knell to the 1938-1978 era of ineffective house unions (Fajana, 2006; Snelling, 2002). It was also in

February 1978, the Nigeria Labour Congress, a product of a merger of four labour centres, viz, Labour Unity Front (LUF), Nigeria Workers' Council (NWC), Nigeria Trade Union Congress (NTUC) and United Labour Congress (ULC), was formed and inaugurated (Fajana, 2006). This is arguable as Fashoyin, (1992); Iyayi (2008) contend that the NLC had first been created in 1975 arising from The Apena Cemetery Declaration. According to Iyayi (2008) unhappy with the fact that workers could resolve their differences on their own, the Nigerian state under General Murtala Mohammed, set up the Adebiyi Tribunal on February 12, 1976, ostensibly to re-organise the labour unions. It was the Adebiyi Tribunal that provided the grounds for banning many notable progressive and left-wing labour unionists, including Michael Imoudu, Wahab Goodluck, and S.U. Bassey, from participation in labour union activities for life.

The workers created NLC was thus dissolved, and by the Trade Union (Amendment) Decree No 22 of 1978, a new central labour organisation with the same name as the Nigeria Labour Congress was created. Consequently, the then 42 Industrial Unions became affiliates of the Nigeria Labour Congress with a legal backing of the Trade Union (Amendment) Decree 22 of 1978 (Nupeng, 2009). By 1980, there were 70 labour union organisations and associations in Nigeria.

2.4.6 Labour Unions Movement in the Second Republic 1979 – 1983

Labour unions before the ushering in of the second republic had already become militant and forcible in their activities and demands because of their experience with the military. However, with a civilian regime in power, the leadership of the Nigerian Labour Congress thought they were going to fare better than they did under the military. To their dismay, that was not the case. According to Comrade Ali Ciroma, the President of NLC from 1984-1988, the government of Alhaji Shehu Shagari introduced new challenges (Komolafe, 2008).

There was recklessness in resource management. As Komolafe put it, the recklessness was so much "to the extent that States were failing in their basic responsibilities like paying salary and wages as at when due. The NLC's attention was diverted to this scourge. The National Party of Nigeria (NPN) and National People's Party (NPP) states were the worst." Labour unions were forced to embark on prolonged strikes with the situation very severe in Imo and Benue states where teachers were owed salaries for over one year. The civilian administration found itself

increasingly unable to control organised labour, culminating in a two-day strike involving more than a million workers, mobilized by the NLC (Snelling, 2002).

The Shagari government which promptly gave huge salaries to politicians and political office holders was unwilling to consider granting workers a minimum wage until the NLC threatened to call out workers on a national strike. It was only after the two-day national strike called by the NLC in May 1981, that the Federal government was finally forced to raise its unilateral minimum wage of N120 to N125 (Iyayi, 2008); a paltry increase of 4.2%.

However, the federal government still did not respond to the rising unpaid salaries of workers until the NLC threatened to boycott the 1983 general elections. It was only then he provided funds to the states to clear the salary arrears. Ciroma claimed the federal government even tried to divide the NLC but could not (Komolafe, 2008). As Momoh (1992) vehemently argues, “The NLC-led strike was a success to the extent that the states and federal governments made concessions to labour and acknowledged the miserable social conditions of the working class caused especially by the rising cost of living, poor conditions of service, and workers retrenchment.

2.4.7 Labour Unions Movement and Government (1983 – 1985) in Nigeria

By the return of the military, the relative gains made by labour unions in the country during the second republic were reversed. The government went from non-payment of salaries to large scale retrenchment. As Komolafe (2008) put it, “The regime said if it could not pay salaries, it would retrench. From non-payment of salaries to no retention of jobs, labour unions’ attention was diverted to safeguarding jobs.” It was during this period that Ciroma was elected as the NLC president in 1984. Mass retrenchment of Nigerians in the public service of the federation was carried out with impunity; the breakdown of human rights of Nigerians due to the militarism of that regime led to the strengthening of key non-state unions. These unions and associations were primarily driven by the connection between sectoral agitations for a more qualitative living of their members and demands for a more robust democratization process. For them, the former would be understood only as an integral part of the latter. Labour movements in this era increased their agitation and militancy and engaged the Buhari-Idiagbon regime in robust and intellectual confrontations.

2.4.8 Labour Unions Movement and Government (1985 - 1993) in Nigeria

The Babangida period slowed the growth of labour unions and decimated what was left of them after the Buhari administration. According to Comrade Abdulwahed Omar, the immediate former NLC President, the Babangida regime brought the NLC the umbrella body for labour unions into serious setbacks and reverses (Soji Eze, 2008). On the many forces arrayed against its survival, Omar said “10 years after its formation in February 1988, the congress was dissolved by the military junta of General Ibrahim Babangida, a dissolution that was to last for 10 months” (Soji-Eze, 2008).

An administrator was appointed over the affairs of the NLC for 10 months before the election of Comrade Paschal Bafyau as the new NLC helmsman. As Iyayi (2008) noted, “a radical wing of the Nigerian Labour Congress, led by Mallam Ciroma, was in control of labour affairs when Babangida came to power. Well-informed about the role of Labour in pre-and post-independent Nigeria, Babangida's overall strategy was to replace the radical wing with a moderate faction. By 1988, there was a massive infiltration of the Union. A group led by Shamang was used to cause a schism within the NLC. Comrade Pascal Bafyau, leader of the Railways Union, became the president of Congress.

As Iyayi (2008) argues, Comrade Paschal Bafyau was very close to the General; indeed, several of the Congress’ policy somersaults both on labour union and political matters, before and after the June 12 annulment of the presidential election result, could be traced to Bafyau’s extensive informal networks with the military regime. Enumerating the missteps, the NLC took under Bafyau, Iyayi (2008) noted that some of Labour’s political options were bizarre. Despite the romance of NLC with the military junta, there were still pockets of resistance against the military government among the top hierarchy of the labour movement. For instance, to Ali Ciroma, the SAP project was the mother of all evils that the Babangida regime imposed on Nigeria, where dissident voices like labour unions and the NLC were clamped down, arrested, and muzzled by the military president (Komolafe, 2008). This regime proved to be a trying time for the NLC but in the long run, they got stronger by gaining more members to their affiliation, below is the structure of the affiliation.

Table 2.2 - Affiliates to the NLC: Nigeria Labour Congress (2009)

1.	Agric and Allied Employees" Union of Nigeria (AAEUN)
2.	Amalgamated Union of Public Corporation, Civil Service Technical and Recreational Services Employees
3.	Maritime Workers Union of Nigeria
4.	Medical and Health Workers Union of Nigeria
5.	National Association of Nigeria Nurses and Midwives
6.	National Union of Air Transport Employees
7.	National Union of Banks, Insurance and Financial Institution Employees
8.	National Union of Chemical, Footwear, Rubber, Leather and Non-Metallic Employees
9.	National Union of Civil Engineering, Construction, Furniture and Wood Workers
10.	National Union of Electricity Employees
11.	National Union of Food, Beverage and Tobacco Employees
12.	National Union of Hotels and Personal Services Workers
13.	National Union of Petroleum and Natural Gas (NUPENG)
14.	National Union of Posts and Telecommunication Employees (NUPTE)
15.	National Union of Printing, Publishing and Paper Products Workers
16.	National Union of Shop and Distributive Employees
17.	National Union of Textile, Garment and Tailoring Workers of Nigeria
18.	Nigeria Civil Service Union
19.	Nigeria Union of Civil Service Secretariat Stenographic Workers

20.	Nigeria Union of Journalists
21.	Nigeria Union of Local Government Employees
22.	Nigeria Union of Mine Workers (NUMW)
23.	Nigeria Union of Pensioners
24.	Nigeria Union of Railwaymen
25.	Non-Academic Staff Union of Educational and Associated Institutions
26.	Radio, Television and Theatre Workers
27.	Steel & Engineering Workers Union of Nigeria (SEWUN)
28.	National Union of Road Transport Workers
29.	Nigeria Union of Teachers

2.4.9 Labour unions Movement and Government (1993 – 1998) in Nigeria

The military dictatorship headed by General Sani Abacha, like its predecessors, assaulted organised labour in Nigeria. In 1994, NLC was dissolved and placed under a sole administrator for four years (Komolafe, 2008). Abacha was not prepared to put up with the threat of a vibrant, virile, and vocal NLC and labour or forces that could threaten his political ambition. Abacha was very ruthless towards Unions. A total ban was placed on all political and labour activity. In July 1994, two key union leaders of oil and gas workers, Kokori and Dabibi, led their unions, the National Union of Petroleum and Natural Gas Workers (NUPENG) as well as Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN), respectively on a strike to demand some political concessions. General Abacha moved quickly to suppress the strike, emasculating the labour movement by replacing the leaders of the militant oil unions and NLC with state-appointed administrators (Graham, 1998; Snelling, 2002).

Several labour unions like ASUU and professional associations were proscribed. Movement around the country was severely curtailed. Scores of vocal public figures and leaders were gunned down in mysterious circumstances including Mrs Kudirat Abiola and Ken Saro Wiwa, a renowned activist and Ogoni freedom fighter., His

actions were roundly condemned both locally and internationally (Isah, 2006). In summary, the activities of labour unions and the NLC under Abacha were restrained.

2.4.10 Labour Union Movement and Government (1998-1999) in Nigeria

Abdulsalami Abubakar was military head of state from 9 June 1998 until 29 May 1999. He succeeded Sani Abacha upon Abacha's death; during his leadership, Nigeria adopted a modified version of the 1979 constitution, which provided for multiparty elections. The Abdulsalami administration was hastily put in place to avoid a vacuum in Nigeria Government. The military Provisional Ruling Council (PRC) under Abubakar commuted the sentences of those accused in the alleged coup during the Abacha's regime and released almost all known civilian political detainees. Two top union leaders, Frank Kokori and Milton Dabibi, who had been detained without trial under Abacha, along with many labour officials, were released (Snelling, 2002). It was also during this regime, that the NLC was de-proscribed and the ban on political, labour and other associational activities was lifted. Even though Abdulsalami Abubakar transitioned the government into the fourth republic, his administration performed woefully in the improvement and the economic fortune of Nigerian workers and refused to strengthen the activities of the labour-management relationship (komolafe, 2008).

2.4.11 Labour Unions Movement and Government (1999 – 2007) in Nigeria

The return of Nigeria from military to civilian rule, elected a democratic President, Olusegun Obasanjo on 29th May 1999. It was believed that the narrative of excessive government interventionism and depression in the environment of industrial relations would turn around. However, this proved not to be the case. Stead, the Obasanjo led Nigeria government embarked upon labour laws that led to the harassment, subjugation and repression of labour rights and freedom.

In response, labour unions staged several protests and numbers of general strikes which on several occasions brought the country to a standstill. The strikes, in one instance, forced the government to abandon any attempt to increase fuel prices (Alubo, 2007). Following the arrest of NLC leader Adams Oshiomhole, the government showed a strong determination not to give in to union pressure (Snelling, 2002). To further put labour in disarray, the Obasanjo government introduced measures to create more central labour organisations (Igbokwe, 2003; Iyayi, 2008).

Now the Trade Union Congress (TUC) has been empowered as a Labour Centre with Senior Staff Associations being affiliated to it. Also, membership of labour unions is no longer compulsory for workers as the new Trade Union (Amended) Act 2005 is built on the concept of voluntarism. All this was done by the Obasanjo administration to weaken labour, make it docile and divided it internally so as not to be able to disrupt the ruling class or industrial relations system.

However, Iyayi (2008) noted, the number of industrial unions now affiliated to the NLC has increased. The work of the NLC and labour unions in this regard is an example to the country of how unity can be maintained in the face of diverse, discriminatory, and antagonistic policies of the government. It is important to say that labour unions in Nigeria are alive to the pursuit and realisation of their objectives to their members. One of the tools used to force employers or a group of employers and even the state to accede to their demands or come to the bargaining table would be strikes. Nevertheless, continuous industrial actions harm productivity and national development. Below is the data on disputes and strikes in Nigeria:

Table 2.3 - Data of Disputes and Strikes in Nigeria: (1970 – 2002).

Year	Trade Disputes	Work Stoppages	Workers involved	Man-Days Lost
1970	165	44	14,784	27,072
1971	296	165	77,104	208,114
1972	196	64	52,748	145,125
1973	173	60	33,963	115,371
1974	338	129	62,565	144,881
1975	775	346	107,489	435,493
1976	230	125	52,242	148,141
1977	172	93	59,270	136,349
1978	142	78	105,525	875,136
1979	155	775	204,742	2,038,855

1980	355	265	221,088	2,350,998
1981	258	234	323,700	2,218,223
1982	341	253	2,874,721	9,652,400
1983	184	131	629,177	404,822
1984	100	49	42,046	301,809
1985	77	40	19,907	118,693
1986	87	53	157,165	461,345
1987	65	38	57,097	142,506
1988	156	124	55,620	230,613
1989	144	80	157,342	579,968
1990	174	102	254,540	1,339,105
1991	204	117	460,471	2,257,382
1992	221	124	238,324	966,611
1993	160	90	880,224	6,192,167
1994	199	110	1,541,146	234,307,748
1995	46	26	193,944	2,269,037
1996	29	24	19,826	94,664
1997	31	31	59,826	359,801
1998	16	11	9,494	47,631
1999	52	27	173,858	3,158,087
2000	49	47	544,722	8,287,733
2001	51	37	259,290	4,722,910
2002	50	42	320,006	5,505,322

Source: Federal Ministry of Employment, Labour and Productivity (Fajana, 2006).

Table 2.4 - Summary of Industrial Dispute in Nigeria (2004-2008)

ITEM	2004	2005	2006	2007	2008
Number of Disputes	36	149	189	250	299
Number of disputes resulting in a strike	26	57	63	79	93
Number of disputes resolved	32	110	79	212	245
Duration of disputes (Days)	277	675	910	1,264	115
Number of workers involved	127,377	280,606	208,589	414,543	868,907
Total man - days lost	2,626,399	4,308,013	7,785,993	3,415,737	8,974,981

Source: Federal Ministry of Employment, Labour and Productivity, Abuja (2008).

2.5 HISTORY AND ORIGIN OF LABOUR-MANAGEMENT RELATIONS IN SOUTH AFRICA

Labour management relations in South Africa have changed significantly, especially in terms of labour laws. In November 2017, the National Assembly in South Africa passed several bills and amendments to several pieces of labour legislation, including the National Minimum Wage Bill, the Basic Conditions of Employment Bill, and the Labour Relations Amendment Bill. A national minimum wage of R 20 per hour will be implemented in South Africa once the policy is in place. The South African government is in the process of tackling wage inequality in Africa's most industrialised economy

aiming to increase wages for employees working 45 hours per week (Baker McKenzie, 2018).

The primary aim of the changes to South Africa's labour legislation appears to be the protection of South African workers, via increasing minimum wages, access to unemployment insurance, more rights in terms of parental leave, and protection during violent strikes. All these labour laws and amendments were put together to positively affect the lives of workers in South Africa and to periodically meet the stipulated international standards of labour-management practices (Baker McKenzie, 2018).

2.5.1 Pre-Industrialisation Period in South Africa

The economy of South Africa was dominated by subsistence agriculture and hunting in the 15th century before European settlers arrived. While hunting was the major occupation and source of food during the Stone Age, before diamonds and gold were discovered in 1867 and 1886, the practice of tracking and killing animals for food, recreation, or trade dates back millions of years in Southern Africa (Phillipson, 2005).

The labour-management relationships that existed then were governed by the Act of 1841 on Master and Servant, as merchants and craftsmen supplied the services needed by the various communities. As long as the black servants perform their duties properly and promptly, the Act provides for harsh punishment for defaulters. The master and servant Act governed the rules of work in particular for black Africans (Bendix 2006)

Industrialisation in South Africa commenced with the discovery of diamonds in 1867 and gold in 1867 (crosscheck dates?) and can be linked to the origin and history of labour management in South Africa, though industrialisation commenced only at the end of the 19th century. South Africa had an Industrial Conciliation (Labour Relation) Act long before Great Britain had any comprehensive legislation governing labour relations. The discovery of gold and diamond attracted white immigrants from Britain who introduced the British sense of individualism. The South African mines industry developed, so did other industries supporting the mines and those providing services established alongside. But because of that growth and development, there were heterogeneous groups of fortune hunters, skilled craftsmen brought from Europe to work on the mines, blacks Africans were recruited to the unskilled labour and later the

white Afrikaner who had been driven by drought and war to the cities and were able to perform only unskilled and semi-skilled labour (Bendix, 2006. p,28).

2.5.2 Industrialisation Period in South Africa (1870-1923)

The Europeans, mostly the British, industrialised the economy of South Africa using machinery in the form of printing presses which was used by the newspapers during the period and all other machinery also were available for manufacturing and productivity. As South Africa did not have enough skilled labour during the industrialisation, European, typically British immigrants, were employed to do most of the skilled workers and the unskilled workers were mounted by blacks. The British employees established themselves as the dominant employees' group in the organisation, they had already been introduced to trade unionism and were intent on protecting their interest so that most of their job will not be taken over by the unskilled black workers, though the blacks have always settled for less paid jobs (Bendix, 2006, p28).

Nevertheless, the protective standpoint of the skilled workers was majorly channelled toward them and caused division between the two groups. When white Afrikaners also joined the ranks of the unskilled, the skilled workers at first adopted the same attitude towards them as the African workers (Bendix, 2006, p28).

2.5.3 Labour Unions Movement in South Africa (1940-1960)

In terms of the historical background of trade unions in South Africa, it is important to note that trade unionism preceded industrialization in the country. As there were limited trade unions already established elsewhere in the region before the establishment of mines and its additional industries led to the organization of standard trade unions. As far as South Africa is concerned, Craft unions were the first organized labour unions. In a craft union, skilled labourers work within a segment or for a craft. Alternatively, horizontal unions can also be referred to as reciprocal unions.

During the 1940s, when the craft unions were still able to control the standards of their trades and the training and employment of skilled labour, they exhibited a militant style of trade union organisation that had little need for state support. However, dramatic shifts like the labour market coupled with aggressive state policies that undermined mixed unionism began to erode the basis of craft union strategies of exclusion during the 1950s (Owen, C 1990).

The fragmentation of the skilled trades and the undercutting of skilled white wages by predominantly African labour was accelerated by the economic boom of the 1960s. Consequently, over the years the craft unions became progressively more dependent upon the state to enforce the exclusion of cheap labour on a racial basis. Ironically, as the craft unions became more dependent upon the apartheid policies of the state, these very policies were being jettisoned by the state which was under pressure to ensure the provision of housing for the urbanising African working class as well maintain conditions of profitability for capital. In the early years of apartheid, building capitalists were ambiguous in their commitment to a rigid racial division of labour. However, under increasing pressure to compete with other industries that were making use of cheaper semi-skilled African labour and faced with a chronic shortage of skilled white labour, capitalists began to oppose job reservation and to promote the advancement of unskilled African labour into semi-skilled occupations (Owen, C 1990: 503-526).

The emergence of the industrial union in South Africa in 1907 brought about how employers managed to crush a mineworker strike by employing unskilled white workers. To avoid a similar situation in the future, the craft union in the mines expanded into industrial unions to accommodate these employees (African workers were still excluded). A similar development took place in the steel and engineering sector and on the railways (Bendix, 2006, p28).

Unions were also established in the manufacturing sector which was growing because of the boom in the mining industries. Most employees in these sectors were semi-skilled or unskilled, so that the unions formed were more inclusive, normally being established along industry lines. White tended to play a dominant role in these unions, but the unions themselves were not radically exclusive, usually being constituted either on a multi-racial or non-racial basis (Bendix, 2006).

The first known union for black Africans was the Industrial Workers of Africa (IWA)that was established in 1918 and closely aligned to the Africa People’s Organisation. The Industrial Workers of Africa was later overtaken by the Industrial and Commercial Workers Union of South Africa (ICU), under the leadership of Clements Kadalie. The Industrial Commercial Union remained the dominant black Africa Union until the 1920s (Bendix, 2006).

The major employers during this period were the mine owners. Their wealth gave them great power, both in the workplace and in society. By 1915 the Transvaal Chamber of Mines was already well established so that employers were able to collaborate on policies and practices. This approach was traditionally unitarist, a stance also adopted by employers in other industries (Bendix, 2006).

2.5.4 Labour Unions Movement and Government in South Africa

The government of the period led by the South African Party, with the labour party as the opposition, was strongly supportive of the new industrial initiatives and the captains of industry who drove them. The state intervened as little as possible in the relationship between employers and employees and when it did, it was to protect the employers against aggression from employees, as proved by the Riotous Assemblies Act and the Act of indemnity passed in 1913 to curtail certain industrial actions. The only law governing the relationship was the master and servant act, in existence since the 19th century and mainly emphasising the duties of the employees. The labour party, as its name indicates, supported the causes of the white workers, many of whom had communist leanings. Amongst its members were also white Afrikaners, imbued with a strong sense of Afrikaner Nationalism and later supportive of the Afrikaner Nationalist Party formed during the second decade of the twentieth century. For their part, black South Africans who were excluded from the white-dominated arena found their home in the congress movement and the various people's movements established around that time (Bendix, 2006).

2.5.5 Labour-Management Relationship:

The conflict did arise within the working relationship and since there was no mechanism to contain it, strike action by both white and black employees occurred at regular intervals from the 1900s onward. In 1913 a large-scale strike by white mineworkers was followed by a black mine worker strike. Acting on a recommendation of a commission of enquiry, the government drafted the Industrial Disputes and Trades Bill, intended to provide a mechanism for regulating disputes between employees and employers. The Bill, which was opposed by the Labour Party, was never passed. Shortly afterwards, in 1915, the Transvaal Chamber of Mine agreed to recognise white unions. Several agreements were reached between the parties, the most noticeable being the Standstill Agreement which stated that there would never be fewer than two white employees for every sixteen black employees. While the recognition of white

unions heralded a period of relative peace between these employers and employees, black workers in the mines and other industries continued to launch actions to improve their conditions. Together with the Transvaal Indian Congress and the African People's Organisation, they called for a general strike to launch the shilling a day campaign. This led to a promise by the prime minister, Louis Botha, he would investigate the problems of the black workers. The promise was never fulfilled and in 1920 a massive strike by black mineworkers resulted only in a tightening up of the pass laws (Bendix, 2006).

2.5.6 Actions and Reactions:

In the same year (1920) the price of gold began to fall, and the Standstill Agreement was abandoned. White mineworkers were informed that wages might have to be cut, that certain marginal mines might have closed and that about ten per cent of the white workforce might have to be retrenched. The white believed that the mine owners were attempting to replace them with cheaper labour, and in January 1922, 25000 white mineworkers went out on strike. Because they took up arms, the strike was classified as the Rand Rebellion and the Smuts Government sent in the army to quell the unrest. One hundred and fifty-three mine workers were killed and five hundred were wounded. Five thousand were arrested and four were hanged for treason. When the workers did return to work, they were faced with lower wages and the deskilling of certain jobs (Bendix, 2006).

The 1922 strike and previous strike made the government realise that it could not continue to adopt a laissez-faire attitude to the labour relationship. A mechanism would have to be put in place to provide some framework for the conduct of the relationship between employees and employers. The result was the drafting of the Industrial Conciliation Act 1924 (Bendix, 2006).

2.5.7 Industrial Conciliation Act (1924-1948) in South Africa

The actions of the Smuts Government during the 1922 mineworkers strike resulted in its eventual downfall. The next election brought a swing towards the Labour Party and the Afrikaner National Party which formed a coalition known as Pact Government. It was this Government that eventually implemented the Industrial Conciliation Act of 1924.

The Legislative Framework: The main purpose of the Industrial Conciliation Act was to prevent industrial unrest by providing for collective bargaining between employer's

association and union on bargaining known as Industrial Councils and for conciliation mechanisms when disputes arose. Criminal sanctions were placed on strikes actions which bypassed the use of these mechanisms. In terms of the Act, trade unions and employers' associations could register and, voluntarily, establish and register an industrial council, responsible for agreements within an industry. In 1925 the government also passed the Wage Act, intended to set minimum wages and conditions for those employees not covered by Industrial Councils (Bendix, 2006).

A noticeable aspect of the Industrial Conciliation Act, and one which was to have a profound effect on the South Africa industrial relations system for the next 55 years, was the fact that it excluded "pass-bearing natives" from the definition of employees. At that time only black African males, with the exclusion of those in the Cape Province, had to carry passes. This meant that unions representing Whites, Coloured and Asians, black African females, or all of these, could register and be a party to Industrial Councils and the bargaining which took place in these councils, but that those representing black African males could not take part in the official system. (Later black African males and females from the Cape Province were also forced to carry passes so that they, too, were excluded.) This exclusion not only entrenched separatism but also gave rise to anomalies such as that in the clothing industry where White, Coloured, Asian workers and black African females were represented by the Garment Workers Union and black African males by the Clothing Workers Union (Bendix, 2006).

Industrial Council otherwise known as Bargaining Council is a body established voluntarily between representatives of employers and a numbers union. This council is then registered as a statutory body (Bendix, 2006). The unions representing black employees had no alternative but to approach employers individually or to lobby for higher wages through the Wage Board system, established in terms of the Wage Act. Because they could not have utilised the statutory procedures, all strikes by black unions were regarded as a criminal act, but despite the law, these unions did engage in numerous strike actions, using the power of their numbers. Also, they were frequently supported by the non-racial and multi-racial trade unions operating within the system (Bendix, 2006:35).

The industrial relations system of South Africa in 1929 experienced a great depression. Many Afrikaners, who had still found their livelihood in the rural areas, flocked to the cities where jobs were rarely obtainable. This gave rise to the poor white problem and increasing protectionism among Afrikaners and their unions. By contrast, the second world war (1939-1945) brought a boom condition for South Africa industry as a commonwealth country not damaged by the war. Furthermore, the fact that many whites joined up to fight for the Allies, while others were incarcerated as Nazi sympathizers, opened a labour vacuum that was filled by black employees, increasing their power base in particular industries (Bendix, 2006:35).

2.5.8 Government and the Socio-Political Dispensation

The Pact Government, brought to power by the white workers' vote, was naturally protective of the interests of this sector. The 1926 Mines and Work Act further entrenched job reservation on the mine (a practice already prevalent in the late 1800s). Besides, the 1927 Native Administration Act (which made it an offence to promote hostility between race groups,) was effectively used against the black union which tried to promote black worker's interests and thereby threatened the position of white employees. Concerning the poor white problem led the Government to introduce the Civilized Labour Policy which promoted the employment of white workers in preference to those from other race groups.

As Afrikaner nationalism grew, divisions arose in the Pact Government. By 1930, support for the Labour Party had declined significantly, and in 1933 the National Party and Smuts South Africa Party joined forces to establish the South Africa National Party. This led nationalist hardliners such as Malan and Strijdom to defect from the Purified National Party (Bendix, 2006:35).

Despite its protection of white interest, the Government could not ignore the militant actions in the non-racial, multi-racial and black trade union movements. Already in 1928, it was recommended that conciliatory machinery, like that provided for other parties, be set up for black African employees. In 1930, an amendment to the Industrial Conciliation Act allowed for the extension of the Industrial Councils Agreement to black employees, in 1937 another amendment provided that black workers' interest could be represented in Industrial Councils by an official from the Department of Labour. Finally, the Industrial Conciliation (Native) Bill of 1947 proposed the formal recognition of black African employees, but in bodies separation from the existing Industrial

Councils. Owing to the political changes which followed, this Bill was never passed (Bendix, 2006:36).

The increasing polarization in the Trade and Labour Council in the 1930s culminated in1948 when South Africa Iron, Steel, and Allied Trades Association left the federation to form an independent organisation catering only for white unions. Its withdrawal was closely followed by that of the Mineworkers Union and various railway unions. Together they constituted the founders of a new all-white trade union federation.

Similarly, polarisation was visible in society at that time. The post-war slump had resulted in competition for jobs and in antagonism towards black workers who had taken over the jobs of whites during the war. The influx of blacks into the townships and resultant unrest also led to calls for great influx control. It was in this climate that the Nationalist Party in 1948 assumed the role of Government (Bendix, 2006:36).

2.5.9 Apartheid Period in South Africa (1948-1973)

The new Government immediately set about bringing order to South Africa society, in the 1950s it passed the Suppression of Communist Act and introduced the Group Area Act as well as a new Influx Control Act. The Suppression of Communism Act robbed many of the more militant unions in the Trades and Labour Councils of their leaders, while Group Areas and Influx Control further polarized workers. These measures were followed, ten years later, by the banning of the African National Congress, an action which effectively crushed all overt opposition (Bendix, 2006:36).

Under the new political dispensation, labour legislation also underwent a few significant changes. In 1953, still concerned about the militancy of black South African employees and their unions, the government passed the Bantu Labour (Settlement of Disputes) Act, later to be known as the Black Labour Relations Regulation Act. This Act provided for the establishment of Workers Committees to represent the interest of black African workers at the workplace. Only one such committee, consisting of a maximum of five representatives, was allowed per plan. Complaints from these committees could be taken up with management or brought to the attention of the Regional Workers Committee which consisted of black appointed by the Minister of Labour, under a white chairman. The regional committee was also supposed to act as watchdogs regarding the interest of black employees and to report problems to the Black Labour Board which had all-white membership (Bendix, 2006:37).

The worker committee was not allowed to strike and therefore had no bargaining base against the employers. Consequently, problems reviewed by the committee were mostly trivial and rarely touched on the real issues between employers and employees. The committee was generally spurned by black African employees and their representative unions. Particularly, as they were viewed as a player to avert trade union membership amongst these employees. The government, partly to encourage the use of this committee, in 1955 amended the Wage Act, thereby closing the door to a union who had used this Act to improve the wages and conditions of service of black employees (Bendix, 2006:37).

In 1956, the Industrial Conciliation Act was rewritten to provide for several significant amendments. This Act, later to be known as the Labour Relations Act 1956 became the new basic Act for the conduct of the labour relationship. It retained the Industrial Council system and the existing mechanism, but now excluded all Bantu, including black African women, from the definition of employees, prohibited the further registration of mixed unions, except with ministerial permission, placed restrictions on the registration of already existent mixed unions and prohibited them from establishing mixed executive. The most notorious clause in the new Act was the job reservation clause which provided that certain jobs could be reserved for members of a race group (Bendix, 2006:37).

2.5.10 Labour Union Development in South Africa (1950-1970)

By the mid-1950s the split in the Trades and Labour Councils had produced two distinct union federations: the multiracial (White, Coloured and Asian) Trade Union Council of South Africa (TUCSA) and all-white South Africa Confederation of Labour Associations (SACLA). In line with the new government legislation, TUCSA at first decided to admit only registered union black unions, but this decision was, in its turn, rescinded. Unions in the federation were also obliged by legislation or by the Group Areas Act to divide their executives along racial lines. This led to the establishment of parallel Coloured and Indian Unions (Bendix, 2006:38).

In 1955, the unions remaining from the by-then-disbanded Council of Non-European Trade Unions joined with unions that had split from the Trade Union Council of South Africa (TUCSA) because of the federations decision not to allow black unions, to form the South Africa Congress of Trade Unions (SACTU). This was, as one author has put it, the first formal alliance between black unions and those representing another race

group, an alliance which, even during its brief overt existence, was to make its mark on the South Africa industrial relations arena (Bendix, 2006:38).

2.5.11 Labour-Management Relations in South Africa

The registered unions belonging to the Trade Union Council of South Africa (TUSCA) and South Africa Confederation of Labour Associations (SACLA) had by this time become firmly ensconced in the Industrial Council System. They bargained with employers at this centralized level and in the process lost much of their formal militancy. Also, centralization brought with its greater bureaucracy and a gradual distancing from the union's grassroots membership. Officials of these unions were invited to sit on government bodies and even TUCSA, which initially professed a certain resistance to governments policies allowed itself, with time, to be drawn into the system (Bendix, 2006:38).

The unions belonging to SACTU could not gain access to Industrial Councils and, like their predecessor, were obliged to challenge individual employers. Their strategy of grassroots militancy paid off and they initially made substantial gains, exemplified by an increase for their members in the metal industry, recognition by some employers, and the successful "pound -a- day" campaign of 1957. However, no black trade union movement could divorce itself from the political concerns of the oppressed masses and, after the Congress Movement had persuaded SACTU in1958 to join in a stay away linked to the elections, SACTU began to work even more closely with the Alliance. It is the opinion of an observer that SACTU attempted to grow fast to meet the political objectives of the Alliance and that, in the process, it neglected workplace organisation. SACTU was also subjected to continued repression by the government and, following the banning of ANC, more than 100 SACTU leaders were arrested. With that, and the intensified repression after Sharpeville, the last vestiges of the black trade union movement went underground to emerge again only after the Natal Strike of 1973 (Bendix, 2006:38).

2.5.12 Labour Union Development in South Africa (1970-1990)

During the late 1960s and 1970s, the South Africa economy grew at a relatively fast pace. As white moved up to the occupational hierarchy, black moved in to take their place. This meant that black now constituted most of the economically active population.

The 1973 wave of strike: As more and more black workers entered formal employment renewed attempts were made to organise these employees. That they could become a potent force had already been demonstrated in 1972 when no fewer than 9,000 black employees engaged in strike action in various parts of the country. Then, in 1973, a strike that started at Coronation Brick spread to another part of what was then Natal and later to the area outside the province. In Natal alone, 61,000 workers went on strike. Since it was impossible to dismiss or imprison all these workers, employers and the government realised that something had to be done to stem the tide of dissatisfaction among black employees (Bendix, 2006:39).

The government reacted by passing the Black Labour Relations Regulation Act of 197. This provided for the establishment of the Liaison Committee, consisting of equal representation by management and black employees. It was thought that these Committees would provide an opportunity for employers to discuss the problems of black employees and would make it unnecessary for these employees to join trade unions. Although many employers established a Liaison Committee for their black employees, this did not curtail the growth of trade unions. The Natal strikes provided the impetus for the establishment of the new unions representing black employees.

Like the CNETU unions of the 1930s and 1940s, these unions were constituted on an industry basis and took great effort to establish a strong presence at the shop-floor level. In 1974 the first recognition agreement between an employer and one of the new unions was signed at Smith and Nephew in Natal. Despite the repressive government measure instituted after the unrest of 1976 and the subsequent detention of many union leaders, the newer unions continue to grow. Many coloureds and Asians belonging to TUCSA and blacks in parallel TUCSA unions also left the unions to join the emerging union movement which triggered the gradual demise of the TUCSA union (Bendix, 2006:39).

2.5.13 Labour Union Development in South Africa (1990-1999)

The socio-political change was characterised by the unbanning of previous banned political parties and the release of Nelson Mandela marked the beginning of a new political dispensation that culminated in the first democratic election held in 1994. As expected, this led to dramatic changes in both the socio-political and industrial relations domain. On a macro-level, the talks between the Government, labour and employers on the Labour Relations Amendment Act of 1988 led to the signing of the

Laboria Minute in 1991 in which the Government agreed to withdraw most of the controversial provisions of that Act. A body providing for ongoing cooperation between the three parties to the labour relationship had already been established in 1979 in the form of the National Manpower Commission (NMC), but the newer union movement had resisted invitations to join NMC while an illegitimate government was still in place. Only after the signing of the Laboria Minute did Congress of South African Trade Unions (COSATU) and National Council of Trade Unions (NACTU) finally agree to representation on this body (Bendix, 2006:42). Shortly afterwards, the National Economic Forum was established, to obtain employers and unions inputs on economic issues. In 1995 both these were replaced by the National Economic Development and Labour Council (NEDLAC) which has the brief of promoting consultation between Government, Labour, and business on economic and labour issues (Bendix, 2006:43).

The relationship between employers and unions had, by the beginning of 1990, become more settled, although strike actions still occurred frequently. Both parties had gained in sophistication and consideration of the other position, but both were still fiercely protective of their interests. By this time most of the new unions were ensconced in the Industrial Council and were promoting centralized bargaining, a trait which continues to the present, despite the resistance of some employers who would now prefer to bargain at plant level (Bendix, 2006:43).

Upon the unbanning of the African National Congress (ANC) and the South African Communist Party (SACP), the Congress of South African Trade Unions (COSATU) immediately formed a new tripartite alliance with these parties. This has enhanced the prominent position of the federation in both the labour and socio-political sphere. The other federations namely the National Council of Trade Unions (NACTU), Federation of Unions of South Africa (FEDUSA), United Workers Unions of South Africa (UWUSA), and South Africa Confederation of Labour Associations (SACLA) continue to exist (Bendix, 2006:43).

The Government had, before the 1994 election, promulgated some significant changes in labour legislation. The 1993 amendments to the Basic Condition of Employment Act and the passage of the Agricultural Labour Act established, for the first time, minimum conditions for domestic and agricultural employees. A commission

to investigate the possibility of minimum wage legislation for these employees was also established, while the Public Service Labour Relations Act and the Education Labour Relations Act accorded employees in these sectors similar dispute-settlement mechanisms to those provided for by the Labour Relations Act, including the freedom to strike (Bendix, 2006:43).

The new Government which came to power in 1994 (Nelson Mandela regime) immediately set itself the task of revising all existing labour legislation. A new Labour Relations Act was promulgated in 1995, followed by the Basic Condition of Employment Act (1997), the Skills Development Act (1999), and the Employment Equity Act of 1998. All these revised labour legislations had a great impact on the South Africa labour laws (Bendix, 2006:43).

2.6 CONCLUDING REMARKS

In the first section of the above chapter, various theories outlined in the study were explored. The system theory seems to be the most comprehensive as its focus is on establishing rules and regulations for employment relations. The concept developed in system theory is concerned with the effectiveness and functionality of the webs of rules and regulations developed to govern the relationship among the social partners of the labour relations in different localities. The practicality and effectiveness of these rules for one workplace or workplace community, and the ineffectiveness of these rules for another workplace or work community were discussed. The process and administration of these rules work well in one work environment, but not in another. Looking at the factors that impede adherence to these rules of law, the non-compliance to these rules is meant to provide a solution to the industrial conflict in the industrial relations system. The level of efficacy built into these rules should also be the centre of concentration in the body of the industrial relations system. The procedure and administration of these rules must be effective enough in such a way that it will provide a lasting solution to the industrial conflict within the industrial relations system.

Though Dunlop also mentioned the frequent review and change in these rules in a dynamic society, in the view of this research, the specialised government agencies for example (minister of labour) that are saddled with this responsibility of making, reviewing and changes in the labour laws, their overbearing and domineering influence

on the institutions in the labour laws have collapsed the overall system of industrial relations in the recent dispensation, in the Nigerian context as an example.

Within the above chapter, the Second Section discusses multinational companies' operating models and employment relations, especially related to mechanisms for conflict resolution. The third section examines the history and origins of labour-management relations in Nigeria and South Africa. In Nigeria, labour relations are characterized by colonial rule and military regimes, which have prompted political instability and economic change, while in South Africa the labour relations are typified by racial disparities and inequalities resulting from apartheid.

A review of conflict resolution mechanisms in labour-management relations is presented in the following chapter, which also examines the labour legislation that regulates employment relations in South Africa and Nigeria.

CHAPTER THREE: COMPARATIVE ANALYSIS OF CONFLICT RESOLUTION MECHANISM IN NIGERIA AND SOUTH AFRICA

3.0 INTRODUCTION

An analysis of the efficacy of conflict resolution mechanisms in labour-management relations and the regulations governing the conduct of employment relations bodies in South Africa and Nigeria is presented in this chapter. The study also critically examined the method and procedure for resolving industrial disputes within the micro and macro environments of labour relations in South Africa and Nigeria. Additionally, this chapter introduces several government agencies deliberately created by both governments to foster a peaceful work environment. Lastly, research assumptions were made in conjunction with the objective of the study that galvanized the entire apparatus engaged in conciliating, mediating, and arbitrating, as well as the concluding remarks.

3.1 EXAMINATION OF CONFLICT RESOLUTION MECHANISMS IN LABOUR-MANAGEMENT RELATIONS

An understanding of the context of labour legislation is crucial to contextualizing the practice of employment relations concerning handling grievances and disciplinary procedures. In their report, Von Holdt & Webster (2005) argued that workplace grievances and disciplinary actions are determined by legislation. Employers and legislation. As Gough et. al., (2006) explained, any substantive analysis of employment relations has to be understood in the context of broader theories of society and organization. Humans need to understand employment relations with an open mind in complex societies and organizations.

According to the pluralists' principle, employment relationships are subsystems of society within which the diverse and conflicting interests of employees and employers are harnessed to reach a compromise and consensus (Finnemore & Van der Merwe, 1996). Finnemore & Van der Merwe (1996) argued that the basic principles of pluralism in employment relations should be considered when structuring grievances and disciplinary procedures at work. A grievance procedure, in the absence of union representation, may exhibit some weaknesses, allowing management to be both judge and plaintiff as Nurse & Devonish (2007) pointed out. Without union representation, the employee with a grievance is unlikely to find satisfaction. Management should recognise the existence of a union and its representatives, as they (union

representatives represent and accompany members who are involved in a grievance or disciplinary matter (Nurse & Devonish, 2007).

According to Jordaan & Stander (2004), employee dismissal in the workplace is a major concern of both unionized and non-unionized members. Various matters may lead to dismissals of employees from the workplace. Jordaan & Stander (2004) further emphasized that grievances and disciplinary procedures are the most-reported unions issues that can be followed before an employee is dismissed and that the trade union's role is to represent its members who are involved in grievances and disciplinary actions against the management in the workplace. Nurse & Devonish (2007) claimed that a grievance procedure should be one of the prerequisites for a collective agreement.

Nurse & Devonish (2007), further substantiated that in any conflict arising in the workplace between the employer and an employee, the grievance procedure should be regarded as an institutional device, as well as a better practice for handling and resolving conflict. Reinforcing their argument, Nurse & Devonish (2007) maintained that handling of a grievance matter has become institutionalized by management and employees in general, acknowledging the differences which derive from unavoidable conflict between employees and employers.

Grievance procedures are thus specifically designed to resolve conflict and secure peace in the workplace. In defining grievance, Britton clarifies it as: "Any dispute that arises between an employer and the employee which relates to the implied or explicit terms of the employment agreement or contract" (Britton, 1982:12). Likewise, a grievance is a formal complaint, which may be defined through a specific institution's policy on conflict resolution, as outlined by the formal process to address day-to-day complaints or problems (Hunter & Kleiner, 2004). Hunter & Kleiner also suggested that the rationale for making a grievance depend on whether there is just cause or reason for such a complaint

In many countries, including South Africa and Nigeria, the collective agreement settled between labour organisations and the employers consists of terms and conditions governing the various stages in handling a grievance (Nurse & Devonish, 2007). This practice is applicable in both the public and the private sectors, though the distinct

stages are more likely to be established in the unionized sectors and in more formalized systems.

A grievance may be filed by any employee who is a member of a labour organisation or association against or on behalf of such an organisation. The most reported grievances from employees are complaints about a malfunctioning employment agreement between the two parties (employer and employee), unfair treatment by the employer, and defamation. For a grievance to be resolved effectively, the employer is obliged to follow certain guidelines (HRA, 2011; Hunter & Kleiner, 2004).

As stated by HRA (2011) (Human Resources Administration), the grievance procedure comprises several steps at various levels which need to be followed before the matter can be resolved. The first step is mainly informal, offering an opportunity for the worker and the line manager to sort out the dispute with the assistance of a union shop steward. The next step is a formal written grievance, in which the worker or the union appeals to the higher management of the organisation. If the matter remains unresolved after the second step, an appeal is made to a neutral arbitrator.

Hunter & Kleiner (2004), emphasized that, in most instances, grievances are resolved at the very first two steps of the procedure if all parties are willing to reach arbitration. This contention was confirmed by findings of a study conducted by Lewin and Peterson (1988) on the grievance procedure at a specific company in New York, where most cases reached arbitration. Lewin & Peterson (1988) found that expedited grievances reached settlements more rapidly.

Albrecht & Thompson (2006) defined disciplinary procedures as a structured approach which an employer uses to deal with ill-discipline at the workplace. The objective of the disciplinary procedure is to warn individuals whose conduct gives cause for dissatisfaction in the workplace, and this practice is applied to improve their behaviour or their performance (Farnham, 2000). Many institutions use criteria guided by policy and labour laws to determine how an organisation must discipline an employee (BNA Editorial Staff, 1959-1987).

According to Hunter & Kleiner's (2004) analysis, complaints by employers which most commonly lead to disciplinary action against employees are absenteeism, misconduct, insubordination, and substance abuse, for example where employees are found drinking alcohol during working hours. Other complaints include unsatisfactory

performance, as well as safety and health violations in the workplace. Warnings, temporary suspension from work and permanent release from the occupation are typical penalties imposed by management to discipline employees.

Folger & Cropanzano (1998) argued that the implementation of the disciplinary code and procedures in an organisation entails the application of justice in the workplace. The implementation of the disciplinary code and procedures imply fairness concerning the methods, procedures, and processes that are used to determine fair outcomes on disciplinary issues. Concurring to this argument, Beugre (1998) indicated that organisational justice involves a consideration of what or which issues are perceived to be fair towards bringing changes in the workplace. These changes could be social or economic and may involve the employee's relations with the supervisors, co-workers, and any other workers generally in an organisation as a social system.

3.1.0 Examining South African Perspectives of Conflict Resolution Mechanisms

The Constitution of the Republic of South Africa (Constitution) (Act 108 of 1996), the Labour Relations Act (LRA) (Act 66 of 1995), the Basic Conditions of Employment Act (BCEA) (Act 75 of 1997), the Employment Equity Act (EEA) (Act 55 of 1998), and the Skills Development Act (SDA) (Act 97 of 1998) provides the context of the grievances and disciplinary procedures (Saundry et. al., 2008). Alongside their subsequent amendments, these pieces of legislation constitute a guide to the application of the labour laws in South Africa. Employers are obliged to include details of any workplace grievances and disciplinary procedures in terms of the employment of their employees. The Disciplinary Code and Procedure in the LRA is set to promote respect as well as uphold the common law and statutory rights of both the employer and the employee in the workplace or the institution (Antcliff & Saundry, 2009).

Section 4(1) of the Code of Good Practice (Schedule 8) of the Labour Relations Act 66 of 1995 makes provision that investigations must be conducted by the employer to find out if there are justifiable reasons that prompt the dismissal of an employee. The involved employee should be informed by the employer regarding accusations conducted against him or her in a form of language which is clearly understood by the employee. The involved employee should be given a chance to make his or her statement on allegations posed to him or her. Such an employee is fully entitled to be given sufficient time to prepare a response towards the case and have a choice to get

a union representative or fellow employee's assistance. Once the enquiry has taken place and the decision has been taken, the employer must communicate the outcomes to the employee and the employee's representative. Most preferably, written notification of the decision taken is expected in this regard (ULR, 2006a).

Employee participation in decision-making, as well as obligations on labour relations' issues, are contained in the LRA. Employee participation is the influence that employees have on decision making, ranging from task centred to power centred forms as noted by Anstey (1997) & Salamon (1992). Employee participation promotes industrial peace while achieving social justice and employee protection. The LRA guided by the Constitution has a priority over other labour laws. The BCEA specifies the basic conditions of employment to protect the employees from malpractice possibly implied by the employers (Bendix, 1996).

The above-mentioned legislation established the right to fair labour practice as well as the right to participate in the activities and programs of a trade union. Trade unions in South Africa have gained recognition by the State and other institutions for their members. As such, trade unions are essential links between employer and employee in their relationship and the regulation of labour relations. In this regard, trade unions play a pivotal role in the preservation of industrial peace and social progress (Frauenstein, 1993).

Through provisions of the LRA, bargaining councils are formed primarily to deal with collective agreements between employers and employees. Bargaining councils are formed by registered unions and employers' organisations. Amongst other responsibilities of the bargaining, is to handle disputes and make proposals on labour laws and policies regulating labour processes. Sectors that are excluded from the bargaining councils are the South African National Defence Force (SANDF), the National Intelligence Agency (NIA) and the South African Secret Service (SASS) (Moore, 2006).

Sections 85 and 86 of the LRA make provision for consultation between employer and employee and matters requiring joint decision-making within a workplace forum. Trade unions and employee organisations play an important role in the labour relations of large organisations. Much of the emphasis of labour relations in the current legislative climate in South Africa is on the facilitation of communication between employees and

employers (Olivier, 1996; Nel, 2002). The LRA also confers registered unions with the power to negotiate collective agreements, it accommodates both the employer and employees' right to negotiate employment relations, enabling unions to negotiate on behalf of their members. The LRA is thus a legal requirement applied to engage on any matters in collective bargaining (Barry & May, 2004).

Formal grievances and disciplinary procedures are common in most, if not all workplaces or institutions. Saundry et. al., (2008) are of the view that the introduction of legal handling of the grievance procedures and applying dismissal in the workplace have permanently tightened and secured regulatory practice all over the industry. The unions' representatives are legally allowed to assist their members in many organisations and this principle is observed to be appropriate in dealing with grievances and discipline in the workplace.

In support of the assertion made above, Salamon (1998) argued that recognition of the trade union is possibly the most significant stage in the development of an organisation's employment relations system. He further stated that acknowledgement of the unions bestows their (unions) recognition to exercise their rights and ensure their capacity in their role. Thus, the right to represent and protect union members' interest is acknowledged by the employers whilst they (employers) become involved in the control and practice of employment relations in the workplace.

When a union is recognised by the employer in the workplace, it is permissible to visit its members in various constituencies and gain access at ease to the premises. The recognition allows the union to discuss a variety of labour issues with their members without any difficulty in meeting their members. Feedback on resolutions taken between unions and management is easily communicated amongst members and their mandate reaches the union structures quite simply (Barry & May 2004). Since the LRA makes provision to the statutory recognition procedure, an increase of trade unions' recognition agreement occurs as influenced by the LRA. It appears that the statutory model has encouraged capacity and unions' strengths to increase regarding engaging in discussions with employers (Wood & Moore, 2007).

When an employee is lodging a grievance matter, he or she has a right to consult a fellow worker for assistance. Employees have the right to be accompanied to attend a disciplinary hearing. Any employee can choose to be accompanied by a co-worker or

a union official. Often, the union official will be a workplace representative who is also a co-worker (BIS Acas, 2010). According to Barry and May (2004), the objectives of the Employment Relations Act (ERA) applied in New Zealand are like that of the LRA applied in South Africa. An indication made by Von Holdt, and Webster (2005) is that the focus of a union is to look after its members and ensure that the members' mandate is carried as required.

Von Holdt & Webster (2005) concluded that while unions appear not to have entirely satisfied their membership, unions have made their mark through championing in the labour policy planning, its control, and the approach to engage employers. Thus, unions need to expand their communication channels and raise concern on existing imbalances and inequalities to eradicate the dissatisfaction of their members and secure the rights of marginalized communities.

The centrepiece of the dispute resolution system in South Africa is the Commission for Conciliation, Mediation and Arbitration (CCMA) as introduced through the LRA. The dispute resolution system provides a means whereby councils may become accredited to resolve various types of disputes in the public sector and various or any other types of workplace disputes through conciliation and arbitration. In this regard, the statutory council is established on application by either the representative trade union or the employers' organisation. Thus, should a member of the union have a dispute against the employer, the union representative can accompany their member to declare their dispute to the CCMA to get the matter resolved externally (Godfrey et al., 2010).

If issues of grievances and disciplinary procedures are handled effectively by the employer and employee or employee representatives, that can help to minimise the number of cases referred to the CCMA (Bendeman, 2001). Effective handling of grievances and disciplinary matters can also improve relationships in the workplace. A relationship between trade unions and management, though they may differ in their views, is very important in the work environment. Management and trade unions are the key role players concerning labour matters and resolving labour-related conflicts and misunderstandings.

3.1.1 Examining Nigerian Perspectives of Conflict Resolution Mechanisms

So, differing from the extensively recognised practice of allowing industrial action in respect of disputes of interests (and disputes of rights made subject to arbitration or

the industrial court), the Trade Union (Amendment) 2005 limits the right to strike only to disputes of rights. This idea establishes a deep limitation on the right to strike and this research, therefore, advises that there must be overturned to protect the right to undertake industrial action by Nigerian workers. Nigerian law maintains a distinction between the two types of disputes and prohibits the right to strike over disputes of interests. Section 6(b) of the Trade Union (Amendment) Act 2005 limits strikes to "disputes of rights," which is interpreted to mean a labour dispute arising from the negotiation, application, interpretation, or implementation of a contract of employment or collective agreement. Also included are matters relating to terms and conditions of employment as well as disputes arising from breach of contract by an employee, trade union or employer." (Trade Union (Amendment) Act 2005).

The Nigeria Trade Union (Amendment) 2005 Act has as a result forced a significant restriction on the scope of the subject matter or issues over which trade unions can undertake industrial action. However, it is disputes of rights that are usually made subject to arbitration since the rights are already defined in a collective agreement. Disputes of interests are commonly reserved for strike action for the establishment and creation of a new right by reconciling conflicting economic interests.

The Trade Union (Amendment) Act 2005 was enacted as a response to the workforce's opposition to President Obasanjo's economic reform which was introduced in line with the neo-liberal market-oriented reforms endorsed by both the World Bank (WB) and the International Monetary Fund (IMF). Between 1999 and 2005, the Obasanjo administration vigorously pursued these economic measures which resulted in an incessant removal of subsidies on petroleum products and the retrenchment of a sizable number of workers in the public service." Between 2000 and 2004, for example, the government increased the price of fuel by 184 per cent." Subsequent increases between late 2000 and 2005 raised the margin of the total increases to 250 per cent by August 2005 (Okafor, 2005)

In reaction to the increases in fuel prices, workers have at several times instituted strike action to challenge government action due to the economic hardship occasioned by the high cost of fuel. In 2004, for example, the Nigerian Labour Congress (NLC) declared a strike action against the increases in the cost of fuel prices and the imposition of fuel tax. "The government subsequently obtained a ruling from the

Federal High Court which held that the NLC could not exercise the right to strike over fuel price increases as this was not, in the view of the court, a matter within the scope of collective bargaining for workers' conditions of service." As Aturu, (2005) has rightly observed, the Act is ostensibly aimed at preventing workers from exercising the right to strike against government social and economic policies as they have successfully done in the past." It is submitted that the Trade Union (Amendment) Act 2005 is clearly at variance with conventional practice in other jurisdictions whereby restriction on the right to strike is placed on disputes of rights rather than disputes of interests. It is also not in conformity with ILO standards that demand that the right to strike should not be limited to such strikes whose aim is the conclusion of collective agreements: "The right to strike should not be limited solely to industrial disputes that are likely to be resolved through the signing of a collective agreement; workers and their organisations should be able to express in a broader context, if necessary, their dissatisfaction as regards economic and social matters affecting their interests."

Indeed, the International Labour Organisation (ILO) Committee on Freedom of Association (CFA) has criticized the Nigerian practice of outlawing strikes in respect of disputes of interests, urging that the Act be amended to ensure that workers may have recourse without sanctions to protest or strikes aimed at criticizing the government's economic and social policies that have a direct impact on workers as regards employment, social protection and standards of living, as well as in disputes of interest. This view is restated by the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) which has also requested the amendment of the Act to ensure that workers enjoy the full right to strike (Aturu, 2005).

Nigeria may benefit from taking a cue from international practices by limiting the powers given to the Minister with ministerial control of the Industrial Arbitration Panel (IAP). Disputing parties should be allowed to approach arbitral panels themselves in a quest to resolve their disputes. Awards of the IAP should not be subject to the Minister’s confirmation before becoming binding on the parties. There should be a total overhaul of the Nigeria dispute resolution mechanisms to ensure speedy resolution of disputes. Parties should be allowed to either opt for conciliation or mediation. To ensure transparency, the arbitral panels should be allowed to pronounce their decisions publicly. This would eliminate unhealthy speculations, which often surrounds their recommendations. Provisions of the Constitution concerning the right of appeal

should be amended. This is to reserve the right to appeal against unfavourable decisions of the National Industrial Court of Nigeria (NIC).

According to Antcliff & Saundry (2009), it is a statutory right and is important that an employee be accompanied within grievances and disciplinary hearings. Antcliff and Saundry (2009) think that by providing access to workplace representatives, employees would be treated more fairly within grievances and disciplinary processes. A grievance can either be initiated by the employee or the supervisor. A supervisor should intervene when employees are unable to settle differences on their own and in such cases, morale could be uplifted amongst the subordinates (ULR, 2006b).

Likewise, in the Nigerian constitution, Folayan (1998), Fajana (2000) & Onah (2008) stated that the 1976 Trade Disputes Decree has provided two features of settling trade disputes. The first part encourages free collective bargaining, which is the normal process of settling trade disputes. The second part makes provision for alternative processes which is compulsory where the normal process fails, namely mediation, arbitration, and adjudication. Under the first part, which is collective bargaining, the parties are given the chance to reach an agreement on their own under Sections 2, 3 and 6. Where the collective bargaining process (voluntary) fails, then begins the compulsory statutory methods. Under Section 7 of the Act, the minister is to refer the dispute to an arbitration panel within 14 days. Section 9 (2) of the Act also gives the minister the power to refer disputes to the National Industrial Court (NIC) where notice of objection has been served within the stipulated time from the award for the arbitration panel.

In the Nigeria case, the powers granted to the Minister by the Act are quite broad and may be subject to abuse. For instance, the minister solely has the power to appoint a conciliator, members of the IAP and the Board of Inquiry. Conferring so much power to the Minister may likely affect the outcome of the settlement especially where the government is a party to the dispute or where the Minister is directly or indirectly connected to the dispute. This somewhat limits the independence of the decision-makers, in the settlement of disputes.

Furthermore, parties to a dispute are not allowed to take their disputes directly to the arbitral panels, the process can only be routed through the Minister. The discretionary power to refer disputes to the arbitral panel is time-wasting and again may be subject

to abuse as the Minister could delay exercising his discretion or refuse to exercise it at all. The IAP only acts on matters that are referred to it by the minister.

Also, the fact that an award of the IAP is not binding until confirmed by the Minister leaves much to be desired. This provision robs the IAP of its independence as an adjudicating body. Awards of the IAP should become binding on the parties without any qualification and the onus to appeal the award at the NIC should be on the parties and not on the direction of the Minister. Lastly, the Act is silent as to what will happen if the Minister fails to refer a dispute to the other dispute resolution mechanisms within the fourteen (14) days' windows.

Nigeria's mechanisms for the resolution of trade disputes are often rigid and cumbersome. This appears to defeat the essence of the settlement procedure as these procedures were laid down to temporarily suspend the right to strike and provide an adequate, impartial, and speedy resolution of disputes. For example, disputing parties must wait twenty-one (21) days to report a dispute to the Minister if they are unable to settle the same via the internal settlement mechanism. Parties having to go through all stages of the dispute resolution process before finally arriving at the NIC is rather rigid. Parties ought to be allowed to choose whether to settle their disputes by mediation or conciliation and not both (Aturu, 2005).

The dispute settlement mechanisms as provided for under the Act are contrary to acceptable international labour standards. The International Labour Organisation ("ILO") (2007) frowns at such complicated dispute resolution procedures. According to the ILO, dispute resolution mechanisms must have the sole purpose of facilitating bargaining. It should not be so complex or slow that a lawful strike becomes impossible in practice or loses its effectiveness (Aturu, 2005).

3.2.0 CONFLICT RESOLUTION MECHANISM IN NIGERIA

3.2.1 Settlement by the Grievance Procedures

Nigerian law acknowledges the role of voluntary grievance procedures in the settlement of trade disputes and accordingly requires the disputing parties to first attempt settling their disagreement by the existing negotiation machinery at a meeting between both parties.'' The grievance procedure is a kind of charter, a self-imposed bilateral treaty between union and management whereby the parties undertake to resolve all grievances through the stated procedure"(Chidi, 2014). An important aspect

of the settlement process is that, when a dispute is being dealt with or negotiations are underway, the parties must not resort to industrial action'. To do so would be contrary to law." Furthermore, although the internal dispute procedure is traditionally established by collective agreements, there are instances where some employers unilaterally lay down a dispute procedure as part of the management's work rules (Chidi, 2014).

3.2.2 Settlement by Mediation

Where the parties fail to resolve the dispute after the exhaustion of the voluntary grievance procedure, or in the absence of such means of settlement, they are required, within seven days. To meet to resolve the dispute amicably under the presidency of a mediator mutually agreed upon and appointed by the parties." The parties are entitled to be represented at the mediation by themselves or their representatives (Trade Disputes Act 2004). Although the mediator is an outsider, the dispute remains essentially at the union-management level, for the mediator is their appointee and cannot impose a solution on them'. If the dispute cannot be settled within seven days by the mediator, a report of the efforts made, and this point of disagreement must be furnished to the Minister of Labour by or on behalf of either party within three days of the end of the seven days." Upon receipt of the report, the Minister is empowered to review action already taken by the parties on the matter. If he is satisfied that the procedures laid down in sections 3 and 5 have not been complied with, he may refer the matter back to the parties to take further steps necessary to achieve an amicable settlement (Trade Disputes Act 2004).

Furthermore, if the dispute remains unresolved after all the necessary steps have been taken, or the parties refuse to take such steps, the Minister must then set in motion the appropriate machinery prescribed by law by exercising his powers under sections 7, 8, 16 or 32. The following options are open to the Minister: the appointment of a conciliator; or reference of the dispute to a board of inquiry, or the Industrial Arbitration Panel (lAP), or the National Industrial Court (NIC) (Trade Disputes Act 2004).

3.2.3 Settlement by Conciliation

Under section 7 of the Trade Disputes Act 1990, the Minister may appoint a fit person to act as a conciliator to settle the dispute." The Act does not define "a fit person," but presumably it means somebody knowledgeable in industrial relations." The duties of

the conciliator are to inquire into the causes and circumstances of the dispute and, by negotiation with the parties to the dispute and bring about a settlement." Where the dispute is settled within seven days of his appointment, the conciliator is expected to submit to the Minister a memorandum setting out the terms of the settlement signed by the representatives of the parties (Ubeku, 2002 p.172). The terms contained in such memorandum shall automatically become binding on the parties to whom they relate. Any breach thereof is made an offence under the Act. Punishment upon conviction is a fine of N200 in the case of workers or N2000 in the case of an employer or an employer's organisation representing the employers." There is no indication as to what happens after payment of the fine where the party continues to be in breach. However, it seems that the provisions of section 13(5) of the Act would be applicable in this regard. The section is to the effect that any party, who after conviction for the offence continues to fail to comply with the terms of the memorandum, shall be guilty of a further offence and shall be liable on conviction to a further fine for each day on which the offence continues (Essential Services Act, 1990).

However, where a settlement of the dispute is not reached within seven days or if, after attempting negotiation with the parties, the conciliator is satisfied that he will not be able to bring about a settlement, he must forthwith report this fact to the Minister of Labour who is obliged to refer the dispute to the Industrial Arbitration Panel within fourteen days of the receipt of the report."

It should be noted that the provision for both mediation and conciliation may cause undue delay in the process of dispute settlement. It is submitted that, to effect speedy machinery for settlement of trade disputes, the parties should be free to choose either mediation or conciliation, so that, once there is a failure to settle by either method, the dispute goes straight to the Industrial Arbitration Panel (IAP). Besides, the movement from mediation to conciliation and back to conciliation in some cases seems to undermine the nature and seriousness of some disputes (Worugji, & Archibong 2009).

3.2.4 The Industrial Arbitration Panel of Nigeria (IAP)

In Nigeria, section 47 of the Trade Dispute Act defines a trade dispute “as any dispute between employers and workers or between workers and workers, which relates to the employment or non-employment, or the terms of employment and physical conditions of work of any person. Anyim (2009) stated that in Nigeria, the Minister of

labour and productivity is empowered to refer the dispute after due process for conciliation, arbitration (IAP), adjudication (NIC) or appoint a Board of Inquiry as the case may be. According to Chukwu (1995), arbitration is a semi-judicial means of settling disputes in which both sides agree in advance to be bound by the decision of a neutral arbitrator or a panel of arbitrators. Akpala (1982) remarked that when conciliation fails and internal machinery for settlement has been exhausted, the matter could go to arbitration between the disputing parties. One of the cardinal points of the National Policy on Labour is the expeditious or swift settlement of disputes by the institutions created for this purpose. However, experience has shown that the Industrial Arbitration Panel (IAP) takes up to 12 months or more to make its decision known to parties, thus creating room for the erosion of confidence and frustration for the parties (Anyim, Francis, & Ogunyomi, 2012).

3.2.5 The Establishment and Functions of Industrial Arbitration Panel

The Industrial Arbitration Panel (IAP) was created under the Trade Dispute Decree No. 7 of 1976 Cap 438.6. The Panel is charged by section 9(1) of the Trade Dispute Act with the responsibility of arbitrating on an industrial dispute between employers and employees inter and intra union disputes upon referral by the Honourable Minister of Labour and Productivity. The Minister of Labour and Productivity acts as a supervising body to the Panel and the Panel can only arbitrate on matters referred to it by the Minister of Labour and Productivity (Laws of the Federation of Nigeria 2004).

The Industrial Arbitration Panel has a mission to maintain industrial relations and harmony between workers and employers from both public and private sectors to enhance the political and socio-economic development of workers and employers in various working environments in the Nation. The panel as a quasi-judicial agency is to serve the needs of stakeholders in both the private and public sector of the Nigerian economy, maintaining a peaceful atmosphere in all sectors of Nigeria (Laws of the Federation of Nigeria 2004).

The Act provides that the Industrial Arbitration Panel shall consist of a Chairman, the Vice Chairman and not less than 10 other members all of whom shall be appointed by the minister out of the 10 members, 2 shall be persons nominated by organisations appearing to the minister as representing the interests of the workers (Laws of the Federation of Nigeria 2004). When a trade dispute is referred to the Panel it shall

constitute an Arbitration Tribunal, which may be a sole arbitrator assisted by assessors, one or more arbitrators nominated by or on behalf of representatives of employers and workers in equal numbers with the Chairman or Vice-Chairman presiding. The Industrial Arbitration Panel is expected to make its award within 21 days or such a long period as the Minister may direct. Upon the making of the award, a copy of it should be sent to the minister who shall send copies to the parties and publish the same, setting out its award and specifying the time within which objections to the award should be made. If no objection is made within the time stipulated a notice confirming the award shall be published in the Federal Gazette and the award shall be binding on the parties and a breach of which will render the party guilty of an offence and liable upon conviction. If a notice of objection to the award is given to the minister within the stipulated time, the minister shall refer the dispute to the National Industrial Court (Laws of the Federation of Nigeria 2004).

It is observed that the IAP is faced with the following problems.

1. Because of the wide powers given to the minister under sections 5, 6, 7, and 8 of the Act, it appears the IAP is a department under the Ministry of labour and productivity and being administered by the minister. This does not give room for independence as advocated under the doctrine of separation of power.

2. The awards of the IAP are not binding and there is no legal process to enforce such awards. This reduces the efficacy of the tribunal as employers deliberately pay no attention to the awards of the panel. An example of this situation was the case between National Union of Chemical and Non-Metallic products workers V. Management of Glaxo (Nig) Ltd, where the management refused to obey the orders of the Industrial Arbitration Panel.

3. The IAP delay in delivering its award reduced the practical effect of the award. The award is first forwarded to the minister who may delay in communicating it to the parties. This delay may lead to frustrated expectations and create a group for resumption of the dispute.

4. IAP could be likened to the civil courts but unlike the civil courts, the litigant cannot go to it directly, it must be done through the Minister of Labour. This is a major hindrance to the fast and speedy dispensation of justice.

5. Parties to a suit before the Industrial Arbitration Panel were not allowed access to the decision or award of the Panel in respect of their cases under the provisions of Part 1 of the TDA. It was only the Minister of Labour who had the right to disclose, and it was felt that this practice did not quite accord with the rules of natural justice and fair hearing (Trade Dispute Act, 1990).

3.2.6 The National Industrial Court of Nigeria (NIC)

The National Industrial Court was established in 1976 under the Trade Disputes Decree. In 1992, the Trade Disputes Act was amended by the Trade Disputes (Amendment) Decree. By section 5 (a) of this Amendment Decree, the NIC became a superior court of record. The law has now become the Trade Disputes Act. Before the enactment of the Act in 1976, and, before 1968, industrial relations law and practice were modelled on the non-interventionist and voluntary model of the British approach. The statutory machinery for the settlement of trade disputes was found in the Trade Disputes (Arbitration and Inquiry) Act. The Act gave power to the Minister of Labour to intervene using conciliation, formal inquiry, and arbitration where negotiation had broken down. Under the Act, the parties had absolute discretion to decide whether they would avail themselves of the dispute resolution mechanism spelt out by the Act (Laws of the Federation of Nigeria, 2004). The Minister could not compel them to accept his intervention. Rather, he could only appoint a conciliator upon the application of the parties. Also, he needed the consent of both parties to set up an arbitration tribunal. Furthermore, there were no permanent institutions laid down before which the disputing parties could go for the settlement of their labour disputes. Instead, an ad hoc body, an arbitration panel, had to be set up for a particular dispute and once it gave its decision, it became a function. The year 1968 witnessed the beginning of the Civil War in Nigeria. It was expedient, therefore, during the state of emergency, to make transitional provisions for the settlement of trade disputes during the period (Agomo, p33-39; 2000).

When the Trade Disputes (Emergency Provisions) Act was enacted, it suspended the Trade Disputes (Arbitration and Inquiry) Act and gave to the Minister of Labour compulsory power of intervention in trade disputes while retaining the usual methods of conciliation, formal inquiry, and arbitration. The Act of 1968 also abrogated the requirement for consent of the parties before the Minister could act so that he could resort to the methods for dispute resolution without the consent of the parties to the

dispute. The Act created a timetable from the time that employers and workers became aware that a dispute existed to the time that a dispute was notified to the Minister and, within the discretionary powers conferred on him by the Act, to decide on what sort of action to take.

3.2.7.0 Objective of the National Industrial Court

The objective behind establishing the court is to create a specialised court to handle special matters which relate to the economic growth, industrial relations development, peaceful co-existence between and among labour and employers of labour as well as labour policy formulator, that is, the government. It is argued that the idea of having a labour and industrial court is not peculiar to Nigeria. African countries such as Kenya, South Africa, Malawi, Liberia, Botswana, Lesotho, and other countries such as Great Britain, Germany, Italy, Belgium, Trinidad, and Tobago, have established courts that deal with labour, including trade union and industrial relations matters between employers and employees and their associations. Experience has shown that the establishment of these courts in these jurisdictions has largely been responsible for the industrial growth, peace, and tranquillity in those countries (Adejumo, 2007).

3.2.7.1 Establishment of the National Industrial Court

Section 6 of the Constitution (Third Alteration) Act amends the provisions of the 1999 Constitution by introducing a new Section 254A – F. It provides that there shall be a National Industrial Court of Nigeria consisting of a President and such number of judges of the Court as may be prescribed by an Act of the National Assembly. The relevant Act of the National Assembly as of date is the National Industrial Court Act (NICA). Full meaning It should be noted that the provisions of the National Industrial Court Act (NICA) must be read in conjunction with, but subject to the provisions of the Alteration Act, particularly so as the provisions of the Alteration Act, in some areas, have by implication repealed the provisions of the NICA. The President of the Court shall be appointed by the President of Nigeria on the recommendation of the National Judicial Council, subject to confirmation by the Senate. A judge of the court shall be appointed by the President of Nigeria on the recommendation of the National Judicial Council.

A person to be appointed as President or a judge of the Court must have qualified to practice as a legal practitioner in Nigeria for at least ten years and must have

considerable knowledge and experience in the law and practice of industrial relations and employment conditions in Nigeria. By this provision, the Alteration Act by implication repeals Section 2 (4) (b) of the NICA which provides that a graduate from a recognised Nigerian university with ten years' experience in the law and practice of industrial relations and employment conditions in Nigeria could be appointed a judge of the Court. Perhaps, the residue of section 2 (4) (b) may be found in section 254E (3) of the Constitution which states that as may be deemed necessary, the Court may call in aid one or more assessors specially qualified to try and hear the cause or matter wholly or partly with the assistance of such assessors. An assessor shall be a person who is qualified and experienced in his field of specialisation and who has been so qualified for a period not less than ten years.

Section 2 of the Alteration Act amends the provisions of section 6 (5) of the 1999 Constitution by introducing a new section 6 (5) (cc) to the effect that the National Industrial Court becomes one of the superior courts of record in Nigeria and shall have all the powers of a superior court of record. Section 3 of the Alteration Act amended section 84 (4) of the Constitution by inserting therein immediately after the office of Judge of the Federal High Court, the offices of the President and Judge of the National Industrial Court in the list of officers whose remuneration and salaries are made a charge upon the Consolidated Revenue of the Federation. By implication, this equates the status of the judges of the National Industrial Court with that of the Federal High Court.

Furthermore, section 4 of the Alteration Act amended section 240 of the Constitution by inserting in the list of courts over which the Court of Appeal exercises appellate jurisdiction, the National Industrial Court, immediately after the Federal High Court. As well, the amendment thereby equates the National Industrial Court with the Federal High Court.

According to Section 254E (1) of the Constitution, the Court may be constituted by a single judge or no more than a panel of three judges, as the President of the Court may direct, in the exercise of both its civil and criminal jurisdiction. By implication, the foregoing provision has repealed section 21 (4) of the NICA which provides that the Court shall be constituted by not less than three judges.

3.2.7.2 Implementation of relevant international labour standards and best practices

Section 254C (1) (f) and (h) empowers the Court to take cognisance of unfair labour practice and apply international best practices and standards in labour, employment, and industrial relation matters. By a composite reading of the foregoing with section 7 (6) NICA, what amounts to good or international best practice in labour or industrial relations shall be a question of fact. The implication is that whatever the court determines to be international best practices cannot be made a subject of appeal or evaluation by the appellate court, being a question of fact determinable by the NIC as a court of the first instance.

In this regard, the NIC in Petroleum and Natural Gas Senior Staff Association of Nigeria v. Schlumberger Anadrill Nigeria Limited opined that though the employer has the right to terminate the employment of any of its employees for a reason or no reason at all, the point must be made that globally it is no longer fashionable in industrial relations law and practice to terminate an employment relationship without adducing any valid reason for such a termination.

3.2.7.3 Alternative Dispute Resolution

The Court may establish an Alternative Dispute Resolution (ADR) Centre within its premises on matters within its jurisdiction. However, this is without prejudice to its supervisory and appellate jurisdiction over such bodies and the like, including an arbitral tribunal or commission, administrative body, or board of inquiry, on matters within the jurisdiction of the Court. To date, the Court is yet to establish any ADR Centre. One would expect that when established, the role and functioning of the Centre will not derogate from the statutory purview of the resolution process spelt out in the Trade Disputes Act, preceding recourse to the NIC.

3.2.7.4 Enforceability of Collective Agreements

Section 254C (4) of the Constitution invests the Court with jurisdiction and powers to entertain any application for the enforcement of the award, decision, ruling, or order made by an arbitral tribunal or commission, administrative body or board of inquiry relating to, connected with, arising from, or about any matter within the jurisdiction of the Court.

This provision raises a conjecture whether this signals a significant paradigm shift in the status of collective agreements in Nigeria. It would be recalled that section 254C (1) (j) conferred on the Court exclusive jurisdiction in civil cases and matters, inter alia, relating to the determination of any question as to the interpretation and application of any collective agreement.

As pointed out earlier, as a rule, collective agreements are regarded as legally unenforceable being deemed as a gentleman's agreement, binding in honour only. Can they now be made subject of legal action, justiciable and generally enforceable in law, particularly before the National Industrial Court? If this were so, what is likely to be the disposition of the Court of Appeal, if it ever has any opportunity to make a pronouncement on such a development? This is left to be the jurisprudence of this aspect of law unfolds in Nigeria. The NIC has, however, demonstrated its disposition to the foregoing provision in Petroleum and Natural Gas Senior Staff Association of Nigeria v. Schlumberger Anadrill Nigeria Limited. In that case, in interpreting the provisions of section 7 (1) (c) which is in pari materia with section 254C (1) (j), the court held that the court is a court of justice where collective agreements are held to be of binding effect on the parties that sign them; that the court could not have been given the statutory power to interpret collective agreements if the intention was that they were not binding on the parties. It held further that the common-law rule as to the non-binding nature of collective agreements cannot override the clear statutory provisions which empower the court to interpret and enforce collective agreements; collective agreements are, therefore, not only binding on the parties that sign them but are enforceable as such in the court.

Overall, it is expected that the court's exclusive jurisdiction over matters ceded to it will lead to a further decongestion of the regular courts which have been relieved of the jurisdiction in those matters. The NIC can now concentrate on those matters, adjudicating over them with appropriate dispatch. There is also the opportunity to have appointed to the court, judges with specialisation in labour, industrial and related matters, which itself could enhance the quality of adjudication over those matters. The court is mandated to adopt a trade dispute resolution system that is more arbitral than adversarial and adjudicatory to promote good labour relations and industrial harmony. No doubt, achieving this mandate demands a dispassionate, unswaying balancing of the contending interests of the parties. The court must never allow itself to become

branded as the workers' court, where there is a predisposition to the protection of the workers' rights, both real and imaginary, at all costs.

3.3 LEGISLATION REGULATING CONFLICT RESOLUTION IN NIGERIA

The laws governing industrial relations matters in Nigeria derived largely from English Common Law as a result of colonialism before the Trade Dispute Act was enacted in 1976. Prior to the mid-1970s, there were no comprehensive dispute resolution mechanisms. There was also no special court that handled industrial conflict cases, so industrial dispute cases went to ordinary courts for arbitration and adjudication.

However, during the period of the oil boom in Nigeria, between the late 1960s and the mid1970s, there was a rapid growth of industrialisation and commercialisation, which has had a profound impact on the world of work. Consequently, the labour force has grown, and industrial matters have also expanded. The Nigerian government now established a conflict resolution mechanism in the form of the Trade Dispute Act No 7 of 1976 for settling industrial disputes between workers and employers based on voluntary or non-voluntary agreements. The Trade Dispute Act No 7 of 1976 also created the National Industrial Court (NIC) and the Industrial Arbitration Tribunal (IAT), the concept of "no work no pays" was also legislated. The Act comprises both external and internal mechanisms. The external mechanism was covered by the legal provision in the Act. Otobo (2007) explained that it is when parties have exhausted the internal machinery that the external machinery can be resorted to. In Nigeria, the Trade Dispute Act makes it compulsory for management and unions to stipulate in their collective agreement the various stages involved in processing grievances and settling the dispute.

In Nigeria, the principal legislation governing trade disputes is the Trade Disputes Act of 1976 as amended 1977, Cap 432 of the laws of the Federation of Nigeria,1990. ("the Act") and section 48 of the Act defines trade dispute as "any dispute between employers and workers; workers and workers, which relates to the employment or non-employment or the terms of employment and physical condition or work of any person." However, it is important to note that not every labour-related dispute qualifies as a trade dispute (Sijuwade & Arogundade, 2016).

More extensively, in Nigeria, the Trade Disputes Act 2004 S.47 (1) defines trade dispute as "Any dispute between employer and workers or between workers and

workers which is connected with the employment or non-employment or the form of employment and physical condition of work of any person" (Amadi,1999:45). Accordingly, whenever a difference exists between the parties, that is, employers and workers or workers and workers, regarding "the employment or non-employment, or the terms of employment and physical conditions of work or any person", then a trade dispute exists (Amadi,1999:46). Therefore, a purely inter or intra-union disagreement which is unrelated to the employment or non-employment and physical conditions of any person is outside the ambit of trade disputes (2002-2010:72)9 Nig. J. R.

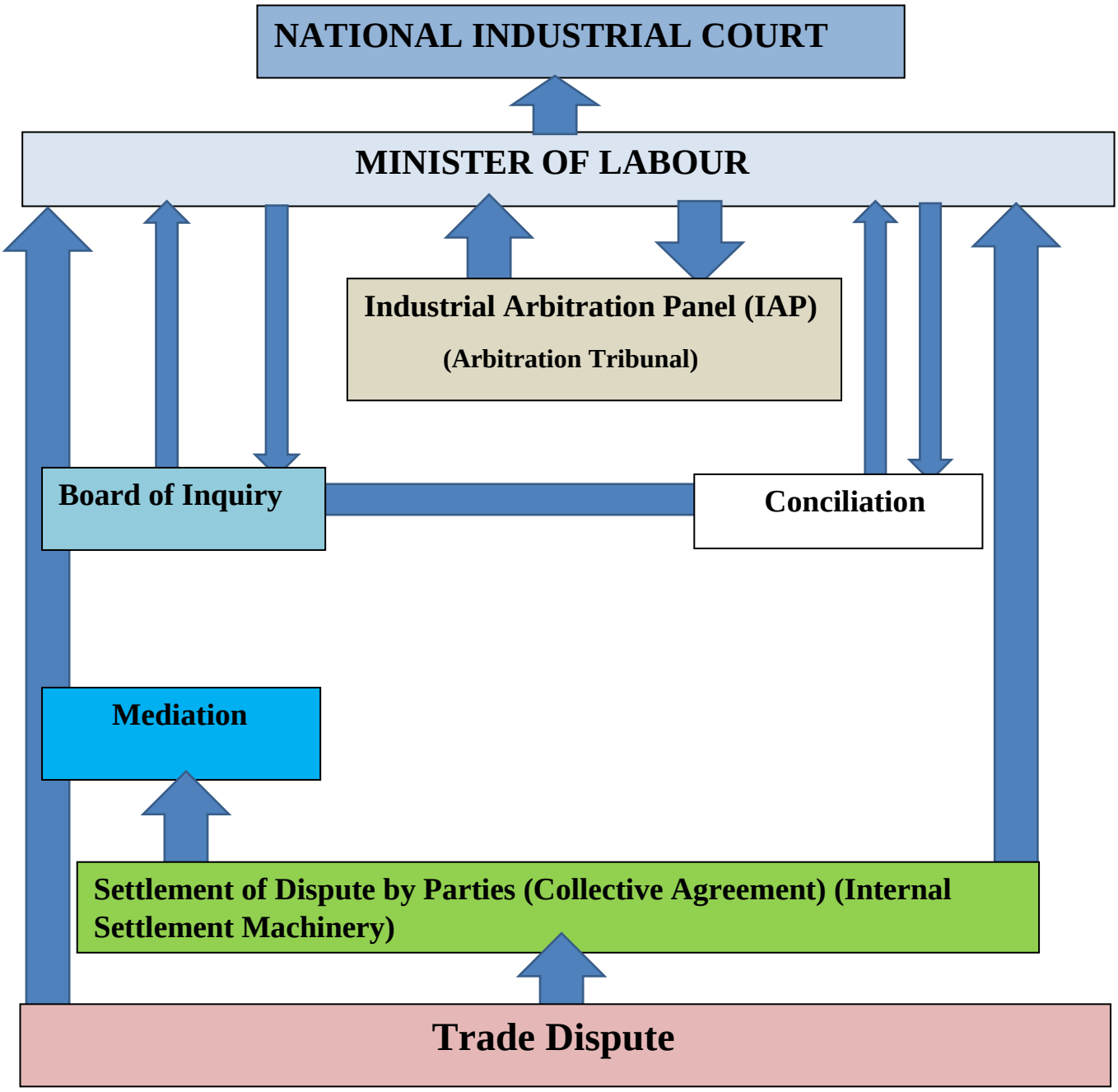
Therefore, for a dispute to qualify as a trade dispute, under the Trade Dispute Act, the predominant purpose of the dispute must be to promote trade union interest, and this remains a question of fact in every case resting the burden of proof on the party alleging the existence of a trade dispute. To qualify as a trade dispute, the purpose must be legitimate and in furtherance of the lawful interest of the workers. The dispute must be a present one, not a contemplated or anticipated dispute (Amadi,1999:52).

The machinery for settling trade disputes as created by the Trade Dispute Act 1990 is founded on the hierarchy of procedures. At the base of the hierarchy is a collective bargaining process, sometimes involving mediators and then the National Industrial Court (NIC). In between these two are the conciliator and the Industrial and Arbitration Panel (IAP). The purpose of establishing these bodies is to provide an effective mechanism for ironing out differences between parties to a trade dispute without necessarily having recourse to strikes and lockouts (Bodunde, 2003: 20). Basically under the Trade Dispute Act, there are four procedures for resolving trade dispute which includes: (Resolution by the parties themselves (Mediation), (Resolution by a conciliator), (Resolution by arbitration), and (Resolution by the court) (2010: 74)9 Nig. J.R.

The structure of trade dispute resolution is depicted below showing the hierarchical steps to follow when there is a need to resolve conflict in Nigeria, from the trade union level where industrial conflict always begins, which expatiate more on internal mechanism settlement adhering strictly to the collective agreement terms. The second step explained that, whenever internal mechanisms are exhausted and the conflict still lingers, then the legislative provision provides for the mediation stage under the custodian of a mediator. The third step further gives chance to conciliation under the

administration of the minister of labour to appoint a conciliator for conciliating matters that have failed under mediation. The fourth step is the Industrial Arbitration Panel in conjunction with the board of inquiry, then the last stage is the National Industrial Court which always gives the final verdict on any industrial conflict and matter that has to do with employees, employers, and government relations.

Table 3.1 The Structure of Trade Dispute Resolution in Nigeria



(Adapted from (2002-2010:78) 9 Nig. J. R.)

3.3.1 Internal Settlement Mechanism:

The Trade Dispute Act by the provision of Section 4(1) allows the adoption of internal mechanisms in the resolution of trade disputes. Thus, it requires the disputing parties to first attempt to settle their dispute by existing means. This internal machinery for dispute settlement ensures that grievances are settled through bilateral negotiation between the disputing parties. Although the internal dispute resolution procedure is established by collective agreements, there are instances where some employers unilaterally lay down a dispute resolution procedure that is binding in their organisation (Sijuwade & Arogundade, 2016: 1).

3.3.1.1 Mediation:

Mediation is a dispute resolution procedure whereby a neutral and impartial third party brings the disputants together, to settle the dispute using options to satisfy the interests of the disputants. Imperatively, the process can be extricated from negotiation in that the mediator takes an active role in preserving the process while the disputants take an active role in determining the outcome or settlement (Oni-Ojo et. al., 2014). In Nigeria, the Trade Dispute Act requires parties to submit their dispute to a mutually agreed mediator (Fashoyin, 2005).

Under section 4(2) of the Trade Dispute Act, where an attempt to settle the dispute via the internal settlement mechanism fails, or where no such means of settlement exists, the disputing parties are required within seven (7) days, to meet to resolve the dispute amicably under the presidency of a mediator mutually agreed upon and appointed by the parties. If mediation fails, the issue is referred to the Minister of Labour and Productivity (“the Minister”) within three (3) days of the expiration of the period for resolving the dispute by mediation (Sijuwade & Arogundade, 2016:2).

The parties are also required to submit to the Minister a written report of the details of the areas of disagreement and efforts made to resolve the deadlock. The Minister may direct the parties to take some further steps to resolve the conflict where he is not convinced that they have fully utilised the laid down procedures (2002-2010) 9 Nig. J. R. Where the deadlock lingers without resolution, the Minister has within fourteen (14) days to refer the matter for conciliation, to the Industrial Arbitration Panel directly to the National Industrial Court (where the Minister deems fit) or to the Board of Inquiry. In practice, the Minister would almost always refer the matter for conciliation where mediation has failed (Sijuwade & Arogundade, 2016: 2)

3.3.1.2 Conciliation:

Conciliation is the process that entails a third party seeking to bring the disputants together to settle the conflict/dispute. To resolve a dispute/conflict the conciliator tries to facilitate communication between the parties within the seven days as stipulated by the law. The procedure may, like negotiation, not be governed by laid down procedural rules. Often conciliation will not necessarily focus on settlement; rather it may focus on the sharing of information and identification of issues and options for settlement (Elliott, 2015). This procedure involves building a positive relationship between the parties of the dispute.

If the Minister of Labour and Productivity is satisfied that the parties have taken all reasonable steps to settle but have failed, he may refer the matter for conciliation. The law empowers the minister to appoint a fit person to act as a conciliator to settle the dispute, those appointed conciliators are normally from the ministry and generally not below the rank of Chief Labour Officer (2002-2010) 9 Nig. J. R.

Where settlement of the dispute is not reached within 14 days of his appointment, or, if after attempting to negotiate with the parties and he is satisfied that he will not be able to bring about a settlement, the conciliator will send a report to the minister, within 14 days of receipt of that report the minister is obliged by law to refer the matter for arbitration (Sijuwade & Arogundade, 2016).

3.3.2 Industrial Arbitration Panel:

Ordinarily, arbitration is the use of an arbitrator to settle a dispute. An arbitrator is an independent person or body officially appointed to settle the dispute that arbitration is different from going to court and asking the court to enforce a legal claim against someone or some company, or against the state itself (Obi-Ochiabutor, 2013:76)9 Nig. J.R. The Industrial Arbitration Panel (IAP) was established by the trade dispute Act, and it has the power to adjudicate on industrial disputes between employers and employees, inter and Intra union disputes upon referral by the Minister. This is a body which the Minister of Labour set up to arbitrate in trade disputes (Obi-Ochiabutor, 2013:76)9 Nig. J.R.).

The practice is for the IAP to constitute an Industrial Arbitration Tribunal (“IAT”), members of which are appointed from members of the IAP. The IAT is required to make its award within twenty-one (21) days unless the period is extended by the

Minister. The award is to be forwarded to the Minister for examination and confirmation. Upon receipt of the award, the Minister may elect to refer the award to the IAT for reconsideration where necessary or serve a notice on the parties setting out the award and informing them of their right of objection to the award within seven (7) days. In the absence of any objection, the Minister shall confirm the award and it becomes binding on the parties to the dispute. Where a valid notice of objection is received by the Minister, he must refer the dispute to the National Industrial Court (NIC), whose judgment shall be final and binding on the parties (Sijuwade & Arogundade, 2016: 2)

3.3.3 National Industrial Court:

The Trade Dispute Decree No.7 of 1976 established the National Industrial Court ("NIC") as the apex labour court for the resolution of trade disputes in Nigeria, initially consisting of a president and four other members and a quorum of the president and two members. The initial jurisdiction of the court outlined in Decree No.7 was dealing with trade union disputes and the interpretation of collective bargaining agreements. From 1976 until 2006, the operations of the court were limited, and its judgement was barely respected. It operated on matters that emerged from arbitration or conciliatory labour disputes. while its shared jurisdiction on most matters with the state and Federal High Court (Fagbemi, 2014).

With the enactment of the National Industrial Court (NIC) Act in 2006, part II of the Trade Disputes Act was repealed. The NIC was re-established by section 1 of the NIC Act. In 2010, besides, Section 254c of the Constitution of the Federal Republic of Nigeria (Third Alteration) Act 2010 ("the Constitution") confers exclusive jurisdiction on the NIC to civil and criminal matters relating to labour including trade unions and industrial relations; environment and conditions of work; health, safety and welfare of the workforce and matters of industrial relations. The court also exercises similar jurisdiction in matters relating to the grant of any order to restrain a person or body from taking part in any strike, lock-out or industrial action; or any question as to the interpretation of any collective agreement, any award made by an arbitral tribunal in respect of a labour dispute or an organisation dispute. The NIC Act also confers powers on the court to grant injunctive reliefs as well as to make orders of mandamus, prohibition, or certiorari; to appoint a public trustee for the management of the affairs

and finances of a trade union or employers' organisation; and award of compensation or damages (Ogunye, J. 2014).

3.3.4 Board of Inquiry:

The Act provides in section 33 that where a trade dispute exists or is apprehended, the Minister may cause an inquiry to be made into the causes and circumstances of a dispute by a board of inquiry. The board of inquiry is required to investigate the matter and report its findings to the Minister. The Act however is silent on whether the Minister can make a binding award based on the findings of the board of inquiry (Sijuwade & Arogundade, 2016: 3).

According to Sijuwade & Arogundade (2016), the powers granted to the Minister by the Act are quite broad and may be subject to abuse. For instance, the minister solely has the power to appoint a conciliator, members of the IAP and the Board of Inquiry. Conferring so much power to the Minister may likely affect the outcome of the settlement especially where the government is a party to the dispute or where the Minister is directly or indirectly connected to the dispute. This somewhat limits the independence of the decision-makers in the settlement of disputes. Furthermore, parties to a dispute are not allowed to take their disputes directly to the arbitral panels, the process can only be routed through the Minister. The discretionary power to refer disputes to the arbitral panel is time-wasting and again may be subject to abuse as the Minister could delay exercising his discretion or refuse to exercise it at all. The IAP only acts on matters that are referred to it by the minister (2002-2010) 9 Nig. J. R.

Also, the fact that an award of the IAP is not binding until confirmed by the Minister leaves much to be desired. This provision robs the IAP of its independence as an adjudicating body. Awards of the IAP should become binding on the parties without “Commerce is a game of skill which everybody cannot play and few and few can play well” -Ralph Waldo Emerson any qualification and the onus to appeal the award at the NIC should be on the parties and not on the direction of the Minister. Lastly, the Act is silent as to what will happen if the Minister fails to refer a dispute to the other dispute resolution mechanisms within the fourteen (14) days’ windows (Sijuwade & Arogundade, 2016: 3).

3.4 LEGISLATION REGULATING CONFLICT RESOLUTION IN SOUTH AFRICA

A constructive mechanism for conflict resolution in South Africa did not exist until 1924, when the Industrial Conciliation Act of 1924 was put into effect. The purpose of this act was to prevent industrial unrest by providing mechanisms for collective bargaining and conciliation in the event of disputes. Under this Act, black African employees were prohibited from utilizing the regulatory procedure set out in the Act, so all strike action undertaken by blacks was regarded as a criminal act. However, this Act was created primarily to resolve conflicts of interest (CCMA, 2007).

Interest disputes typically arise when new rights or conditions are created, such as raises in wages or changes in employment conditions. These disputes arise from a failure to bargain collectively. The disputes of interest were referred to industrial councils or conciliation boards for conciliation (Cheadle, 2006; Niekerk, 2005). Ordinary courts had to deal with disputes over rights. Right disputes are disputes regarding the violation or interpretation of an existing right, such as a dispute over underpayment under a contract or an industrial council agreement or an interdict arising from an unprotected strike or lockout (Cheadle, 2006; Niekerk, 2005).

The Industrial Conciliation Act of 1924 was amended in 1937 and again in 1956. The 1956 Industrial Conciliation Act created an industrial tribunal to arbitrate disputes although it was limited to job reservation disputes and not all labour disputes (CCMA, 2007). In the early 1970s under increasing suppression at the workplace, almost as a subset of broader political oppression, urbanized African workers in Durban expressed their opposition in the form of wildcat strikes (Cheadle 2006). One consequence of the strikes among others was the appointment of the Wiehahn Commission in 1979 against the backdrop of socio-political turbulence of the seventies, which proved to be the turning point for South African labour relations. Its mandate was to investigate the inadequacies of the existing labour legislative structures and propose possible remedies. The commission proposed:

- The amendment of the Industrial Conciliation Act to now include black workers within the definition of employees and thus include them in the collective bargaining framework.
- The creation of an industrial court for specialised labour disputes to replace the industrial tribunal.

- The formation of the National Manpower Commission to advise the Department of Labour; and
- The encouragement of training in the private sector through tax incentives and concessions (Fick & High, 1987: 81).

The commission's brief was to revisit the country's labour legislation. Many of the Commission's recommendations were accepted and therefore the Industrial Conciliation Act of 1956 was amended and renamed the Labour Relations Act (LRA). The exclusion of Africans from the LRA of 1956 was removed. The LRA as amended in 1979, introduced the concept of 'unfair labour practice' and charged the Industrial court with adjudicating unfair labour practices (Venter, 2003*)*. The adoption of the 1956 LRA resulted in a narrowly focused labour relations system, limited to a competition between management and labour. The system was not only procedurally complex but also administratively burdensome (Venter, 2003*).*

Within the spirit of South Africa's negotiated political settlement, the LRA 66 of 1995 replaced the 1956 LRA. Among the intended purposes of the new LRA was the promotion of an effective and efficient labour dispute resolution system to overcome the lengthy delays, to save on costs and to reduce the incidence of industrial action which characterised the apartheid dispensation. This marked a new era for South Africa as the labour relations system moved ostensibly from confrontation to cooperation (Venter, 2003)*.*

The Labour Relations Act of 1995 regulates individual and collective employment relations in South Africa. The Act 66 of 1995 provides for a comprehensive framework for the resolution of disputes in the workplace; It created the institutions and processes for dispute resolution. These institutions include the Commission for Conciliation, Mediation and Arbitration (the CCMA) and the Labour Courts (the Labour Court and the Labour Appeal Court). The CCMA has the power to license Private Agencies and Bargaining Councils to perform any or all its functions. This allows parties in dispute the choice of which institutions to assist them although the Bargaining Council where it exists for parties is always the first institution of engagement and if there is no Bargaining council then the CCMA has jurisdiction (CCMA,2007).

The Labour Relation Act, section 77, also provides for National Economic Development and Labour Council's (NEDLAC) as extensive legislative organs and

institutional reforms that are changing the face of industrial relations in South Africa today. NEDLAC is charged with the responsibility of facilitating consensus on economic and labour matters between employers, labour, government, and the community. Undoubtedly, its most profound impact on labour relations to date has been its role in the implementation of South Africa's new legislative framework (Venter, 2003: 522). Also, NEDLAC will continue to play a vital role in regulating and minimising the incident of socio-economic protest action through bringing parties together to try and resolve causes for the protest action; because issues relating to socio-economic protest actions usually relate to public policy (Venter, 2003: 522)

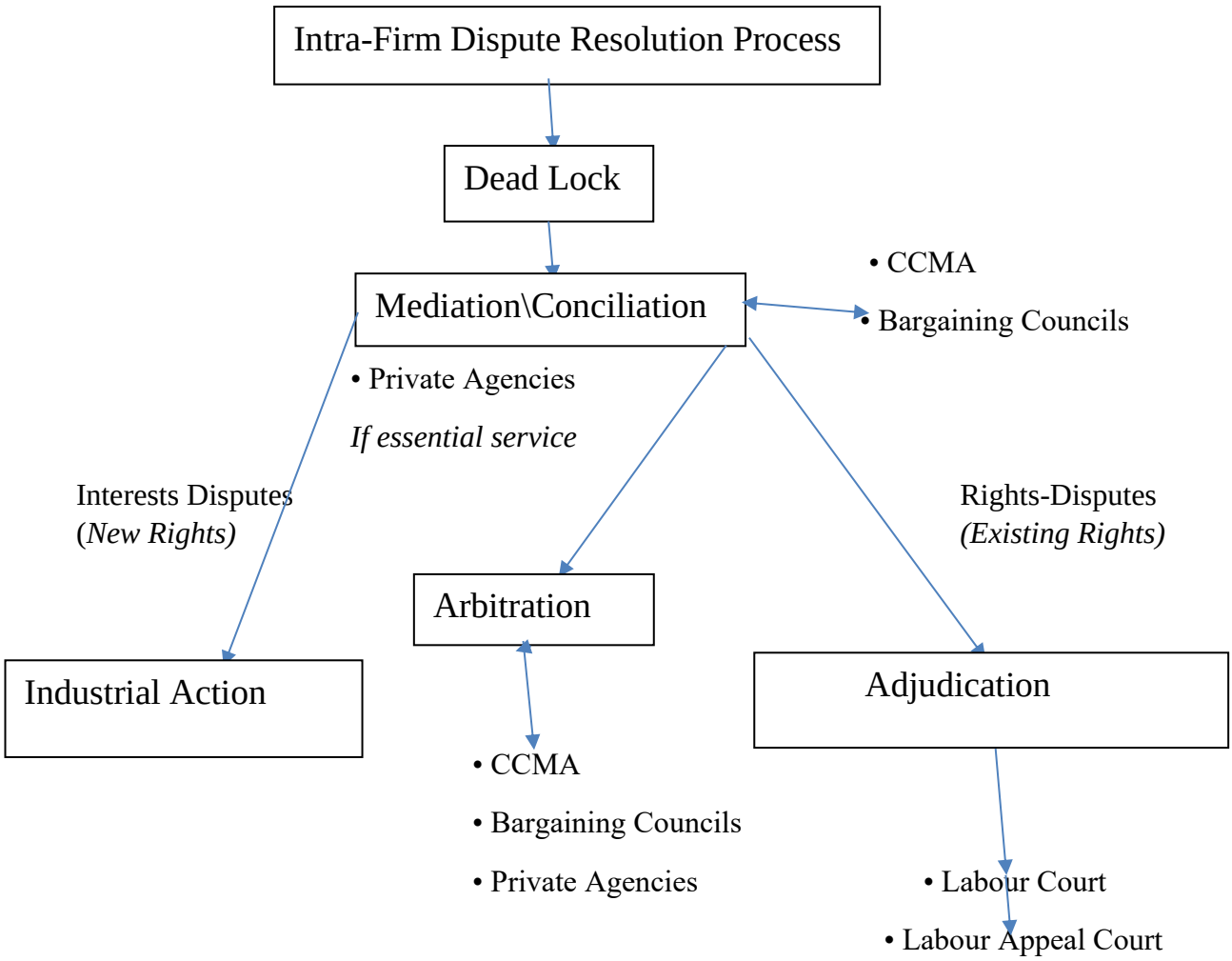
Table 3.2 below shows the structure of the dispute resolution system of South Africa. If there is a deadlock in a dispute at the firm level, the parties to a dispute must refer their dispute to conciliation. In its purest form, conciliation involves parties to a dispute resolving their differences and arriving at a mutually acceptable outcome without any neutral third party (CCMA, 2007). Often, a neutral third party or conciliator is appointed by the parties to assist in the resolution of the dispute. Mediation also involves the active intervention of a neutral third party who assists parties in achieving a mutually agreeable outcome through the facilitating of open and constructive dialogue. However, this role is differentiated from that of the conciliator in that the mediator is more proactive in his or her role in moving the parties to a mutually agreeable outcome, stopping just short of handing down a final and binding decision (Venter, 2003: 384).

In South Africa, the regulatory procedure of processing disputes considers the different kinds of labour disputes. The process makes a specific distinction between "disputes of interests" and "disputes of rights" according to whether they are from an actual or perceived entitlement or obligation. Disputes of right occur when there is a violation of an actual entitlement or obligation set out in the contracts of employment, collective agreements, or in various pieces of legislation as well as regulations governing the employment relations (Venter, 2003: 383).

On the other hand, a dispute of interest might arise when a party to the employment relationship feels they should be but are not yet entitled to something. Should entitlement arise, however, after subsequent negotiations, then the interest becomes a right. Issues that are bargained over and which are not regulated by law or agreement may lead to a dispute of interest (Bendix, 1996:481). This classification of

labour disputes is important because it determines which resolution technique to use in resolving the dispute. The use of industrial action to interest disputes is considered appropriate as a method of last resort. The structure of dispute settlement systems is normally designed to promote collective bargaining, for example by requiring the parties to exhaust all the possibilities of reaching a negotiated solution or to exhaust the dispute settlement procedures provided for by their collective agreement before having access to state provided procedures (ILO 2001).

Table 3.2: The Structure of Dispute Resolution System in South Africa



Source: Analysis of CCMA, (2005)

As shown in Table 3.2, the LRA provides for the determination of disputes of rights industry-wide through adjudication by the Labour Courts or arbitration either by the CCMA, private dispute resolution institutions or Bargaining Councils. In all cases,

disputes must be conciliated before they can proceed to arbitration or adjudication. Conciliation involves the use of a neutral or acceptable third party to assist parties to arrive at a mutually acceptable, enforceable, and binding solution (Bosch et al., 2004).

Disputes of interest as is clear in Table 3.2 above, if not resolved at the conciliation phase are then prone (unless an essential service activity) to strike action or lockouts although they rarely occur. If disputes of rights are not resolved at conciliation, they are referred to either arbitration or adjudication (CCMA, 2007). The reason why some disputes go to arbitration and others go to adjudication in the Labour Courts is the public policy aspect of certain kinds of disputes (for example, retrenchments). Hence, issues that could affect public policy fall under the jurisdiction of the Labour Court (CCMA 2007).

Arbitration refers to a process of settling disputes using an impartial third party. However, unlike conciliation, in which the neutral third party facilitates the settling of a dispute by helping parties to find common ground, an arbitrator settles the disputes by making a final and binding decision. The LRA allows under certain strict conditions that the decision can be reviewed at the Labour Court. This is a simplified structure of the dispute resolution system in South Africa (CCMA, 2007).

After conciliation disputes of rights are normally referred to arbitration on the request of the referring party, only in certain cases, such as unfair discrimination and automatically unfair disputes will a dispute be referred to the Labour Court? This has been effectively undermined recently. The Labour Court's power to review the CCMA awards is now the same as any other administrative review. Adjudication on the other hand refers to the legal process of settling a dispute. In what follows we briefly discuss the dispute resolution institutions, currently prevalent in South Africa (CCMA, 2007).

3.4.1 Dispute Resolution Institutions in South Africa:

3.4.2. Commission for Conciliation, Mediation and Arbitration (CCMA)

The Labour Relations Act, 66 of 1995 (LRA) establishes the CCMA as a statutory dispute resolution body which is an independent body that does not belong to and is not controlled by any political party, trade union or business although it is funded by the state (CCMA, 2018). The primary function of the CCMA is to conciliate and arbitrate disputes. More also, the CCMA is the mainstay of this framework and provides a more flexible, cost-effective, and constructive mechanism for the resolution

of a labour dispute in South Africa, which emphasises dialogue and joint problem solving, as opposed to the more adversarial approach of litigation. In so doing, the Act has intended to keep the incidents of industrial and workplace conflict to a minimum (Venter, 2003: 383).

These are disputes referred to the CCMA in terms of the Labour Relations Act and other labour statutes such as the Basic Conditions of Employment Act of 1997 (BCEA), Employment Equity Act of 1998 (EEA), the Skills Development Act of 1998 and the Unemployment Insurance Act of 2001 (UIF). The CCMA is also required to compile and publish information and statistics about its work. As shown in Table 3.2, not all disputes go to the CCMA. For example, cases where an independent contractor is involved; cases that do not deal with an issue in the Labour Relations Act or Employment Equity Act; where a bargaining council exists for that sector; where a private agreement exists for resolving disputes, and so on, would not go to the CCMA. Initially, the Labour Relations Act limited access to the CCMA to individuals employed under a common law contract of employment (CCMA, 2007).

3.4.3 National Economic Development and Labour Council (NEDLAC)

The National Economic Development and Labour Council (NEDLAC) came into being on 18 February 1995, in a bid to add legitimacy and transparency to the socio-economic decision-making process. It is essentially a social partnership between the traditional stakeholders to the tripartite relationship, namely government, business, and labour. A fourth partner has already been included, namely the community and its various representative bodies. It is through the council consensus is reached in a truly democratic fashion on the matter of social and economic policy (Venter, 2003: 44).

The structure of NEDLAC and functions of each of its components are detailed below:

- NEDLAC's objectives are set out in the National Economic Development and Labour Council Act 35 of 1994. These are:
- Strive to promote the goals of economic growth, participation in economic decision-making, and social equity.
- Seek to reach a consensus and conclude an agreement on social and economic policy.

- Consider all proposed labour legislation relating to labour market policy before it is introduced in parliament.
- Consider all significant changes to a social and economic policy before it is introduced in parliament; and encourage and promote the formulation of coordinated policy on social and economic matters (Venter, 2003: 44).

Each of the constituencies decides on its agenda. Decisions are first made in the camera before going on to be ratified by the Executive Council. Each chamber has various terms of reference. All agreements reached, including any findings, are publicized, and tabled in the parliament. To facilitate the process, NEDLAC conducts research, both local and international, into social and economic policy. It simultaneously seeks to establish working relationships with provincial and local governments, as well as with other bodies that are relevant to its functions.

Table 3.3 Source (Adapted from the NEDLAC Structure, 2003)

National Summit

Business South Africa National African Federated Chamber of Commerce	Business	Give feedback and receives input from a broad range of organisations and individuals. Chaired by President or Deputy President 300 participants convened annually.
		Executive Council
Congress of South Africa Trade Unions National Council of Trade Unions Federal of Unions of South Africa	Labour	Receives report-back from chamber, reviews progress, reaches consensus & conclude agreement, Chair rotates among constituencies, Up to 18 delegates per constituency, meet quarterly.
		Management Committee
National Rural Development Forum Women National Coalition South African National Civics Org additional South African Youth Council Disabled People of S. A	Community	Oversee and coordinates Conveners of delegations in each chamber, plus an delegate from each constituency Meets in months when exec does not meet, Can appoint subcommittees, for example, finance committees.
		Chambers
Department of Labour Department Trade & Industries Department of Public Work a Department of Finance	Government	Work according to agreed work programmers, Six delegates per constituency, each delegation appoint convener Meet according to the needs of the work program.

3.4.4 Conciliation:

The 2002 amendments of the LRA extended labour law protection to more vulnerable workers. The first step in the process CCMA of all disputes is to be referred to conciliation by employees within 30 days as to cases of unfair dismissal but in the cases of unfair labour practices, it is within 90 days. “If the above periods have lapsed, the referring party must apply for condonation- he/ she is required to make an application to the CCMA to condone the reason that he/she failed to refer the case timeously” (CCMA, 2018).

This application should preferably be dealt with before the conciliation taking place as it is a jurisdictional fact that needs to be dealt with. However, the LRA states that the Commission can condone a late referral at any time (CCMA, 2018); though an in limine hearing on a specific legal will take place before the actual case is referred, or can be heard (CCMA, 2018). If a dispute has been properly referred to, the CCMA will appoint a commissioner to attempt to resolve it. The commissioner is required to resolve the dispute within 30 days of its referral date. The commissioner determines the process to attempt to resolve the dispute. No legal representation is allowed in conciliation proceedings. At the end of the conciliation proceedings, the commissioner issues a certificate stating whether the dispute has been resolved. (CCMA, 2007)

3.4.5 Arbitration:

Arbitration proceedings are more formal than conciliation. When conciliation fails, a party may request the CCMA to resolve the dispute by arbitration. If there is a request for arbitration, the CCMA will appoint a commissioner. The commissioner hearing the dispute or will decide which in most cases is final within 14 days of the arbitration, binding and may be made an order of the Labour Court (CCMA, 2018). The drafters of the LRA of 1995 made the conscious decision that there should be no right of appeal against arbitration awards issued by CCMA commissioners (Young, 2004). They did agree, however, that a party to arbitration proceedings who was dissatisfied with the outcome of these proceedings could approach the Labour Courts to review the award. ‘’Similarly, in terms of section 145 of the LRA, a party may apply to the Labour Court based on an alleged defect with a commissioner's rulings or awards. The party who alleges such a defect must apply to the Labour Court to set aside the award within six weeks of the award being served’’ (CCMA, 2018).

The 2002 amendments of the LRA placed the matter of representation in arbitration in the hands of the CCMA. It is sometimes argued that the CCMA has not created proper rules relating to the right of representation as was intended by the enabling legislation and this has created a loophole allowing an unrestricted right to representation before the CCMA (Collier, 2003). However, the CCMA rejects this interpretation stating that representation at the CCMA remains as it was before the 2002 amendments.

3.4.6 Con-arb:

The 2002 amendments of the LRA institutionalized the process of con-arb as another means of dispute resolution. The “con-arb” process is intended to be a “one sitting” process that has “two steps”, that is, conciliation followed by arbitration if conciliation is not successful (CCMA, 2007). The con-arb is governed by the same rules as conciliation and arbitration. Legal representation is not allowed in the conciliation stage of the con-arb process but may be permitted at the arbitration stage. Section 191(5A) makes provision for the Con-arb process, which is a speedier one-stop process of conciliation and arbitration for individual unfair labour practices and unfair dismissals. In effect, this process will allow for conciliation and arbitration to take place as a continuous process on the same day.

The process is compulsory in matters relating to dismissals for any reason relating to probation; and any unfair labour practice relating to probation (CCMA, 2018). The legislation allows for parties to object to the same commissioner who conducted the conciliation phase to arbitrate the matter if the dispute is not resolved at the conciliation stage. The purpose of the con-arb is to avoid the delay between the conciliation and arbitration hearings and thus, reduce the costs of these processes (CCMA, 2007).

Molahlehi (2005) pointed out that there is a consensus between academic writers and practitioners that the success of the new dispensation and the CCMA lies in the fact that workplace justice has now been made more accessible and less costly for unskilled workers. The absence of a requirement for formal pleadings and complicated referral procedures are some of the successful features that make the CCMA more accessible. This simplicity of the processes is often cited as an important factor in making the CCMA accessible to many workers. For example, it has ensured that literacy, lack of skills and resources are not hindrances preventing entry to the system. However, the ease of access to the CCMA has also meant that the private cost of

formalizing a dispute, irrespective of the issue, is at the conciliation stage, zero. In this respect then, many observers have argued that the rapid rise in cases before the CCMA may reflect these zero entry costs (CCMA, 2007).

Despite these achievements, the CCMA faces several challenges. For example, as Ngcukaitobi (2004) argues, the CCMA has not been able to resolve disputes as expeditiously as had been hoped at the time of its establishment. Brand (2000) suggested that the difficulties experienced by the CCMA are due to financial and human resource constraints. Resource constraints also impact the quality of the administrative service provided by the CCMA. Furthermore, as indicated by Molahlehi (2005) the CCMA commissioners in the process of narrowing issues, are under immense caseload pressure and the need to meet case efficiencies. The daily efficiencies for commissioners are 2 con-arbs per day, 3 conciliations per day, 2 arbitrations per day, 4 in limited per day, or 4 rescissions per day. Based on these efficiency parameters, some have argued that this may, in some cases lead to hasty settling of disputes and possibly also in superficial settlements which fail to address the underlying causes of conflict or the real needs of the parties.

3.4.7 Bargaining Councils:

Bargaining Councils are joint employer and union bargaining institutions whose functions and powers are set out in the LRA. One of the LRA's main objectives is to promote collective bargaining as a means of regulating relations between management and labour and as a means of settling disputes between them. A Bargaining Council has the responsibility to resolve disputes between parties that arise from the collective agreements concluded in the council and other statutory instruments (CCMA, 2007).

Bargaining Council agreements deal with issues such as minimum wages, hours of work, overtime, leave pay, notice periods, and retrenchment pay. A bargaining council does not need to be accredited with the CCMA to perform dispute resolution services regarding parties to that council (CCMA, 2007). According to Brand (2002), if a bargaining council applies to the CCMA for accreditation the CCMA may, as a term of accreditation, give council conciliators similar powers to CCMA conciliators. There are currently about 55 Bargaining Councils in South Africa. Their jurisdiction may be sectoral, regional, or industry-wide and hence they vary in size and quality of dispute

resolution. One of the main criticisms aimed at bargaining councils is that they are fragmented and poorly resourced.

3.4.8 Private Dispute Resolution Agencies:

The Independent Mediation Service of South Africa (IMSSA) was the first private dispute resolution agency that specialised in labour disputes of importance. It was formed in 1984 and set out to provide mediation-arbitration services that were more expeditious, informal, and less adversarial than the courts (Bosch et al. 2004). In 2000 IMSSA closed, and Tokyo Dispute Settlement was formed to fill the gap in 2001. Since then, Tokyo has grown to be the largest and most active private dispute resolution service in South Africa. The CCMA has, however, not accredited private agencies, despite the demand for private dispute resolution services by agencies such as Tokyo. Though in recent time, the Labour Relations Act of 1995 (as amended) stipulates that "Any council or private agency may apply to the governing body of CCMA in the prescribed form for accreditation to perform the functions of resolving disputes through conciliation; and arbitrating disputes that remain unresolved after conciliation, if this Act requires arbitration". "The governing body of CCMA may accredit an applicant to perform any function for which it seeks accreditation, after considering the application meeting the Commission's standards" (Department of Labour, 2002: 76). Since 2013, only 4 private agencies have been accredited by the CCMA. This has not only stifled the role of private agencies but has hamstrung the CCMA in developing a more inclusive offering to the market. (For example, Accord Africa Dispute Resolution (Pty), Tokyo Dispute Settlement (Pty) Ltd), Temnotfo Training cc, JFKS Consulting (Pty) Ltd) (CCMA, 2018).

3.4.9 Labour Courts:

The LRA established the Labour Court as a superior court of law and equity. It has power and status about issues that fall within its jurisdiction in all provinces, which are equal to those of a provincial division of the Supreme Court in South Africa (Venter, 2003: 394). The Labour Court can hear contractual or BCEA or EEA disputes without going through conciliation first. It can interdict strikes and lockouts without prior conciliation. If there is perfect conciliation. An in limine hearing is a hearing on a specific legal point, which takes place before the actual case referred, can be heard (Cheadle, 2006). It is meant to address technical legal points, which are raised before getting into the merits of the case and relates to matters of jurisdiction. However, this

is a generalisation that may not apply to all Bargaining Councils, for example, the Motor, Metal, and Public Sector Bargaining Councils would not necessarily fit this description (Collier, 2003).

3.4.10 Labour Appeal Court:

The Labour Appeal Court is the court of final appeal in respect of labour disputes that has the same powers and status as those of the Appellate Division of the Supreme Court. Not many cases will be referred to this Labour Court. The LRA created the Labour Courts to deal with complex labour issues. The Labour Courts have found it difficult to attract sufficient judges of high calibre in the field of labour law in South Africa. This has resulted in the over-reliance on acting judges, some of whom have little experience in labour law (Roskam, 2006; Cheadle, 2006 & Benjamin, 2006). Also, Benjamin (2006) pointed out that, it was thought that the Labour Courts would exercise supervisory authority over the CCMA. However, this has not occurred given that both the CCMA and Labour Courts have had huge caseloads and that the Labour Courts suffer from significant levels of inefficiency due to their human resource constraints. We should note that there is an ongoing judicial review process which is examining the role and responsibilities of specialist courts, such as the Labour Courts and the Labour Appeals

3.5 RESEARCH ASSUMPTIONS

To guide this research, these sets of assumptions have been made per the objective of the research which includes the following:

i. In a host country, it is assumed that multinational companies will adopt the host country's labour laws so that they comply with that country's laws.

ii. A subsidiary organization may also wish to follow the best practices of international employment relations of the multinational company or to achieve their best performance. A congenial industrial relations practice at the multinational company is made possible by an incredibly sophisticated mechanism for handling conflict.

iii. The effectiveness and efficiency of mechanisms applied in the process of conflict resolutions by multinational companies are assumed to differ in terms of enforceability and compliance when compared.

iv. Additionally, it is assumed that there will be no alignment between the cultures and values of both parties, as the multinational companies and the host countries come from different backgrounds and regions. Therefore, a multinational company needs to work with the host country to remedy nonconformity within the host country's culture and values so that they can function successfully.

v. It is also expected that the research will serve as a prototype for such multinational companies, whenever they come to Nigeria for the establishment, to adopt the proposed conflict resolution mechanism in a congenial setting. Besides that, Nigeria can also learn a lot about conflict resolution from the process of South Africa.

3.6 CONCLUDING REMARK

Nigerian and South African economic and political developments in terms of labour-management relations are deeply linked to the evolution and development of their respective industrial relations. A study of the advances made by labour advancement and their agitation in Nigeria and South Africa reveals the tripartite relationship or roles played by employers, workers, and government about labour management relations in these countries. A series of progress has been made in labour legislation due to the positive contribution of workers since state officials are bound to review and amend labour laws as workers lay their demands. Trade unions play a central role in the industrialisation of each country studied, which justifies the decision to focus on their development. Though, workers waste a lot of productive time in fighting continually both with employers and governments about policies and labour laws that affect workers' interests and the entire nation's economy. On the account of disruptive effects of industrial conflicts among labour relations actors; a harmonious and congenial labour relations environment must be maintained in the internal and external environment of labour relations, which is predicated upon credible conflict resolution mechanisms procedures. Moreover, the next chapter focuses on both the design and methodology adopted in the study by employing a descriptive, non-experimental research design and adopting a mixed-method data collection approach -- a qualitative and quantitative approach, respectively.

CHAPTER FOUR: RESEARCH DESIGN AND METHODOLOGY

4.0 INTRODUCTION

An empirical-methodology discussion is provided in this chapter. The chapter also discusses the research plan, the research design, the population under study, the sampling technique, the instruments used to collect data, and the methods for administering the instruments, as well as their accuracy and validity. This section also covers procedures for data analysis.

4.1 RESEARCH DESIGN

A research design is an outline of how an individual intends to research while focusing on the outcome (Babbie & Mouton, 2015). In this study, a survey research design is used as part of the non-experimental descriptive research. In this study, the descriptive research design aims to gain an accurate picture of what employees and managers in employment relations think of the mechanisms for conflict resolution that have been employed in their workplace. The research used a survey approach, which provides a quantitative or numeric assessment of attitudes, or opinions of workers and managers on why dispute resolution mechanisms are effective in one site and not in another in employment relations at a multinational company.

Kumar & George, (2013) explained that descriptive research accounts for a substantial amount of social sciences research, as it describes a specific aspect of the research environment in a precise and accurate manner. Besides, the essence of descriptive research can also seem to be to describe, explain and validate research findings as suggested by Dudovskiy, (2018). This perfectly matched the purpose of the study, which sought to describe, explain, and validate the mechanisms and processes of dispute resolution in employment relations. Descriptive research can answer the research question by illuminating who, where and how relevant to a particular problem. By selecting descriptive research, it is fundamentally helpful to answer the research questions. A survey method also permits the research to gather data from a large number of people living in a particular environment (Saunders et. al., 2009).

4.1.1 Exploratory research design

Typically, this research method is used to explore and gain insight into a topic or to gain an overview of a topic. The researcher often uses this method when studying an entirely new topic or when examining a brand-new research question (Babbie &

Mouton, 2015). An exploratory research design in this study was selected simply because it allows the researcher to explore the research topic with varying degrees of depth and to explore the research questions concerning mechanisms for dispute resolution and how they are employed in employment relations at a multinational company.

In addition, Babbie & Mouton, (2015) suggested that exploratory research design may also be used to satisfy the researcher's curiosity and desire to further understand the research problems. This is accomplished by assessing the feasibility of doing more extensive research and describing the overall objectives of the research. This current study has also adopted an exploratory research design to enlighten more on the alignment in culture and value of both parties. As part of this approach, the researcher conducted qualitative research first and explored the viewpoints of participants. Upon analysing the data, it was used to build the second phase of quantitative research. In the qualitative phase, the researcher developed a questionnaire that best matches the sample under study (Creswell, 2014).

4.1.2 Comparative Research Design

Richardson (2018) defines comparative research as comparing two groups to conclude. This type of survey design has been used to analyse similarities and differences between groups, and most often two separate groups from separate countries are compared. In this study, a comparative research design is used to compare the effectiveness of mechanisms built into conflict resolution processes of two multinational companies (Nigeria and South Africa). A second reason for choosing a comparative research design is to examine the mechanisms within multinational companies. In addition, the research used a comparative approach to increase understanding between cultures and societies of two different groups (Nigeria and South Africa), which resulted in compromise and collaboration.

4.2 RESEARCH PLAN

The research carefully planned how primary data would be collected to analyse conflict resolution within two multinational firms in South Africa and Nigeria. This was achieved using a mix of qualitative and quantitative data collection methods. The quantitative approach has been used for the quantitative data collection of general rank-and-file employees and HR practitioners at a multinational company in Nigeria and South Africa by using an online survey of approximately (400) copies to solicit information

about conflict resolution mechanisms. For this study, the qualitative data was collected through an online interview with the top leadership staff in two multinational organisations, which included (10) senior HR/organisational executives from each country, equating (20) executive managers. The original plan for data collection is to travel down to the regions of two multinational companies to personally deliver questionnaires to general employees and conduct a face-to-face interview with a top executive in the company, but the covid-19 pandemic has prevented this from happening.

As part of the quantitative method of data collection, correspondence was sought from the two multinational companies in South Africa and Nigeria regarding the process of data collection in their countries before questionnaires were distributed. The respondent was notified by email and telephone on how to respond to the question on the Google form. Both multinational companies from Nigeria and South Africa were contacted to obtain permission to conduct the study via consent letters. Afterwards, 200 copies (200) of the questionnaires were distributed via various electronic channels by general rank and file employees of the multinational company in South Africa. Two hundred questionnaires were sent out, and one hundred and eighty-six (186) questionnaire responses were validly completed and returned using an automatic button pressed on a google form at the end of each item. Approximately two hundred (200) copies of the same questionnaires were emailed to the respondents in a multinational company in Nigeria. A total of one hundred seventy-seven (177) responses were genuinely filled out and returned. Three hundred and sixty-three (363) respondents from South Africa and Nigeria completed an electronic survey using a google form.

Furthermore, qualitative data collection was carried out by identifying (20) twenty senior managerial staff, and (10) ten top managers from each of the two countries within which the participants are interviewed. In each location (Nigeria and South Africa), the researcher was supposed to interview managers selected from the different divisions of the multinational enterprise on the topic of mechanism for resolving a dispute among employees. Nevertheless, in light of the Covid-19 worldwide pandemic outbreak, various measures were taken by different governments, including travel bans, lockdowns and so on. These measures prevented people from travelling across nations, as well as prohibiting a face-to-face interview

with the managers. It was important to interview the top managers in human resources and senior executives since they hold senior positions. Moreover, the manager's job is to develop strategies for resolving workplace conflicts and ensure that the mechanisms for resolving these conflicts between employees, employees, and employees are efficient and effective.

To get a better understanding of the interview questions, phone and video calls were conducted with all twenty (20) managers in their various locations. Google forms interviews were then sent via email to the top managers to secure qualitative data collection. Twenty (20) interview questions sent to top managers have been answered adequately and returned via the online platform. As the respondents' permission was obtained, notes were also taken during the interview, demonstrating the ability to clarify questions that were misunderstood and to explain things immediately on the spot. In this research, the combination of quantitative and qualitative methods yielded an in-depth report.

4.2.1 Research Methodology

Research methodology is defined by Greenfield (2002) as an art, which incorporates investigation, experimental design, data collection, measurement, analysis, interpretation as well as presentation. Research designs and research methodologies are often confused; however, they are entirely different dimensions of research. Research methodology covers data collection and sampling, tools and methods used to conduct the research, while research design outlines the plans and procedures to be used by the researcher (Babbie & Mouton, 2015).

This study has employed a mixed method of data collection for assessing the efficacy of the mechanism for dispute resolution in Nigeria and South Africa. This study has employed both qualitative and quantitative data collection methods. In mixed methods research, both quantitative and qualitative methods are used to collect and analyse data within an individual study (Onwuegbuzie & Leech, 2005). As a result of these philosophical antecedents, this method proposes that by combining these two approaches we can learn more about the research problem (Bergman et. al., 2008).

Furthermore, pragmatic approaches place greater emphasis on the research problem, instead of focusing on methods, and use all available approaches to complete the analysis of or to meet the needs and purposes of the research problem (Morgan,

2007). Not committed to one specific philosophy or reality system, pragmatism is an open-minded philosophical approach. In mixed-method research, inquirers rely on both quantitative and qualitative assumptions (Creswell, 2014). Mixed methods constitute the philosophical basis for social science research, which chooses the research question and then utilizes a pluralistic approach to achieve knowledge of it. Morgan (2007) emphasized the importance of using mixed methods for social science research as a philosophical underpinning. Hence, the combination of qualitative and quantitative research methods used in the study is referred to as triangulation. This is also done to ensure that the results in the study have validity and reliability.

In this study, a mixed methodology was utilized to gain a comprehensive understanding of the dispute resolution process. In this study, mixed methods allow the researcher to investigate many approaches for collecting and analysing data rather than subscribing to only one way (for example, quantitative, or qualitative) to provide the best-detailed mechanism that proffers solution for conflict management in employment relations at a multinational company (Creswell, 2014). In case there are deficiencies in the quantitative data collection method, it will be countered by the qualitative data collection method; each method tends to work in solid harmony for better research methodology. It is a common practice to use multiple sources of information to collect data in a single study owing to methodological triangulation, which can be defined as the combination of different research methods (Yin, 2003; Singleton & Straits, 2005).

4.2.1.1 The quantitative method of data collection:

As defined by Teddlie & Tashakkori (2009), quantitative research is the collection of numerical data using statistically valid and reliable instruments to gain insight into a given topic. Creswell, (2014) supplementary clarifies the quantitative method as a means for testing objective theories by examining the relationships among variables. (Partington, 2002). Quantitative research uses questionnaires or surveys and uses numerical analysis of data collected.

A self-development questionnaire was used to collect quantitative data in this study. As part of this study, quantitative measures were used to assess employee perceptions of the dispute management process. In addition to its convenience, quantitative methods are used where the research requires collection of data from a large sample size, especially in dispersed locations. Therefore, the quantitative

method is preferred because it allowed the researcher to gather opinions from employees who work for a multinational company that has a presence in two countries, (Nigeria and South Africa).

The research examined the effectiveness of the dispute resolution mechanisms via a self-administered questionnaire for a quantitative data collection method that involved two multinational corporations. The first participants were from Nigeria, and they described how the process for dispute resolution worked and how the multinational company was able to influence the process of conflict resolution within the host countries. A second participant's group from South Africa discussed how conflict resolution mechanisms functioned in their organization. Among the two groups, a comparison was made, and, from these findings, the most effective method of dispute resolution was selected. This study is appropriate for a quantitative approach based on factors such as identifying factors that affect outcomes, allocating the correct level of intervention, or understanding the best predictors of outcomes and testing theories (Creswell, 2014).

4.2.1.2 The qualitative method of data collection

The purpose is to explore and analyse the meaning individuals or groups attribute to problems that affect society or people. The methodology is also characterized by concerns for text, natural setting, the human instrument, participant observation, field study, case study, and descriptive data (Creswell, 2014). Consequently, this study helps the researcher to understand the skills and experiences participants have in using mechanisms to resolve conflict in the workplace, and how that has been used to foster a peaceful and pleasant culture within the workplace. Among the benefits of qualitative research methods are accuracy in data, flexibility in how data is collected, and interpretation of data collected. A descriptive capability based on unstructured and primary data is also provided (Matveeva, 2002).

A qualitative data collection method was also utilized since the quantitative results from the study were not sufficient to get the empirical numerical data of the effectiveness of the dispute mechanism. The qualitative method enables information on dispute resolution mechanism procedures to be gathered inductively through open-ended questions that build from the particular to the general inquiry by the researcher. In addition to engaging the selected senior manager and department heads who have

been involved in the dispute, the researcher explored in-depth intra-organisational conflict resolution processes from the viewpoints of the organization's leaders and decision-makers. Therefore, the study was able to effectively interpret and analyse the dispute resolution mechanism as a concept.

Using both methods enabled the research to gather large and comprehensive data to fill the knowledge gap regarding the phenomenon being studied. A mixed-method approach allows validity and reliability of various concepts and constructs within the research topic. A rationale for incorporating both approaches to the problem (Creswell, 2014).

Quantitative Methods	Mixed Methods	Qualitative Methods
Pre-determined	Both pre-determined and Emerging methods	**Emerging methods**
Instrument based questions	Both open- and close-ended questions	**Open-ended questions**
Performance-data, attitude data, observational, and census data	Multiple forms of data drawing on- all possibilities	Interview data, observation data, document data, and audio visual data
Statistical analysis	**Statistical and text analysis**	**Text and image analysis**
Statistical interpretation	Across databases interpretation	Themes, patterns interpretation

Source, Creswell, (2014). Quantitative, Mixed, and Qualitative Methods.

4.2.2 Population of the Study

In social science, a study population is a specified assemblage of elements from which samples are drawn (Babbie & Mouton, 2015). The population of this study is a multinational company that exists in two African countries, in equal numbers. The company is a major provider of information technology across Africa, especially in Nigeria and South Africa. The multinational company employs over 10,000 people in both countries. As a first step, the survey was conducted in both countries (Nigeria and South Africa) among the general rank-and-file employees within the organizations. The second set of respondents are the management staff in both countries, who have been comprehensively cross-examined on the conflict resolution process. (10) senior

(top) HR/organizational executives in each country were interviewed as the third group of respondents. In this case, the **target population** has been selected from amongst the administrative, but primarily the human resource management personnel in the organization. The rationale is that they should know, or they should have been involved in human resource practices to resolve conflict within the organization.

4.2.2.1 Population identification and description

The study was conducted at two similar multinational companies in Africa, one from South Africa and the other from Nigeria. As for the multinational company used in this study, it is a leading global provider of information and communications technology (ICT) infrastructure and smart devices. It also has branches all over Africa. Within the region of South Africa, the first multinational company considered in the study is a company that has no less than 10,000 employees. The Nigerian company is the second multinational in the Nigerian environment. The multinational company in Nigeria has a strength of 6,559 staff members, both permanent and contract. Majority of the operations are jointly controlled between Nigeria and South Africa. This population was selected to ensure that a representative sample size was gathered in both Nigeria and South Africa; to confirm that the population mix in each of the countries fully represented the total population of the Multinational Company.

4.2.3 Sampling procedure for quantitative method

A sample or a consensus can provide information about a population, as noted by Malhotra, (2010). Nevertheless, consensus considers the entire population, whereas sampling involves extracting information and drawing conclusions from the assessment of a select group of objects from a larger population (Burns & Bush, 2010; Yount, 2006; Zikmund & Babin, 2013). The sample is also thought of as a subset of cases chosen by the researcher from a large population (Neuman, 2011). The sample size for the research instrument has been determined using probability sampling, which utilizes a stratified sampling technique. With the probability sampling method, all of the workforces are selected by chance and each person has an equal chance, or probability, of being selected (Dudovskiy, 2018).

According to this sampling method in research, the ultimate goal is to select elements from a population in such a way that their descriptions (statistics) present the characteristics of the populations from which they were selected. The probability sampling method increases the likelihood of achieving this aim and provides methods

for estimating the likelihood of success (Babbie & Mouton, 2015). A probability sampling method offers an excellent means for selecting representative samples from a huge, known population (Babbie & Mouton, 2015). The research could not collect data from the entire population of Nigeria and South Africa since it was not practicable to do so, so a sample or subset of participants was used. In total, **400 participants** were selected among employees of a multinational company from Nigeria and South Africa.

An easier stratified approach is essential because the participants for this study included lower-level and higher-level cadres of the multinational company as well as supervisors from different groups within the department. Stratified sampling as chosen in the study is a method of obtaining a greater degree of representativeness while decreasing the likelihood of sample error (Creswell, 2014).

Furthermore, stratification implies that certain characteristics of individuals (such as gender, status, income, education) are present in the sample and the sample reflects the proportion of individuals with such characteristics in the larger population (Fowler, 2009). This makes it possible to obtain a sample size that accurately reflects the actual number of employees that are employed across strata (lower ranks and files) of a multinational company in Nigeria and South Africa. Since it is a homogeneous sample, this contributes to smaller sampling errors. Additionally, the stratified sampling technique chosen in the study has allowed grouping the population into sufficiently homogeneous categories. Prior to sampling, the general rank and files of employees that are chosen for sampling represent an equal proportion of the total population (Babbie & Mouton, 2015). Stratifying staff members accordingly for equal representation improves sampling efficiency and provides stratifying variables related to the research problems (Ukandu & Ukpere, 2011).

4.2.3.1 Sampling procedure for qualitative method

Sample, according to Gael (2012), is the process by which individuals were selected from a larger group from which they represent the majority and thus allow accurate conclusions concerning the larger group to be drawn. As said by Moule & Goodman, (2014), the process of selecting a sample is important since inappropriate sampling techniques often negatively influence the result of the research. To collect data through an interview guide, non-probability sampling was employed using

convenience sampling to select the sample size for qualitative method aspects of the study. Unlike probability sampling, non-probability sampling involves only a select group of people from the population participating in the study (Creswell, 2014). Using non-probability sampling is justified to make the study convenient for the investigator, as well as to minimize the time and cost of the study (Latham, 2007).

The non-random nature of this type of sampling makes it more cost-effective and time-effective; however, it does not ensure the representation of the entire population, therefore, reducing the level of generalisability associated with research findings (Creswell, 2014). As an additional point, Dudovskiy, (2018) & Latham, (2007) argue convenience sampling comprises participants who are readily available and willing to participate face-to-face in the research.

In this study, the researcher has interviewed 20 managers, those working within the administration, HRM, and labour relations areas in Nigeria and South Africa as a convenient sample, enabling selection of the size of the sample from the population under study. The convenience sampling method was used for this selection so that the sample selected represents the population. A face-to-face interview with selected managers from each region of the continent (Nigeria and South Africa) was also arranged to address the question of how to resolve a dispute among staff members within an organization of a multinational corporation. The covid-19 pandemic upsurge that took the world by surprise prompted the government of every country to implement measures such as a travel ban, lockdown, etc. Because travelling across nations is prohibited, as well as preventing the researcher from interviewing managers face-to-face, the researcher designed an electronic, online Google form enabling managers to see the questions from the interview.

4.3 DATA COLLECTION PROCEDURE

An effective data collection procedure includes an in-depth fact-finding strategy and instrument used to gather data. This includes questionnaires, interviews, observations, and readings. An important factor for the researcher to consider is the validity and reliability of the instrument chosen. Generally, the validity and reliability of any research project are dependent upon the instrumentation. Regardless of the methodology used to collect data, the process must be critically analysed to ensure you will get the results you expect.

4.3.1 Qualitative Data Collection Procedure

Having a comprehensive and in-depth interview guide allows the researcher to interview the respondents online across the board, as the presence of an interviewer generally reduces the number of "don't know" responses (Babbie & Mouton, 2015). Two weeks were to be set aside for the managers, of which one day was to be set aside for each manager to be interviewed, through which, relevant information was to be gathered from selected managerial personnel in the two countries (10 managers from each). The question type is implied (free response).

In the light of the ongoing global pandemic COVID-19, the procedures for data collection are somewhat affected. Various government regulations, such as a travel ban, lockdown, made it impossible for the researcher to conduct face-to-face interviews with respondents, thus necessitating the researcher to design an electronic online, Google form mode of data collection wherein the previous items were imputed.

This process of data collection allows the researcher to use a convenience sampling technique, hence the senior managers were contacted personally by phone. An online video interview was conducted by the researcher in South Africa at a convenient time for all the senior managers from the Nigerian environment, and they answered interview questions via an online platform regarding dispute resolution mechanisms in their organisations. In this regard, the same telephonic contact mode and online video interview were applied to each of the ten senior managers in the South Africa environment, depending on their preferences and as time allowed. To validate and test the reliability of the whole process, thematic analysis, which is identifying, analysing, and interpreting patterns of meaning (or "themes"), have been carried out to analyse and interpret the data collected through qualitative methods in the Nigerian and South African firms.

4.3.2 Quantitative Data Collection Procedure

This part of the research was quantitatively collected with a questionnaire. As an instrument for data collection, a questionnaire was applied in this study because it is practical, inexpensive, and easy for the researcher to analyse the information obtained. The survey research relies heavily on questionnaires (Babbie & Mouton, 2015).

The researcher was supposed to make the journey to the research site to distribute the questionnaire to the target participants with the help of company officials.

Nonetheless, international pandemic covid-19 outbreaks around the world led to restrictions (such as travel bans, a ban on air travel and a ban on personal contact) in the one-on-one delivery of the questionnaire by the respondent. Therefore, the study employed an electronic Google Form questionnaire of exactly two hundred questionnaires sent using an online platform to both contract and permanent staff of the different departments within the company. Particularly, those who have encountered disputes mechanisms issues before, and those who have experience managing and resolving conflict in Nigeria, should be able to address the issue of dispute resolution mechanisms in their organizations. On behalf of the company in South Africa, two hundred copies of the same internet survey and online Google form were sent to people across different departments to gather information, views, and opinions on the issue of dispute resolution. Although it was somewhat difficult to get respondents to answer the questions online because the interviewer wasn't directly handing out the questionnaire to the interviewees, call sessions were made to get respondents to answer those questions. Both in Nigeria and South Africa, data collection took place over a period of one to three months. An internet survey provided great benefits to the research since it was very fast to deliver to respondents and the researcher received a lot of answers in a short amount of time. As the survey was anonymous, it was a good way to test the efficiency of the questionnaire for data collection.

4.4 DATA COLLECTION INSTRUMENT

In the study, two fundamental research instruments were used. The first instrument was a questionnaire that included a close-ended question with a choice for the respondent (Dyer, 2002). Essentially, closed-type questions ensure that the answers are given a frame of reference that is relevant to the purpose of the inquiry and in a format that permits statistical analysis. Furthermore, Dyer (2002) noted that closed questions do have limitations, such as requiring the respondent to express an opinion on matters about which he or she may not have an opinion, resulting in insufficient expression and highlighting the respondent's opinion. Accordingly, the respondent is asked to choose one of several answers provided by the researcher; closed question responses are only useful for the actual quantitative analysis (Babbie & Mouton, 2015).

A second collection tool in the study is the interview guild, which consists of an open-ended question. According to Dyer (2002), the open-ended section is one where the

respondent can provide more details, explanations, or support for the choice made in the close-ended section, providing ample opportunity for the respondent to express their views on the research problem. As well, the respondent is asked to respond (Babbie & Mouton, 2015). As an example, in this study, determining how a multinational company influences the process of dispute resolution was an open-ended question, and the responses were in theoretical discussions of outcome since it was a qualitative analysis.

Typically, a questionnaire consists of a collection of questions with as many statements as there are questions. In this way, the researcher was able to determine whether the respondent held a particular attitude or perception towards the investigation (Babbie & Mouton, 2015). The research utilized a self-developed Likert-type questionnaire and an interview guide to collect data from the rank-and-file employees in the various departments and the senior management of the organization. By collecting data, these instruments were designed to get information about the perception of the dispute resolution process among employees and to address certain objectives of the research. It contains approximately 18 to 20 questions that cover all the research objectives. To determine the psychometric properties of the instrument that has been developed, reliability and validity analyses have been conducted. To validate the research instrument, comprehensive item and factor analyses were conducted in addition to internal consistency and reliability analyses.

Further, the Interview guide data collection instrument used in the research was used to collect information about the mechanism for dispute resolution at various companies by senior managers. The interview guide consists of 8 to 12 open-ended questions that are based on the research question and the objective of the study. In the interview guide, the follow-up questions were matched up to ensure the proper data collection procedure. Each item addresses a specific theme or subject matter. The purpose of using both instruments of data collection is to have a cross-reference, to compare and gain a clearer picture of the responses that have been provided by respondents in both countries.

4.4.1 Quantitative Data Collection Instrument

A data collection instrument that requires self-administering has been adopted for data collection processes. A questionnaire is generally a series of questions designed to

collect information about a phenomenon from respondents or groups of respondents. As well as being a document of inquiry, it consists of a series of questions, systematically assembled and well-organised, which are intended to provide insight into the nature of the problem under study. The questionnaire instrument is divided into two sections. The questionnaire items were developed and grouped based on themes or dimensions, but its significance as a data collection instrument in the study is not merely because it is low-cost and provides hands-on experience. As part of this research, the questionnaire instruments used a Likert-type scale with five points (***strongly disagree, disagree, neutral, agree, strongly agree),*** which measured the perception and experience of the respondents on the topic of conflict resolution in their workplace.

Two multinational companies - Nigeria and South Africa - were contacted for data collection before the questionnaires were distributed in this study. An email and phone call were used to agree on how the respondent should handle the question on the Google form. To conduct the study, a consent letter was sent to the multinational company in Nigeria and the multinational company in South Africa. A total of two hundred copies (200) of questionnaires were distributed electronically by the rank-and-file employees of the multinational company in South Africa. Two hundred questionnaires were sent out to be administered; one hundred and eighty-six (186) questionnaires were correctly filled out and returned by pressing an automatic button at the end of each questionnaire. First, demographic questions were asked, followed by questions that addressed the study's objective.

A total of two hundred copies of questionnaires were electronically distributed for the administration of the same questionnaires to respondents within the company's constituency in Nigeria. Of the two hundred questionnaires sent out for administration, one hundred and seventy-seven (177) responses were completed and returned. A total of three hundred and sixty-three (363) questionnaires were completed and returned from South African and Nigerian respondents. On the instrument, questions were asked relating to research questions involving dependent as well as independent variables. Nonetheless, the efficacy of questionnaires for quantitative data collection depends on how they are formulated and administered, as well as the method by which they are delivered and retrieved. The credibility and quality of the data obtained are affected by these modes.

4.4.1.1The Psychometric property of questionnaire

The validity and reliability of the questionnaire was measured in the research to determine the psychometric property. Usually, the measurement is conducted using surveys. Surveys must be extensively evaluated before being deemed to have good psychometric properties, which means that a scale is both reliable and valid (DeVellis, 2003, Grimm, & Yarnold, 2000). To enhance the excellence and quality of the study, the research measured the reliability and validity of the quantitative research instrument, as "reliability and validity are tools of an essentially positivist epistemology." (Winter, 2000: 7). While conducting or critiquing research, it is crucial to consider whether the data collection instruments (instruments) are valid and reliable (Heale, & Twycross, 2015).

4.4.1.2 Validity of the research Instrument

In a quantitative study, validity is the degree to which a concept can be accurately measured. Heale & Twycross, 2015; Cook & Campbell, 1979 also defined validity as "the best closest estimate of whether an inference, proposition, or conclusion is true. In essence, the research measured how employees of the multinational company perceive their conflict resolution mechanisms, focusing on how these mechanisms work in the various sites under investigation. For the study to be valid, the research instrument is required to measure only conflict resolution mechanisms in the hemisphere of a multinational organization so that adequate data can be collected for analysis in the following chapter.

The validity and reliability of all the items on the instrument were tested using Cronbach's alpha test (internal consistency) using SPSS software. The Cronbach's alpha test concluded that all scale items are statistically intercorrelated suggesting that the scale items relate to efficiency in conflict resolution mechanisms at a multinational company. By asking high-fidelity questions about the study in light of the research questions and objectives, it has significantly contributed to the validity of the research's instrument as well.

4.4.1.2.1 Construct Validity

The construct validity of a study is the ability to conclude test scores based on the concept being studied (Heale & Twycross, 2015). As noted above, construct validity is employed in research to ensure the instrument is valid. It is a process whereby any

items included in the instrument (questionnaire) comply with what the literature states about the construct that the instrument measures. Following the literature reviewed, the instrument covers all relevant aspects of the concept it aims to measure to demonstrate its validity (Bruce, Pope, & Stanistreet, 2018).

4.4.1.2.2 Face validity

As part of content validity, face validity involves asking experts the question of whether an instrument measures the concept intended by the instrument (Heale & Twycross, 2015). Face validity of the instrument is also important to the study when considering how suitable the content of a test through the instrument seems on the surface. Face validity is like content validity, except it is a more informal and subjective assessment (Middleton, 2019). In the study, opinions and views of labour relations experts were sought on the aspect of conflict resolution.

4.4.1.3 Reliability of the research instrument

As Joppe (2000) described, reliability is the degree to which results are consistent over time, and an accurate representation of the entire population under study. If the results of a study can be reproduced using a similar methodology, then the research instrument is reliable. As a result, the research instrument employed in this study is reliable in that it reveals the consistency with which the item in the instrument produces the same results when applied to the same variable or construct over time. Furthermore, the study demonstrated reliability through the use of different tests such as Cronbach's alpha-internal consistency test, the T-test, and Levene's equality of variance test.

4.4.1.3.1 Test-retest reliability

To assess test-retest reliability, the same participants must take the same instrument multiple times under similar conditions. Test-retest and parallel or alternate-form reliability testing are both used to test stability. Both instruments test the same domain or concept, but the items are worded differently (Heale, & Twycross, 2015). To estimate reliability, test/retest is the more conservative method. To put it simply, the idea behind test/retest is that you should get the same score on test 1 as you do on test 2. The degree of stability indicates reliability, which means the results are repeatable (Golafshani, N. 2003).

To ensure the reliability of the instrument of data collection, the study has chosen a test-retest reliability method simply because every item on the instrument (questionnaire) is similar to the interview questions, which is a form of test-retest procedure. By engaging two different groups (Nigeria and South Africa) on how multinational enterprises influence their host communities on mechanisms, a test-retest process has been used to further validate the reliability of the research instrument (Middleton, 2019).

4.4.2 Qualitative Data Collection Instrument

Patton (2002) suggested that when designing, analysing as well as evaluating the quality of a study, any qualitative researcher should consider validity and reliability. There is a common use of reliability and validity in quantitative research, and now it is reconsidered in qualitative research. Because of reliability and validity being rooted in a positivist perspective, they should be redefined for their use in a naturalistic approach (Golafshani, 2003).

In the study, the interview guide was used to collect qualitative data. The interview guide, however, was a qualitative data collection tool used to gather in-depth information about conflict resolution mechanisms in employment relations at a multinational enterprise. There has been a controversy about the use of validity and reliability in qualitative data collection instruments since it is being used conventionally in the quantitative paradigm. In the qualitative corridor, the study adopted the use of both reliability and validity in terms of the quality of qualitative data collection instruments, as disapproved by many researchers. Validity and reliability in qualitative data instruments are adopted to find a common ground and provide several methods to confirm the accuracy and reliability of the research instrument.

An interview serves to uncover what another person's thoughts are on a certain situation (Greenfield, 2002; Horrocks, & King, 2009). In addition to understanding what interviewees say about a phenomenon, the research interview is based on the conversation of everyday life, i.e., a conversation with structure and purpose defined by the researcher (Denzin & Lincoln, 2005). Because participants' experiences can be captured through interviews, this study conducted interviews with the selected senior labour relations officials across the two multinational companies.

In order to capture useful data, the researcher devised an electronic interview using video conferencing to use instead of a face-to-face interview originally scheduled with HR managers of two multinational corporations. The senior HR managers were interviewed via Google Forms to gain their perspectives on the study mechanism for conflict resolution. Twenty (20) HR managers were carefully selected based on their experience in employee-organization relations. Interviews were conducted with ten top managers from the company in South Africa and ten top managers from the other region in Nigeria. To gain insight into the effectiveness of the mechanisms that are used to resolve the conflict between employees, employees, and the organization, top HR managers were interviewed. Due to their senior positions, they have the responsibility of implementing conflict resolution processes and procedures throughout the company.

Firstly, there were phone and video calls made to all twenty (20) managers in different locations in order to make sure they understood the interview questions. All twenty top managers were emailed interview questions to ensure a sufficient collection of qualitative data. The interview questions sent out to top managers were adequately answered via the online platform. In addition, notes were taken during the interview with the permission of the respondents, which demonstrates the flexibility on questions that may have been misinterpreted and clarifications or explanations were given immediately. A descriptive, explanatory, and interpretive approach was used to formulate the questions while the interview also gave the researcher a chance to clarify vague answers (Welman; Kruger; & Mitchell 2006).

An interview guide includes a list of topics an interviewer should raise during the interview regarding the theme (Welman & Kruger, 2002). The interviewer uses the list to establish a plan for what to cover. A checklist provides cues about the categories relevant to the researcher, listed in an order that promotes understanding and enlightenment about the study. A question was asked about the effectiveness of mechanisms for resolving conflicts. Before the final survey was conducted, the researcher conducted a pilot study.

4.4.2.1 Pilot Study

This study preliminarily tested the questionnaires and interview questions with a few employees within the administrative and HR departments of multinational companies in both South Africa and Nigeria. Pilot studies are an essential part of quantitative research since they reveal items that are omitted from the questionnaire and need to be included (Yin, 2003). It was necessary to make corrections to the piloted questionnaire before distributing it to participants. The questionnaire could be measured in terms of quality and validity.

4.4.2.2 Validity of qualitative research instrument

Qualitative studies use a variety of terms to describe validity. There is no single, fixed or universal concept of this concept, but rather "it is contingent and inescapably grounded in the processes and intentions of particular research methodologies and projects" (Winter, 2000:1).

According to Leininger (1985), validity refers to gaining knowledge and understanding of the nature (meaning, attributes, and characteristics) of the phenomenon being studied. In qualitative research, validity means the extent to which the data are plausible, credible, and trustworthy, and therefore, can be defended when challenged (Bashir, Tanveer, & Azeem, 2008). By making the items of the instrument more realistic and showing evidence of actuality in addressing the phenomenon under study, the research instrument has demonstrated validity in the recent study as it measures what it purported to measure.

4.4.2.3 Reliability of qualitative research instrument

As a measure of reliability, the consistency, stability, and repeatability of the informants' accounts are looked at, as well as the investigators' ability to collect and record information correctly (Seltiz & Wrightsman & Cook 1976:182). Credibility, neutrality or confirmability, consistency or dependability, and applicability or transferability are the most appropriate terms in qualitative paradigms (Lincoln & Guba, 1985).

4.4.2.3.1 Trustworthiness

Accordingly, the research has thoroughly examined the credibility, transferability, confirmability, and dependableness of the research instrument in order to produce the expected data in relation to conflict resolution mechanisms in multinational companies

(Seale 1999). According to Strauss, and Corbin (1990), "the usual canons of 'good science' need to be redefined to fit the realities of qualitative research".

4.5 ETHICAL CONSIDERATION

Research on this topic does not pose any discernible ethical dilemmas. Consistent with and in compliance with research ethics expectations, the following parameters were observed:

- ***Ethical clearance****:*

University ethics clearance was obtained as well as permission from a multinational company for the researcher to conduct an appropriate study in their organization.

In order to accomplish this, consent letters were sent via email to HR managers of both multinational organizations, informing them about the research and gaining their cooperation and assistance with the survey. In the letter, the objective of the research was explained to them. Participants were informed that the data collected was primarily for this study. Identities of respondents were not revealed in the questionnaires to ensure privacy and anonymity. Respondents were given the option to withdraw at any time since participation was voluntary.

- ***Confidentiality****:*

The importance of maintaining confidentiality at every stage of the research process cannot be overstated. Both qualitative and quantitative data collection participants were assured of the confidentiality of their personal information. For the research, all information sources were strictly used. As promised, no operational or financial information of the organization was revealed. Any information released by the respondents would not harm their work.

- ***Informed consent:***

A consent form for exchanging opinions and administering the questionnaire was provided to participants prior to the start of the research. They were also informed that their participation was voluntary, and they could leave the study at any time. They were clearly informed about all aspects of the research, and they were not obligated to answer any questions they did not feel comfortable answering.

-***Anonymity:***

Participants' anonymity and privacy were assured and maintained in writing for both the qualitative and quantitative data collection. There was no need to provide participants' names in the questionnaire. The directors and senior managers of the organization were assured that no survey data would be made public. So they can freely express their views without worrying about offending others. The personal information of participants was kept confidential and was not shared with any third parties.

- ***Non-malfeasance:***

Even though the possibility of this does not arise due to the subject matter of the research, the researcher ensures that no wrongdoing or wrongful conduct occurs during the research process.

-***Protection from harm:***

In a manner similar to the precaution against malfeasance, the research ensured that the execution of this qualitative and quantitative study does not harm the participants in any way.

-***Freedom to withdraw from participation:***

At the beginning of the study, participants were informed that they could withdraw from the research at any time without prejudice. In addition, the organisation and the participants were made aware of their right to receive any publications that may result from this research.

4.6 DATA ANALYSIS PROCEDURE

Data alone cannot provide answers to a research problem, analysis and interpretation of data are necessary to demonstrate the data pattern and analysis trend (Skilling & Silvia, 2006). By analysing data, the research is able to focus on choosing the most appropriate actions, and this decision is based on the interpretation of information (Guerrero, 2010). This study involves quantitative and qualitative methods of data collection and analysis, which simply means that the data was collected by using interviews and questionnaire surveys in an automated online method.

4.6.1 Qualitative Data Analysis

Qualitative data analysis is an analysis of data gathered using qualitative methods, regardless of the paradigm that governs the research (Babbie & Mouton, 2015). The qualitative data analysis in this study is a combination of content analysis and thematic

analysis. Since both thematic and content analysis evolved from grounded theory (Clarke et. al., 2019), the current research being conducted on “the assessment of the efficacy of mechanisms for conflict resolution in employment relations” fits both thematic and content analysis. The research emphasized the content and internal features of the research themes such as "conflict resolution mechanisms' ', "employment relations' ' and "multinational company'.

Nevertheless, without clearly defining their boundaries, the two are often confused and used interchangeably as the boundaries between them have not been set (Sandelowski & Leeman, 2012). It is worth noting that both approaches allow for qualitative analysis of data. By using content analysis, it is possible to analyse data qualitatively and quantify it at the same time (Gbrich, 2007). In content analysis, both the coding of the data and its interpretation of quantitative counts of the codes are described using a descriptive framework (Downe-Wamboldt, 1992; Morgan, 1993). Thematic analysis, on the other hand, provides a qualitative, detailed, and nuanced analysis of data (Braun & Clarke, 2006). In addition, content analysis and thematic analysis have the same goal of analysing narrative materials from life stories by separating the text into relatively small units of content and applying descriptive treatment to each (Sparker, 2005).

This study collected qualitative data through electronic google interviews from 20 participants (senior managers) from Huawei multinational. Each top manager is asked to describe two or three specific incidents that warrant the process, procedures, and implementation of conflict resolution mechanisms that have transpired in the organization and the measures that are taken to resolve the conflict. A follow-up question was asked during the interview, and participants provided answers to the best of their knowledge, which generated enough data relevant to the research objective. Knowing that the interview is an integral part of a constructivist qualitative method for data collection and analysis generation. An atlas-ti software called NVIVO was used to analyse all their responses. It included an initial stage in which each data segment was identified, followed by a selective and focused stage where the most significant or frequently occurring codes were compiled and organized into categories and subcategories. As can be seen from the categories and subcategories, "assessing the effectiveness of dispute resolution mechanisms in employment relations" has been evident. One possibility is that thematic analysis involves the search for and

identification of common threads spanning in a set of interviews or an entire interview (DeSantis & Ugarriza, 2000).

4.6.2 Quantitative Data Analysis

Even though this was non-experimental descriptive research, the data analysis method used some inferential statistics such as analysis of variance-test, Levene's test of equality of variance, Cronbach's alpha test, and independent-sample test. These methods include frequency distributions, measurement of central tendency (means), and measurement of variability (standard deviations) displayed in tabular forms with accompanying graphs and charts (Guilford & Fruchter, 1986; Howell, 1999; Leedy, 2010).

In order to determine the optimal sample for the quantitative arm, the closed-ended structure questionnaire was used to select 400 employees (participants) from each group of the Huawei multinational enterprise. The Nigerian site had 200 employees complete the research instrument, 177 employees returned their responses, 14 employees did not return their responses, and 9 employees were denied participation due to undisclosed information. The data collection sample size in Nigeria for this region was 177 employees.

The South Africa counterpart of the study provided 200 employees of the company with the questionnaire for data collection, 186 employees also responded, and 14 refused to respond, so the final sample of 186 responses was taken for data collection. After compiling the aggregate data generated from the responses of employees across Huawei MNEs both in Nigeria and South Africa, **363 responses** were obtained for the data analysis of the study. The activities had to be performed over a period of three months or more.

Statistical Package for the Social Sciences (SPSS) version 19.0 for Windows was used to analyse the quantitative data collected using descriptive and inferential statistics (Green & Salkind, 2005; Tai, 2000). This package (SPSS) was chosen because it provides different sets of parametric and non-parametric statistical tests used for quantitative analysis of data. A demographic analysis of the participants was conducted to determine the demographic composition of the sample. Graphs, charts, and tables were used to capture and present data. In this study, tables are used to show frequencies and percentages. In the study, sample data were gathered from the

data, and inferences were made based on the data sampling from the samples that were collected, and then compared with the population at large to form inferences. (Guilford & Fruchter, 1986).

4.7 Limitation of the Study

The research encountered a number of challenges while conducting this research. As a non-company-based assignment or project, some employees were not interested in the study. Therefore, they either divided their time or did not participate at all. As a consequence of the global pandemic, some of the employees are no longer in the office. They work from home as the regulations didn't allow them to return to work immediately after the pandemic. In order to get most of the employees to participate in the study, the researcher had to put a lot of pressure on them, especially those in remote areas. Since most of the top managers were unable to meet with the researcher at the time of the interview, the researcher repeatedly contacted them by email and telephone to request another appointment. Those whose participation was not complete or who withdrew from the study had no data used. To ensure that the data was valid and reliable, this was done.

4.8 CONCLUDING REMARK

The methodology was characterized by a mixed-method approach involving quantitative and qualitative data collection. Beginning with a research design focused on a mixed-method approach, the research method was described. Afterwards, the research plan, population, and sampling method, which allow the collection of required data, are examined. The use of both quantitative and qualitative data collection instruments was adequately explained for how they were used for unbiased and accurate data collection. The psychometric properties of the instruments, including validity and reliability, were also clarified. The collected data assisted the researcher in defining the goal, the problem, and the research methodology. In the study, an interview guide and a questionnaire survey were used as research instruments. Data collected both quantitatively and qualitatively will be analysed in the next chapter.

CHAPTER FIVE: DATA PRESENTATION, ANALYSIS AND RESULTS

5.0 Introduction

The research site for this study was Huawei, a multinational company based in both Nigeria and South Africa. After approval from the University of the Western Cape's Research Ethics Committee, data collection took place in two phases. In the first phase of the study, the qualitative component was complemented by a constructive perspective from an intensive interview. In the second phase of the study, quantitative data were collected via questionnaires. This chapter discusses the presentation, analysis, and results of the study. This section uses descriptive and explanatory data analysis. Both descriptive analysis and explanatory data analysis approaches are utilized for analysing demographic and research data from a quantitative data-collection standpoint, as well as thematic/content analysis from qualitative data (interview questions) on the other hand. The research was conducted using research instruments such as a questionnaire, interview guide, and other documents. As such, the evidence derived from the analysis is interpreted appropriately in light of the key objectives of the study, which included proposing a conflict resolution framework that multinationals willing to invest in Nigeria, South Africa, and across the globe can use to navigate any labour relations milieu they face. Content analysis and descriptive/inferential statistics were used in this study. The data were coded both quantitatively, as in the case of already administered questionnaires, and qualitatively, in the case of interview transcripts, which greatly enhanced the quality of the data analysis. Additionally, data cleaning was implemented during and after data entry in a way that eliminated errors in the analysis.

Summary of Mixed Method Data Analysis of the Study

STUDY DESIGN	Mixed methods research with concurrent triangulation of data	
	QUANTITATIVE DATA ANALYSIS	**QUALITATIVE DATA ANALYSIS**
	Survey Study	(Content/Thematic analysis)
Specific Objective	To analyse the efficacy of conflict resolution in employment relations at a multinational company.	To know the conflict resolution mechanisms employed and enforced in your organisation. To determine the challenges to conflict resolution that permit growing dissonance between labour and management in your organisation.
Participants	• 177 Employees, Nigeria • 186 Employees, South Africa • 363 Total participants	• 20 participants • Top managers
Data Collection	• Human Resources Department personnel • Rank and file Employees	• Intensive interviews
Data Analysis	• Descriptive statistics • Inferential statistics • SPSS®, version 26	• Initial coding • Selective and focused coding • Atlas TI .8

5.1 Data Coding and Cleaning

The data collected from Huawei multinational (South Africa) and its counterpart (Nigeria) company in the study were coded and cleaned appropriately. The method of converting social science data into a readable form - a form that can be read and manipulated by computers and similar machines using quantitative and qualitative data analysis - was described by Babbie & Mouton (2015). In order to prepare the data, a spreadsheet was created from the unprepared data collected and then transferred to Statistical Package for Social Sciences (SPSS). The data was then arranged according to their separate companies and coded in 1, 2, 3, 4, and so on, both vertically and horizontally according to their number on the questionnaire. The collected data were compared by means of descriptive statistics, frequency tables, and bar graphs. The use of closed-ended questions with limited responses encouraged unpretentious, direct analysis, as well as the production of graphs that visually illustrated the information.

Questions pertaining to demographics and research were divided into two sections. The demographics and research questions were independently captured to allow the researcher to perform a credible analysis. An analysis of the quantitative data was conducted to enable the analysis to the research theme and subject of the research.

To ensure that the cleaning and coding processes are error-free, they were systematically observed several times at random. For the analysis, other statistical packages such as Pearson Chi-square, T-test, and Levine's test were used. In - addition, data were represented in tables and figures and was coded for easy recognition and discussion.

5.2 Data Presentation

As part of the questionnaires, this section presents classifications for how the mechanisms of conflict resolution are used in both the multinational organization and its host community, as well as the processes and implementation involved each time conflict arises between employees and the organization. In the presentation, tables, charts, and histograms illustrate how the mechanism for conflict resolution created a conducive work environment in the company's labour relations and how multinational companies influence the process of resolving conflict in the host nation. The Likert scale is used to indicate the severity of each item. The data was also presented in a table with their frequencies and percentages. To determine the relationship between the data of these two countries, cross-tabulation and statistical inferences were employed.

5.2.1 Frequency Distribution

By definition, the frequency distribution describes how often a variable has multiple attributes within a sample. Babbie (2014) explained frequency distribution as a descriptive measure of the degree of variability within a sample. The frequency distribution describes how a single variable is distributed within a group of individuals. A frequency distribution, according to Price (2000), showed how many times each response appears in a data set. By using the statistical package for social science (SPSS) data capture software, the data was collected by calculating the percentage of each response. The scores were also displayed from top to bottom in ascending order.

5.2.2 Cross Tabulation

In this technique, the relationship between two tables of values is instituted independently, but the cause of the relationship cannot be determined (Singleton and Straits, 2005). A two-way table is also included in the report. Analysing the results of a survey requires the use of this tool.

5.2.3 Statistical Analysis

In the quantitative data collection, 363 responses were received from 400 questionnaires sent to the two organisations (200 for each and distributed via emails online google forms to different locations in Nigeria and South Africa). In total, 20 respondents returned the electronic interviews (google forms). They accounted for 383 aggregates. This shows a response rate of 96%. In this study, frequency tables, bar charts, pie charts and histograms were used to analyse the data. A question set for demographics and a question set for research questions were incorporated into the questionnaires. The questions were mainly about the effectiveness of a conflict resolution mechanism in employment relations at a multinational company in Nigeria and South Africa. The following are the results of the data collection.

5.3 Research Result of Closed-Ended Questions

5.3.1 Demographic Section

Several demographic data were collected to identify how many participants took part in the survey: age, gender, gender, qualification, race, and so on. In addition, this study also enabled the identification of different opinions and viewpoints of employees regarding their results from population analysis.

5.3.1.1 Different countries that participated in the study.

In the study, a multinational company with operations in Nigeria and South Africa participated. The results were deemed reliable and valid because they were derived from these two groups of the organization. In addition, the organisations were represented as **countries A and B**, simply because of their "ethical" and "distinctive" nature. Below is a table that shows the two countries included in this study.

Table 5: Country

Country A	Nigeria
Country B	**South Africa**

5.4.1.2 Socio-Demographic Background of Organisation Respondents

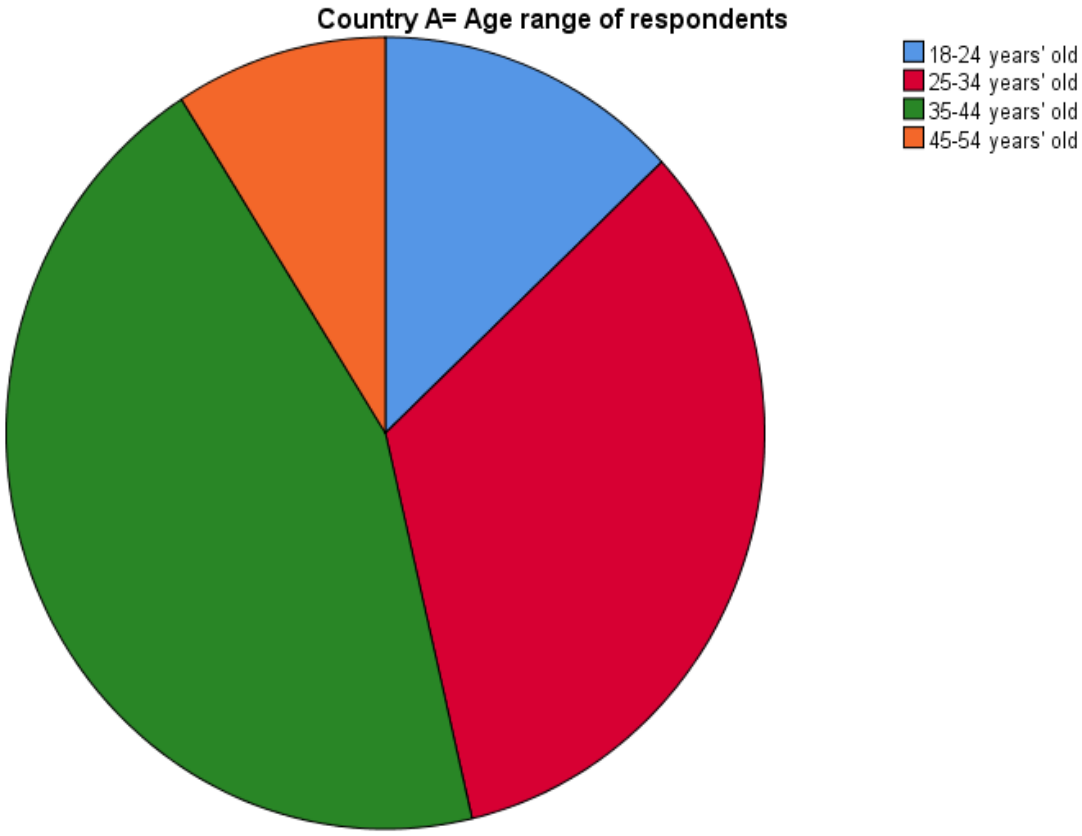
5.4.1.2.1 Age distribution of organisation respondents

Table 5.1a: Age group

		Frequency	Per cent	Valid Percent	Cumulative Percent
Valid	18-24 years old	23	13.0	13.0	13.0
	25-34 years old	59	33.3	33.3	46.3
	35-44 years old	79	44.7	44.7	91.0
	45-54 years old	16	9.0	9.0	100.0
	Total	177	100.0	100.0	

Country A=Nigeria (n=177)

Statistics		
N	Valid	177
	Missing	0



The table and pie chart above illustrates the age range of workers in country A, which is Nigeria. The study revealed that on the pie chart frequency, employees between the ages of 35 and 44 had the highest response rate of 44.7% as depicted by the colour green, followed by respondents between 25 and 34 years old with 33.3%. The remaining percentages of employee responses decreased in both instances. In this case, the number of staff members belonging to this organisation was dominantly between 35 and 44 years old, which could be a reflection of the availability of those age groups at the time of the study.

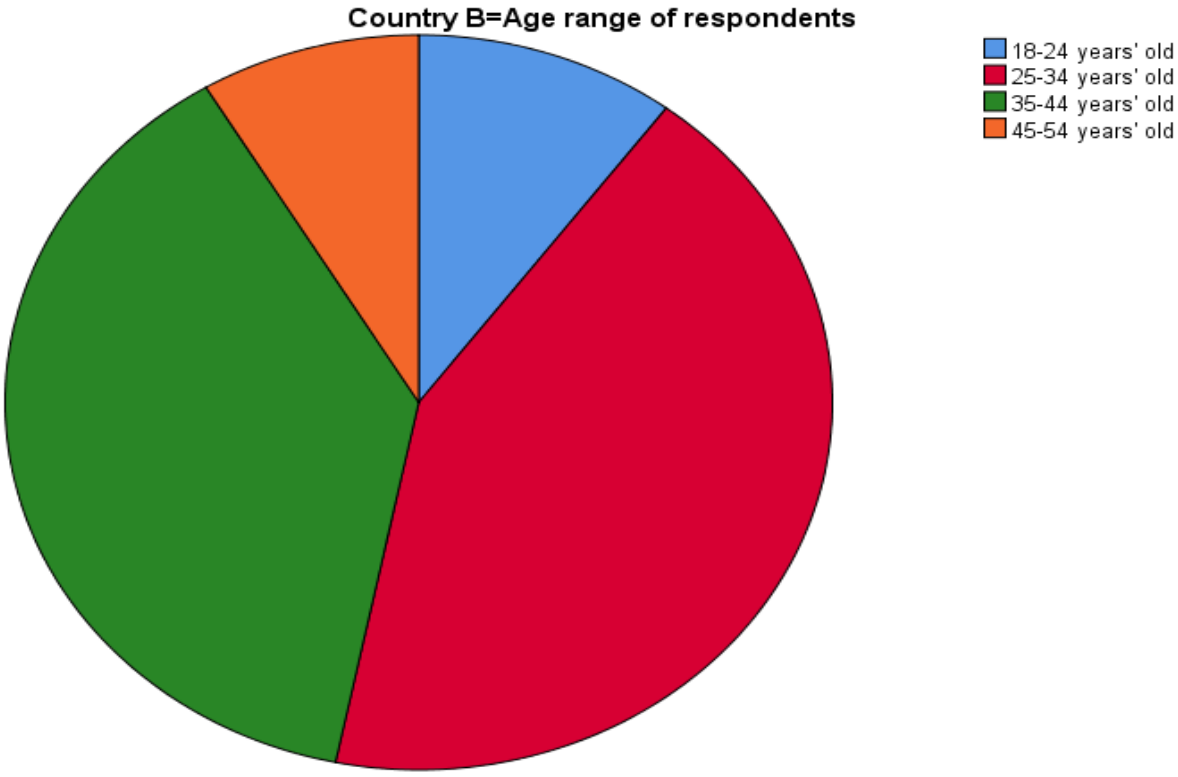
Table 5.1b: Age group

		Frequency	Per cent	Valid Percent	Cumulative Percent
	18-24 years old	19	10.2	10.2	10.2

Valid	25-34 years old	80	43.0	43.0	53.2
	35-44 years old	71	38.2	38.2	91.4
	45-54 years old	16	8.6	8.6	100.0
	Total	186	100.0	100.0	

Country B=South Africa (n=186)

Statistics		
N	Valid	186
	Missing	0



The basic representation of the table frequency and pie chart above was to determine the age range of employees in the organisation of country B. On the basis of the frequency table, 43% of respondents in country B were between 25 and 34 years old. A similar pattern was seen on the pie chart, with the highest number of responses coming from employees ages 25-34 (represented in red). Of the employees in country B, employees between the ages of 45 and 54 received the fewest responses. In other words, the organization of country B had an interest in keeping young workers on the job. Below are the ethnic groups represented in country A and country B that took part in the research.

5.4.1.2.2 Cultural and Racial Range of Organisation Respondents

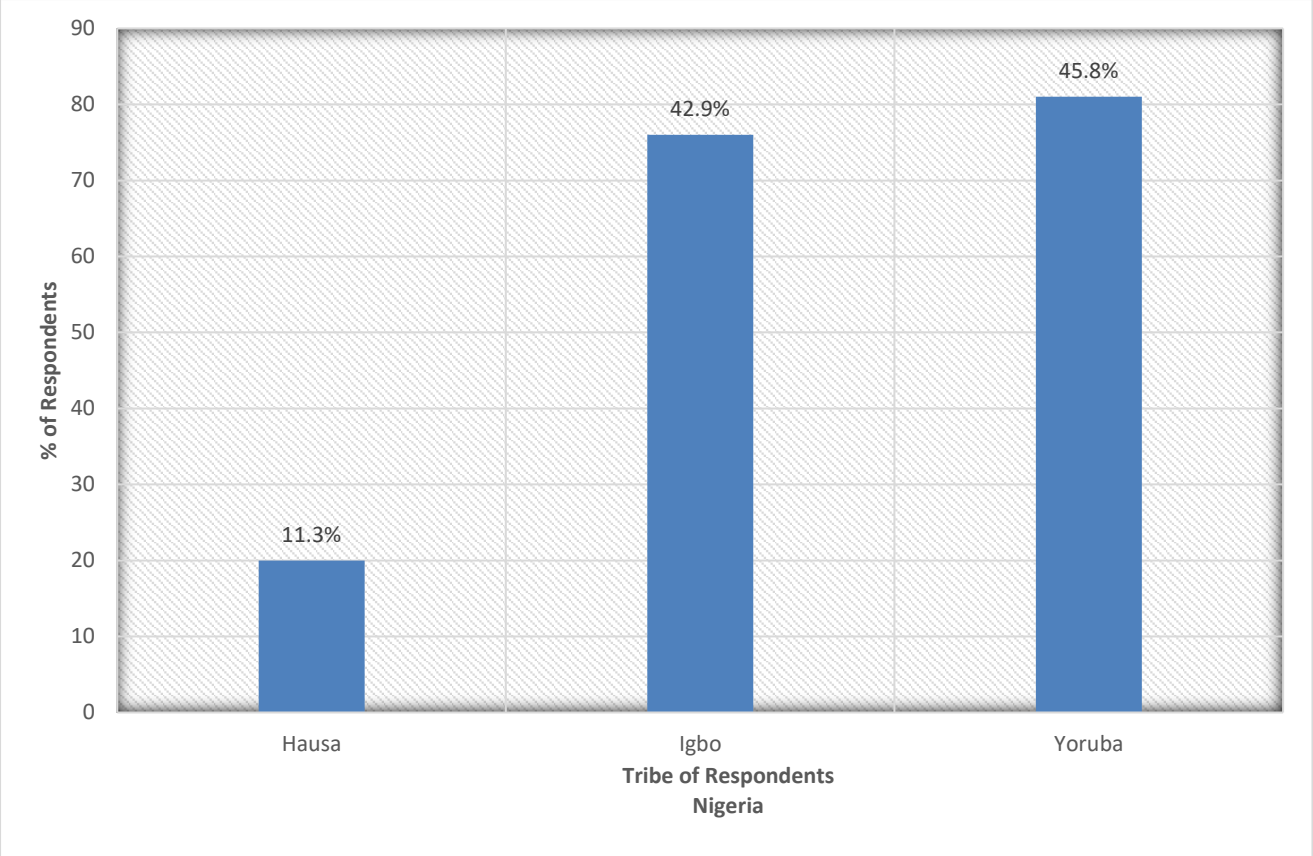
Table 5.2a: Ethnic group

		Frequency	Per cent	Valid Percent	Cumulative Percent
	Hausa	20	11.3	11.3	11.3

Valid	Igbo	76	42.9	42.9	54.2
	Yoruba	81	45.8	45.8	100.0
	Total	177	100.0	100.0	

Country=A Nigeria (n=177)

Statistics		
N	Valid	177
	Missing	0



Accessing ethnicity data among employees of country A (Nigeria) was undertaken in order to identify if there were traces of social discrimination and inequalities among the staff members, and to know which population group has the highest dominance within the organization of country A. The study as shown in the frequency table of ethnicity (Table 5.2) revealed that Yoruba is the most populated ethnicity among respondents with 45.8%, the Igbo cultural group got 42.9% responses while Hausa got 11.3%. This result indicates that the organisation is dominated by cultural groups from Yoruba, the outcome also indicates little difference between Yoruba and Igbo percentage responses, so it can be said that the organisation has managed the issue of discrimination and social injustice in selecting its workers.

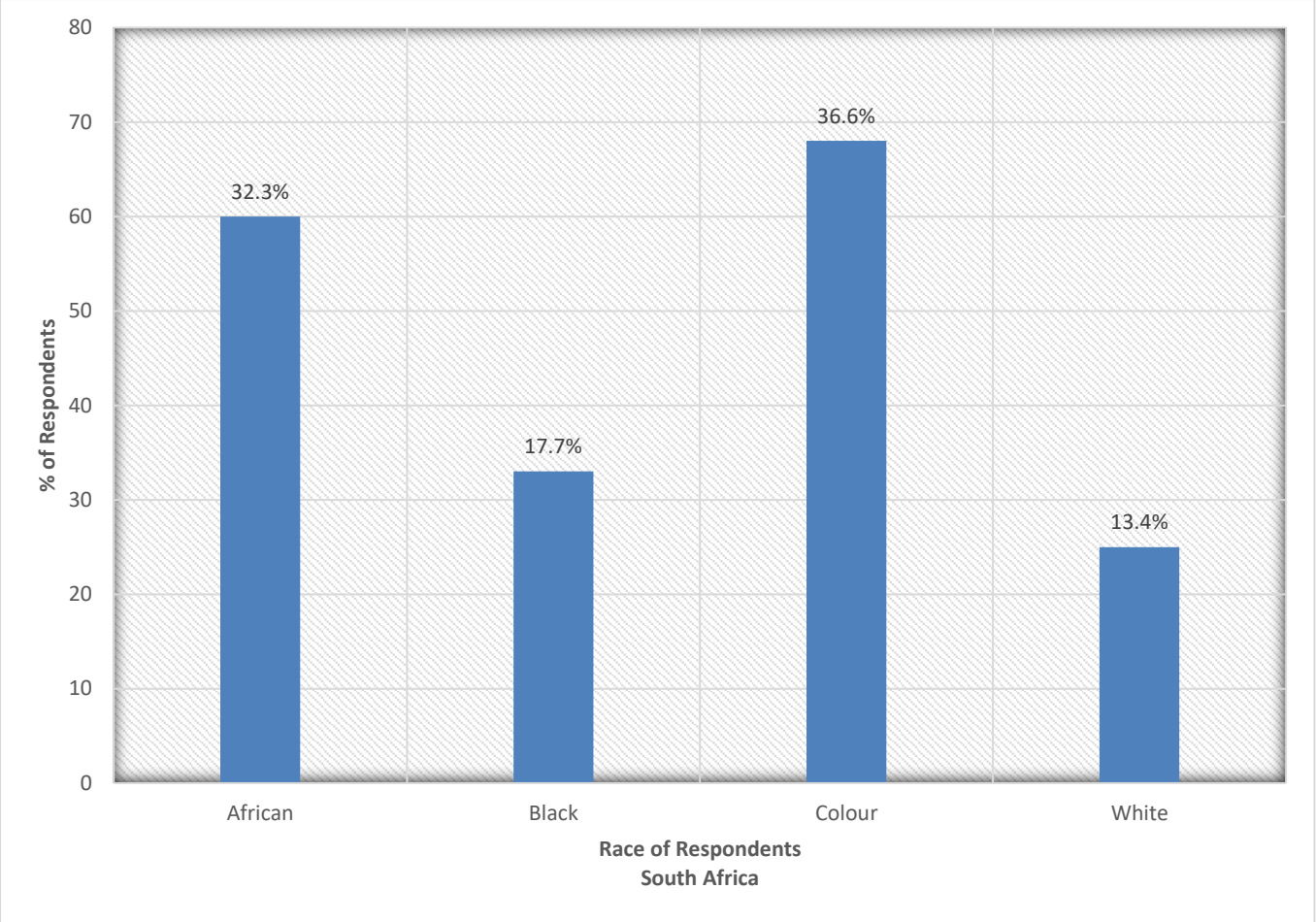
Table 5.2b: Ethnic group

		Frequency	Per cent	Valid Percent	Cumulative Percent
	African	60	32.3	32.3	32.3

Valid	Black	33	17.7	17.7		50.0
	Colour	68	36.6	36.6		86.6
	White	25	13.4	13.4		100.0
	Total	186	100.0	100.0		100.0

Country=B South Africa (n=186)

Statistics		
N	Valid	186
	Missing	0



By looking at the table frequency and bar graph plotted for Country B's ethnicity distribution. The organization's recruiting process did not target only the coloured and black populations that dominated the province where the study took place. 36.6% of the responses came from coloured and 32.3% from African population groups. Furthermore, the study found that all ethnicities have been represented in the selection process of potential employees. From the results presented from all ethnic groups in the study, it is clear that there is no evidence of ethnic prejudice among selected employees in the organization in countries, A and B. Further, the educational level of the members of the organization in both countries A and B is shown below.

5.4.1.2.3 Educational Qualification Distribution of Organisation Respondents

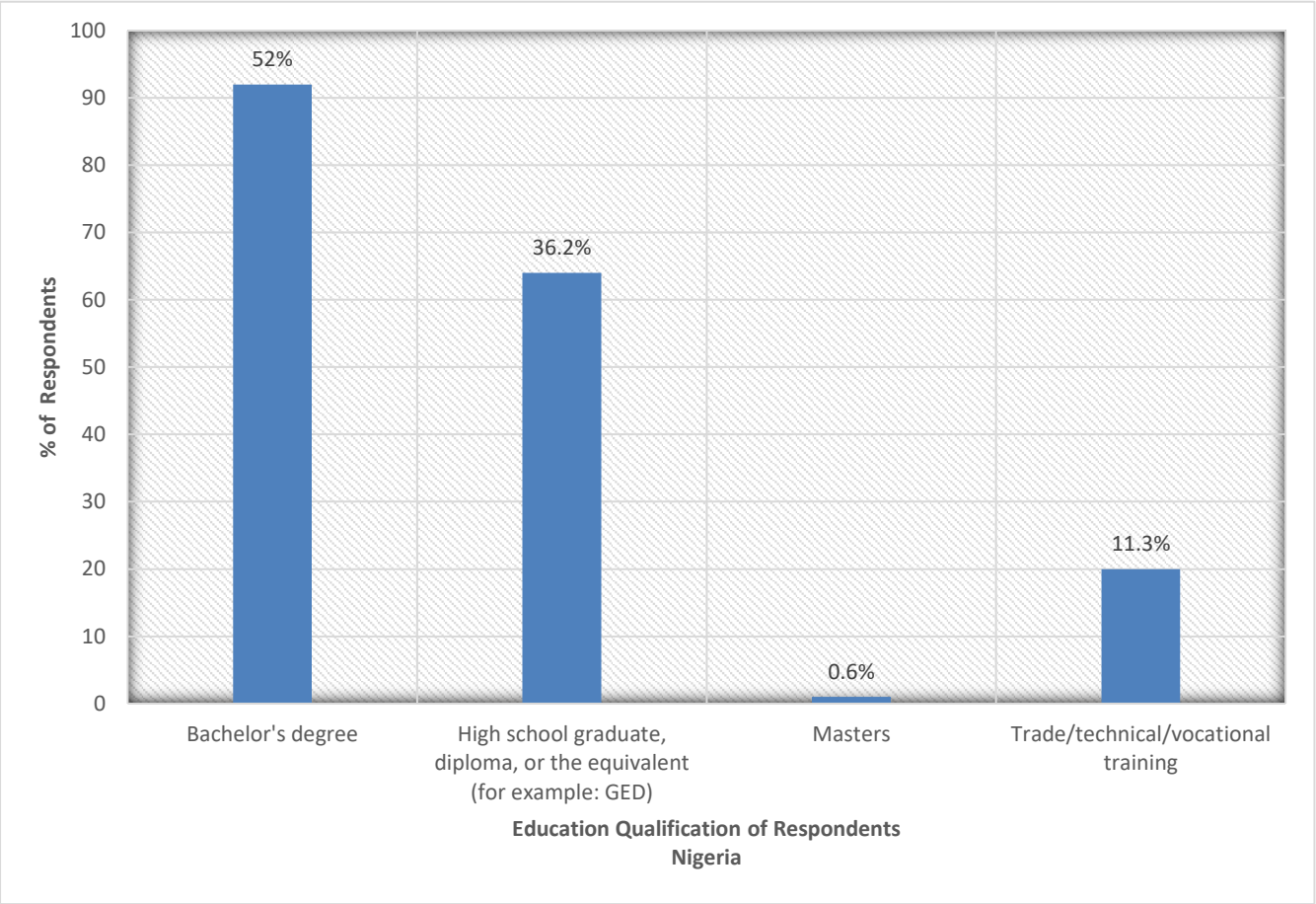
Table 5.3a Education Qualification Attained

	Frequency	Per cent	Percent Valid	Cumulative Percent

Valid	Bachelor's degree	92	52.0	52.0	52.0
	High school graduate, diploma, or the equivalent (for example: GED)	64	36.1	36.1	88.1
	Masters	1	0.6	0.6	88.7
	Trade/technical/vocational training	20	11.3	11.3	100.0
	Total	177	100.0	100.0	100.0

Country=A Nigeria (n=177)

Statistics		
N	Valid	177
	Missing	0



Accordingly, respondents' educational levels were analysed to determine their experience with conflict resolution mechanisms as well as their knowledge of their effectiveness in organizations. An analysis of the educational attainment of employees of the company in country A revealed that 52% obtained a bachelor's degree, which helped them understand the research instrument's content. The total number of respondents with high school diplomas or certificates was 36.2%, followed by 11.3% with trade/technical/vocational training while 0.6% have master's degree. Based on this, it appears that the respondents in country B have a high level of education.

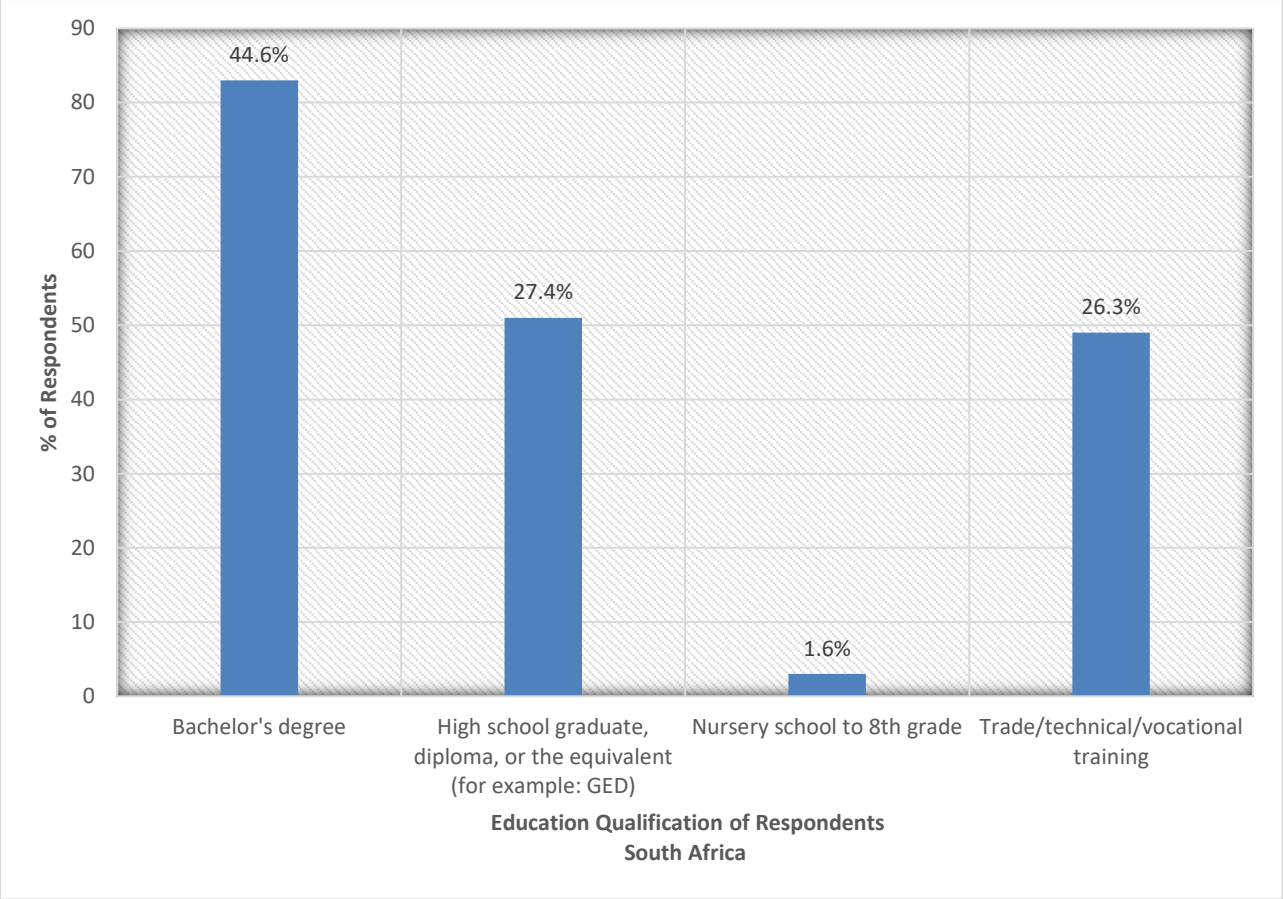
Table 5.3b Education Qualification Attained

		Frequency	Per cent	Valid Percent	Cumulative Percent
	Bachelor's degree	83	44.6	44.6	44.6

Valid	High school graduate, diploma, or the equivalent (for example: GED)	51	27.4	27.4	72.0
	Nursery school to 8th grade	3	1.6	1.6	73.6
	Trade/technical/vocational training	49	26.4	26.4	100.0
	Total	186	100.0	100.0	100.0

Country=B South Africa (n=186)

Statistics		
N	Valid	186
	Missing	0



44.6% of respondents had tertiary education, 27.4% had high school diplomas or GEDs, and 26.3% had technical or vocational training within-country B. It is clear from the frequency table and bar graph presented above that the organisation has made sure that its employees have sufficient educational qualifications before being hired for the job. The result demonstrates that employees of country B organization are highly educated, this enhances their understanding of the research questions being asked to seek information about the conflict resolution process and how it is implemented in their organization. The diagram below reveals the marital status of employees for both countries A and B companies.

5.4.1.2.4 Marital Status of Organisation Respondents

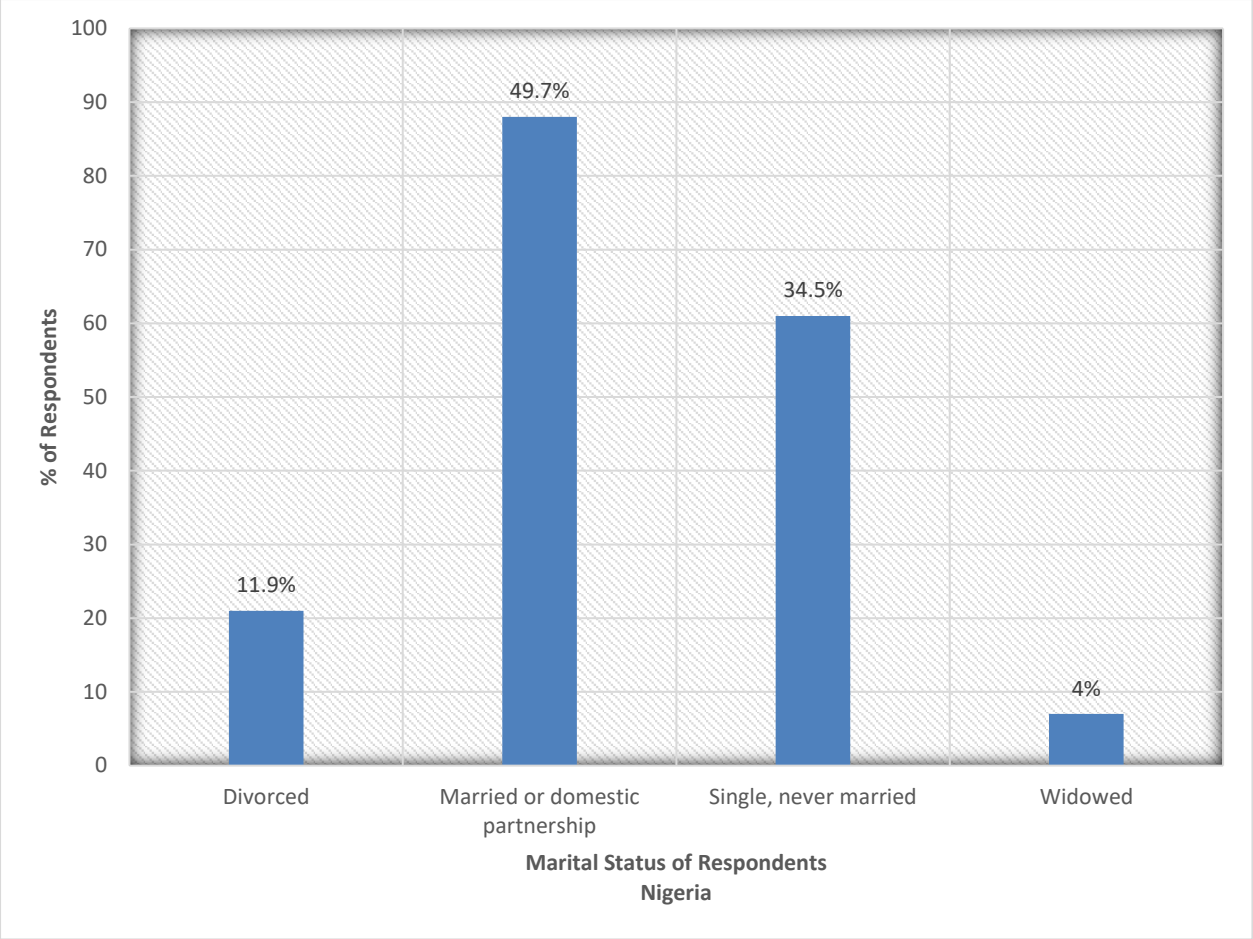
Table 5.4a

	Frequency	Per cent	Valid Percent	Cumulative Percent

Valid	Divorced	21	11.9	11.9	11.9
	Married or domestic partnership	88	49.7	49.7	61.6
	Single, never married	61	34.4	34.4	96.0
	Widowed	7	4.0	4.0	100.0
	Total	177	100.0	100.0	100.0

Country=A Nigeria (n=177)

Statistics		
N	Valid	177
	Missing	0



To establish whether employees of respondents' organisations were married, the marital status of employees was observed. In country A organisation, the number of employees who were married was greater than the number of single employees. The married employee population was 49.7%, the single employee population was 34.5%, the widowed employee population was 4%, and the divorced employee rate was 11.9%. Based on the responses above, it appears that married employees dominated the company while unmarried employees represent a percentage of those who might be subject to the disparity in salary as a factor that prevented them from getting married.

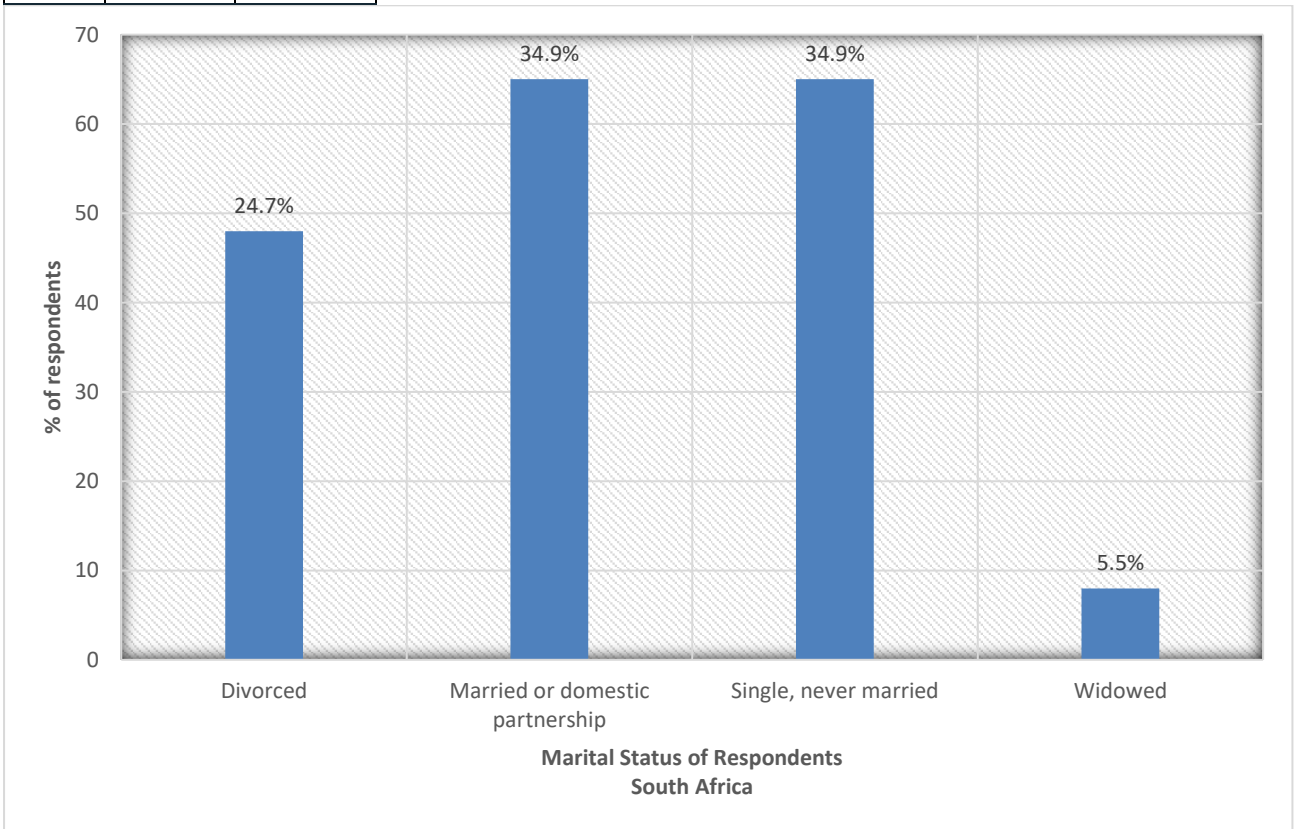
Table 5.4b Marital Status

	Frequency	Per cent	Valid Percent	Cumulative Percent

Valid	Divorced	46	24.7	24.7	24.7
	Married or domestic partnership	65	34.9	34.9	59.6
	Single, never married	65	34.9	34.9	94.5
	Widowed	10	5.5	5.5	100.0
	Total	186	100.0	100.0	100.0

Country=B South Africa (n=186)

Statistics		
N	Valid	186
	Missing	0



An analysis of the nuptial status of respondents' employees was performed within respondents' organizations. The proportion of married employees in country B was the same as that of single employees, 34.9%. Likewise, 34.9% of employees were single and unmarried, 4.3% were widowed, and 24.7% were divorced. From the result, there was a higher percentage of divorced employees within country B compared to country A. Based on these responses above, we see that married employees and unmarried employees had an equal percentage within-country B organization in South Africa.

5.4.2 Data analysis for closed-ended questions.

For this study, data were collected to examine how conflict resolution mechanisms are utilised in resolving industrial conflicts in South Africa and Nigeria. The purpose of this study was to determine the challenges to effective conflict resolution mechanisms used in reducing the growing dissonance between labour and management in organizations in two countries, A and B, on a one-to-one basis.

5.4.3 Objective of the Study

This study examined whether multinational companies across the board influence the mechanisms of conflict resolution and conflict resolution processes in their host environments, Nigeria and South Africa. The study also examined the extent to which multinational corporations adapt to the labour relations climate of the host environment. The research compares the effectiveness of the conflict resolution mechanisms of both parties - multinational companies in South Africa and Nigeria; the study also explores and compares the differences within the cultures and values of the two parties - multinational companies in South Africa and Nigeria. Finally, the research proposes a conflict resolution framework that multinational companies that come to Nigeria and beyond can adopt.

5.4.4 Data Transformation

The exploratory data analysis presented in this section was used to lend visual appeal to the data analysis using bar charts, pie charts, and tables. To give the data analysis a quantitative element, descriptive statistics were also used. This reduces the complexity associated with forming deductions and explanations about the data (Saunders et. al., 2009). The results of the field research are discussed below.

5.4.5 Result of the study

As part of the data collection instrument, all items were clarified and assessed to determine their possible correlation to the research objectives, as well as to understand the relationship between the primary and secondary data. The questions in this section were divided into four categories based on their pattern and theme to facilitate easy access for data analysis. Additionally, the result indicates the level of interrelationship between the items on the research instrument from an internal consistency point of view.

5.4.6 Category 1: General Questions on Conflict Resolution Mechanisms

5.4.6.1 Efficient conflict resolution mechanisms exist in your organisation.

Table 5.5a (org_1)

		Frequency	Per cent	Valid Percent	Cumulative Percent
Valid	Agree	7	4.0	4.0	4.0
	Disagree	78	44.1	44.1	48.1
	Neutral	36	20.3	20.3	68.4
	Strongly agree	3	1.7	1.7	70.1
	Strongly disagree	53	29.9	29.9	100.0
	Total	177	100.0	100.0	100.0

Country=A Nigeria (n=177)

Table5.5b: Efficient conflict resolution mechanisms exist in your organisation

		Frequency	Per cent	Valid Percent	Cumulative Percent
	Agree	109	58.6	58.6	58.6

Valid	Disagree	4	2.2	2.2	60.8
	Neutral	33	17.7	17.7	78.5
	Strongly agree	39	21.0	21.0	99.5
	Strongly disagree	1	0.5	0.5	100.0
	Total	186	100.0	100.0	

Country=B South Africa (n=186)

Interpretation 5.4.6.1

The purpose of this question was to assess if conflict resolution mechanisms exist in country A and in country B. Furthermore, this would give insight into conflict management mechanisms used within organizations as well as their interpretation and application. According to the country-A frequency table, 53 employees which was 29.9% of respondents, strongly disagreed with the statement that their organization has a conflict resolution mechanism. A total of 73 employees (44.1%) also disagreed on the competence and existence of a dispute resolution mechanism in the organization. The addition of 29.9% and 44.1% (strongly disagree and disagree) yielded a total of 74%, since both (strongly disagree) and (disagree) measure the same issue on the existence of conflict resolution mechanisms in Country A in Nigeria. By comparing the responses of employees on the scale of strongly disagree and disagree with the existence of an operational instrument for settlement of the dispute, it becomes apparent that the organization possesses no reasonable device or instrument to avert disputes. Accordingly, if there are no effective and efficient means of regulating the matter of disputes among members of staff, there will be unfavourable means of resolving the dispute, which may not essentially address the issue.

A total of 58.6% of respondents in Country-B in South Africa agreed that formal mechanisms that clarify how conflict should be handled exist within the organization.

Moreover, 21% of respondents strongly agreed that an impartial device for conflict resolution exists within the organization, giving a total of 79.6% (58.6% plus 21%). On the prevalence of conflict resolution mechanisms, 2.2% of respondents disagreed and 0.5% strongly disagreed. A total of 79% of respondents agreed and indicated that just mechanisms for conflict resolution exist within the organization. In summary, when there is a fair means of resolving conflict between management and labour, this automatically leads to a more harmonious working environment.

5.4.6.2: Organisation follows due process of Labour Relations Act/Trade Dispute Act for settlement of the dispute in employment relations.

Table5 .6a (org_2)

		Frequency	Per cent	Valid Percent	Cumulative Percent
Valid	Agree	8	4.5	4.5	4.5
	Disagree	74	41.8	41.8	46.3
	Neutral	33	18.6	18.6	65.0
	Strongly Agree	1	.6	.6	65.5
	Strongly disagree	61	34.5	34.5	100.0
	Total	177	100.0	100.0	

Country=A Nigeria (n=177)

Table 5.6b: Organisations follows due process of Labour Relations Act/Trade Dispute Act for settlement of disputes in employment relations

		Frequency	Per cent	Valid Percent	Cumulative Percent
Valid	Agree	110	59.1	59.1	59.1
	Disagree	4	2.2	2.2	61.3
	Neutral	27	14.5	14.5	75.8
	Strongly agree	44	23.7	23.7	99.5
	Strongly disagree	1	.5	.5	100.0
	Total	186	100.0	100.0	100.0

Country=B South Africa (n=186)

Interpretation 5.4.6.2

The purpose of the above question was to know if both organizations (countries A and B) in the study follow due process of the labour relations act or trade dispute act to settle disputes in their employment relationship. The question provided insight into the instrumentation and enforcement of mechanisms that legalize disputes between members of staff and organisations. Among respondents in Nigeria, 34.5% strongly disagreed and 41.8% of respondents disagreed with the statement that organisations follow due procedure by taking into account the trade dispute act in resolving disputes in Nigeria. In all, a total of 76.3% (34.5% plus 41.8%) disagreed, 4.5% agreed and 0.6% of respondents strongly agreed that organisations follow due process and procedure when conflict arises among staff and the organisation. Based on the

percentage answers above, it was evident from the result (76.3% disagreed) that the organization does not always follow due process in the process and application of mechanisms for conflict resolution.

In the study conducted in the organisation in South Africa, 59.1% of respondents agreed and 23.7% strongly agreed that the organization followed proper procedures in resolving conflicts. In total, 82.8% (59.1% plus 23,7%) agreed, 2.2% disagreed, 0.5% strongly disagreed, and 14.5% were neutral to the statement that the organisation followed due process when it comes to dispute mechanisms. According to the analysis, a strong majority (82.8%) of respondents agreed or strongly agreed with the statement, the positive response indicates that the organization followed due procedure and process when handling conflict issues.

5.4.6.3: Your organisation enforces or ratifies the unsurpassed international practice of labour relations.

Table5.7a (org_3)

		Frequency	Per cent	Valid Percent	Cumulative Percent
Valid	Agree	8	4.5	4.5	4.5
	Disagree	78	44.1	44.1	48.6
	Neutral	27	15.3	15.3	63.9
	Strongly agree	1	.6	0.6	64.4
	Strongly disagree	63	35.6	35.6	100.0

	Total	177	100.0	100.0	100.0

Country=A Nigeria (n=177)

Table5.7b: Your organisation enforces or ratifies the unsurpassed international practice of labour relations

		Frequency	Per cent	Valid Percent	Cumulative Percent
Valid	Maybe	27	14.5	14.5	14.5
	No	6	3.2	3.2	17.7
	Yes	153	82.3	82.3	100.0
	Total	186	100.0	100.0	100.0

Country=B South Africa (n=186)

Interpretation 5.4.6.3

As stated in the question above, the organization enforcing or approving the supreme international practice of labour relations was to verify if the organization put into practice the international employee legal framework of conflict mechanisms. An analysis of responses from the study from country A in Nigeria indicates that 44.1% of respondents disagreed with the statement that the organization enforced or ratified the international labour standard of employment relations. A total of 79.7 % of respondents (44.1% plus 35.6%) which accounted for more than three-quarters of the respondents disagreed that organizations endorse the international labour framework of conflict resolution, Also, 4% of respondents agreed, 0.5% strongly agreed, and 15.3% were neutral to the statement. A high proportion of employee responses indicate that the organisation of country A, somewhat rejected international labour practices when it comes to conflict resolution mechanisms. Additionally, the high percentage of employee responses indicates that the organization disallowed international labour practices around conflict management.

A total of 82.8% of the respondents in South Africa answered in the affirmative (Yes) that the organization approves and permits international labour standards of managing

conflict in employment relations within the company, 3.2% answered No. A total of 14% responded to maybe, indicating that they are unsure. In terms of the number of employees who answered YES, the percentage is significantly higher than those who responded NO to the question regarding whether the organization consented to the international legal framework for adjudicating workplace conflicts. In this example, it is evident that the organization in country B in South Africa embraced the composition of international labour standards mechanisms for conflict resolution to always be the party responsible whenever a conflict arises within the organization. As such, there would be fairness and equality in the labour relations practice of that organization.

5.4.6.4: Labour procedure in your firm promotes the rights and interests of workers.

Table 5.8a (org_4)

		Frequency	Per cent	Valid Percent	Cumulative Percent
Valid	Agree	9	5.1	5.1	5.1
	Disagree	90	50.8	50.8	55.9
	Neutral	1	.6	.6	56.5
	Strongly agree	1	.6	.6	57.1
	Strongly disagree	76	42.9	42.9	100.0
	Total	177	100.0	100.0	100.0

Country=A Nigeria (n=177)

Table5.8b: Labour procedure in your firm promote the right and interest of workers

	Frequency	Per cent	Valid Percent	Cumulative Percent

Valid	Maybe	34	17.7	17.7	17.7
	No	4	2.7	2.7	20.4
	Yes	148	79.6	79.6	100.0
	Total	186	100.0	100.0	

Country=B South Africa (n=186)

Interpretation 5.4.6.4

To determine whether the multinational organisation promotes labour law and procedures that allow for the protection of employees' rights and interests, the justification for the above data was requested. From the responses, 42.9% disagreed and 50.8% strongly disagreed with the statement that organisations should promote the interest and right of employees through labour law and procedure in Nigeria, which equated to a total of 77.9%. The statement was agreed with by 5.1% of respondents, strongly agreed with by 0.6%, and neutral by 0.6%. According to the workers, the percentage of employees strongly disagreeing or disagreeing with the statement exceeded the number of employees who agreed with it, which simply signifies that the labour process within the company did not serve the interests and rights of employees.

On the other hand, Country-B in South Africa had 79.6% of respondents saying YES, 2.7% saying NO, and 17.7% saying they were neutral. It is clear from the results that the majority of respondents answered YES, thereby supporting the idea that the labour law in Country-B in South Africa certainly sponsored and supported the interests as well as rights of employees in the organization.

5.4.6.5: Your organisation always reviews labour legislation and policy and replaces them with new ones.

Table5.9a (org_5)

		Frequency	Per cent	Valid Percent	Cumulative Percent
	Agree	7	4.0	4.0	4.0
	Disagree	65	36.7	36.7	40.7

Valid	Neutral	33	18.6	18.6	59.3
	Strongly agree	1	0.6	0.6	59.9
	Strongly disagree	71	40.1	40.1	100.0
	Total	177	100.0	100.0	100.0

Country=A Nigeria (n=177)

Table5.9b: Your organisation always reviews labour legislation and policy and replace them with the new ones

		Frequency	Per cent	Valid Percent	Cumulative Percent
Valid	Agree	98	52.7	52.7	52.7
	Disagree	2	1.1	1.1	53.8
	Neutral	41	22.0	22.0	75.8
	Strongly agree	42	22.6	22.6	98.4
	Strongly disagree	3	1.6	1.6	100.0
	Total	186	100.0	100.0	

Country=B South Africa (n=186)

Interpretation 5.4.6.5

In the motivation for the information, it was asked if organizations always review labour legislation and policy and replace them with new ones. A review of labour policy and legislation would provide creative solutions to the old methods of reversing conflict within organizations. In Country A, 40.1% of respondents strongly disagreed, and 36.7% also disagreed, totalling 76.8% (40.1% plus 36.7%) on the question of whether

organizations always evaluate and appraise labour legislation periodically as recommended by the authority or government. Furthermore, Country A had a total of 4% of respondents who agreed with, and 0.6 % who strongly agreed with the statement that organisations evaluate and examine labour policies as set by governments. Based on the above figures, it appears the organization has failed to replace or review labour laws.

Similarly, in South Africa, a total of 52.7% of respondents agreed that the organization should review and renew labour legislation, as it has been mandated by the government from time to time. The number of respondents with a strong positive opinion was 22,6%, which equals 75,3% (52.7 plus 22.6%) for employees who agreed with the statement. There were 1.6% of respondents who strongly disagreed with the statement, 1.1% of respondents who strongly agreed, and 22% of respondents who were neutral in their response. As a result of the high number of positive responses on whether the organization reviews labour legislation as instructed by the government, this result supports the assertion that the organization truthfully reviews labour legislation within its mandate.

5.4.6.6: Some factors influence the efficacy of conflict resolution mechanisms in your company.

Table5.10a (org_6)

		Frequency	Per cent	Valid Percent	Cumulative Percent
Valid	Agree	79	44.6	44.6	44.6
	Disagree	9	5.1	5.1	49.7
	Neutral	29	16.4	16.4	66.1
	Strongly agree	50	28.2	28.2	94.3
	Strongly disagree	10	5.7	5.7	100.0
	Total	177	100.0	100.0	100.0

Country=A Nigeria (n=177

Table5.10b: Some factors influence the efficacy of conflict resolution mechanisms in your company

		Frequency	Per cent	Valid Percent	Cumulative Percent
Valid	Maybe	47	25.3	25.3	25.3
	No	29	15.6	15.6	40.9
	Yes	110	59.1	59.1	100.0
	Total	186	100.0	100.0	100.0

Country=B South Africa (n=186)

Interpretation 5.4.6.6

To determine if there are factors that influence the effectiveness of conflict resolution mechanisms in a multinational company in South Africa and Nigeria, the above question was posed. In identifying the factors that affect the effectiveness and efficiency of conflict mechanism systems in the organizations, sanctity will be brought to the process, procedure, and implementation of the mechanisms. A total of 44.6% of respondents indicated agreement with the statement, while 28.2% of respondents strongly agreed that there are so many factors that militate against the success and competence of the conflict mechanism system within the organization. A total number of 72.8% (44.6% plus 28.2%) would result from adding together all of the respondents who agreed and strongly agreed with the statement, also 5.1% disagreed and 5.7% strongly disagreed making a total of 10.8% who disagreed with the statement while 16.4% were neutral. The high number of respondents (72.8%) who either agreed or strongly agreed with the statement that several factors limit the competence and survival of conflict resolution systems within the organization is a strong indication of its significance. Therefore, such drawbacks could cause improper administration of the company's conflict resolution mechanisms, which could, in turn, harm the organization's labour relations.

Additionally, in Country-B-South Africa, 59.1% of participants responded YES to the question; 15.6% replied NO, and 25.3% were not certain about how some factors influence the effectiveness of the conflict mechanism system in the organization. From the above, which has the highest number of YES responses surveyed, it is sacrosanct to declare that there is a positive influence on the efficacy of mechanisms in fostering industrial harmony.

5.4.6.7: Conflict resolution mechanisms function well in your organisation/country.

Table5.11a (org_7)

		Frequency	Per cent	Valid Percent	Cumulative Percent
Valid	Agree	8	4.5	4.5	4.5
	Disagree	53	29.9	29.9	34.4
	Neutral	29	16.4	16.4	50.8
	Strongly agree	1	0.6	0.6	51.4
	Strongly disagree	86	48.6	48.6	100.0
	Total	177	100.0	100.0	

Country=A Nigeria (n=177)

Table 5.11b: Does the conflict resolution mechanism function well or works in your organisation/country

		Frequency	Per cent	Valid Percent	Cumulative Percent
Valid	Maybe	26	14.0	14.0	14.0
	No	6	3.2	3.2	17.2

	Yes	154	82.8	82.8	100.0
	Total	186	100.0	100.0	

Country=A South Africa (n=186)

Interpretation 5.4.6.7

The research was interested in knowing how well conflict resolution mechanisms function in both organisations, as this will contribute to a smooth and peaceful atmosphere of labour relations in the organization. In the Nigerian environment, 48.6% of respondents strongly disagreed, while 29.9% disagreed with the statement that mechanisms exist for resolving disputes among staff and organizations. In summation, correlated respondents who disagreed and strongly disagreed (48.6% plus 29.9%) gave a total percentage number of 78.5%, the highest of all the responses. The total number of respondents who agreed with the statement was 4.5%, 0.6% strongly agreed, and 16.4% of the respondents were neutral in their answers. A high percentage (78.5%) of employees who disagreed with the statement suggests that the mechanisms for conflict resolution in the organization are not functioning or operating well. As far as fair labour practice relates to disputes, this will harm the well-being of employees.

Additionally, the study showed that 82.2% of respondents in country B-South Africa agreed and responded YES to the question of whether the conflict mechanism system functions well enough in the organization or not. 3.2% of respondents disagreed, stating that conflict resolution mechanisms do not function well enough in their organizations. 14.0% of respondents did not know whether conflict resolution works well enough in the organization. The organization in country B-South Africa, through the YES responses to the survey, was able to perform the process of conflict resolution well enough, allowing for fair and free resolution of disputes within the organization. As the survey results indicate, this is an unblemished indication that the organization has not circumvented conflict resolution mechanisms.

5.4.6.8: There are challenges to conflict resolution mechanisms between labour and management.

Table5.12a (org_8)

		Frequency	Per cent	Valid Percent	Cumulative Percent
Valid	Agree	79	44.6	44.6	44.6
	Disagree	1	.6	.6	45.2
	Neutral	27	15.3	15.3	60.5
	Strongly agree	65	36.7	36.7	97.2
	Strongly disagree	5	2.8	2.8	99.4
	Total	177	100.0	100.0	

Country=A Nigeria (n=177)

Table5.12b: There are challenges to conflict resolution mechanisms between labour and management

		Frequency	Per cent	Valid Percent	Cumulative Percent
Valid	Maybe	50	26.9	26.9	26.9
	No	91	48.9	48.9	75.8
	Yes	45	24.2	24.2	100.0
	Total	186	100.0	100.0	

Country=B South Africa (n=186)

Interpretation 5.4.6.8

The question above aimed to gain more insight into the multiple challenges encountered when implementing conflict resolution mechanisms between labour and management in the Nigerian organisation, which represents country A in the study. Within country A in the Nigeria region, the study revealed that a total number of 36.7%

of respondents strongly agreed, and a total number of 44.6% of respondents agreed that there may be difficulties related to conflict resolution mechanisms between employee and employer during the process of conflict resolution. Since the scale measures are the same, it is imperative to note that adding the percentages of strongly agreed responses and agreed on responses equals 81.3% (36.7% plus 44.6%). Additionally, 2.8% of respondents strongly disagreed, while 0.6% of participants disagreed with the statement regarding the various challenges encountered during the conflict resolution process and procedure. From the survey, it is apparent that majority of respondents strongly agreed with the statement. Thus, it is feasible to say that organisations that represent country A in Nigeria have experienced so many difficulties during the process of conflict resolution.

Similarly, in Country-B in South Africa, 48.9% of respondents chose NO as their response, 24.2% of respondents answered YES while a total of 26.9% were uncertain about the organization's experience with so many trials during the conflict resolution process. In South Africa, the results received from the participants showed that the organization has been able to manage the conflict mechanism system well in such a way that it has served as an umpire or arbiter between management and workers. An organization that wants to be healthy and successful in managing disagreements between employee and employer needs to adopt the system of managing disputes accomplished by South African companies.

5.4.7 Category 2: Questions on Government mechanisms for Conflict Resolution

5.4.7.1: The government put in place competent conflict resolution mechanisms that mediate the industrial dispute.

Table5.13a (govt_1)

		Frequency	Per cent	Valid Percent	Cumulative Percent
	Agree	9	5.1	5.1	5.1
	Disagree	75	42.4	42.4	47.5
	Neutral	35	19.8	19.8	67.2

Valid	Strongly agree	1	.6	.6	67.8
	Strongly disagree	57	32.2	32.2	100.0
	Total	177	100.0	100.0	100.0

Country=A Nigeria (n=177)

Table 5.13b: Government put in place competent conflict resolution mechanisms that mediate the industrial dispute

		Frequency	Per cent	Valid Percent	Cumulative Percent
Valid	Agree	98	52.7	52.7	52.7
	Disagree	3	1.6	1.6	54.3
	Neutral	30	16.1	16.1	70.4
	Strongly agree	54	29.0	29.0	99.4
	Strongly disagree	1	.6	.6	100.0
	Total	186	100.0	100.0	100.0

Country=B South Africa (n=186)

Interpretation 5.4.7.1

According to the research, the question above also asked if the government/authority of each organisation has put in place a competent system for resolving industrial disputes between social partners. For industrial democracy and harmony, the social partners must accept the mechanisms that are promulgated by the government for ameliorating conflict and regulating the relationships between social partners in workplace relations. 42.4% of respondents in country A in Nigeria disagreed with the statement that the government enacted capable labour laws to guide employees, employers, and the community. The results of the survey showed 32.2% strongly

opposed the notion that well-organised labour decrees were passed by the government.

In total, 74.6% of respondents strongly disagreed or disagreed (42.4% plus 32.2%). Among respondents, 0.6% strongly agreed with the statement, 5.1% confirmed the statement, and a total of 19.8%. According to the huge significant differences observed in the percentages of respondents who strongly disagreed and disagreed with the responses, the government of country A has not implemented a perfect labour policy that follows international labour best practices and has not introduced knowledgeable labour legislation. This could further allow social partners in labour relations to avoid conflict resolution mechanisms at a time when labour policy is flexible, as it is in Nigeria.

According to the study, in country B in the South Africa environment, 29% of participants strongly agreed while 52.7% agreed with the statement that the government had done well regarding labour policy and legislation. Adding up the percentages of strongly agreed and agreed on responses of participants, we came up with 81.7% (52.7% plus 29%). Also, 0.6% of respondents strongly disagreed with the motion, 1.6% disagreed with it completely, while 16.1% of respondents were neutral. In most of the employees' responses, the government has pitched the labour that exists in Country-B in South Africa as so high; this is a true representation of the government's work with its labour policy that controls conflict in the workplace. The government's rigidity in its labour law, as in South Africa, would result in a more conducive atmosphere for employees, employers, and the community to interact in a productive manner in the labour relations arena

5.4.7.2: CCMA/NIC perform well enough to avert disputes between employers and employees.

Table5.14a (govt_2)

		Frequency	Per cent	Valid Percent	Cumulative Percent
	Agree	11	6.2	6.2	6.2
	Disagree	78	44.1	44.1	50.3

Valid	Neutral	29	16.4	16.4	66.7
	Strongly agree	1	0.6	0.6	67.2
	Strongly disagree	58	32.8	32.8	100.0
	Total	177	100.0	100.0	100.0

Country=A Nigeria (n=177)

Table5.14b: CCMA/NIC perform well enough to avert dispute between employers and employees

		Frequency	Per cent	Valid Percent	Cumulative Percent
Valid	Agree	105	56.5	56.5	56.5
	Disagree	4	2.1	2.1	58.6
	Neutral	32	17.2	17.2	75.8
	Strongly agree	44	23.7	23.7	99.5
	Strongly disagree	1	0.5	0.5	100.0
	Total	186	100.0	100.0	100.0

Country=B South Africa (n=186)

Interpretation 5.4.7.2

This study sought to examine whether any differences exist between government bodies and agencies in Nigeria and South Africa, such as (CCMA), (NEDLAC), (NIC), (IAP) responsible for managing labour disputes have made strides toward eliminating conflicts between employees, employers, and the community. Based on the study, 32.8% of participants strongly disagreed with the statement that Nigeria's National

Industrial Court makes excellent decisions in the settlement of labour conflicts. 45.7% of participants also disagreed with the statement. Once the responses of percentages were considered, the number came to 76.9% (32.8% plus 44.1%). In total, 6.2% of respondents agreed with the statement, 0.6% strongly agreed, and 16.4% of respondents were neutral in their responses. Due to the considerable difference between the positive and negative responses of employees toward the performance of Nigeria state in employment issues, it is evident that government agencies in Nigeria (NIC) and (IAP) have struggled in the discharge of their duties. Due to the overbearing and domineering nature of the Nigerian government in the process of adjudication and arbitration of labour disputes, true representation of legal proceedings in labour disputes would have been hindered.

In the context of organisation in country B, South Africa, it was shown that 23.7% of the respondents strongly agreed that government agencies like the CCMA, NEDLAC, Labour Court and Appeal Labour Court have reasonably performed well in their duty and responsibilities. 56.5% of respondents agreed with the statement, making a total of 80.2% when added together (23.7% plus 56.5%), 2.1% disagreed with the statement, 0.5 strongly disagreed with the statement and 17.2% were neutral in their responses. Respondents of the survey stated that in the case of South Africa, government agencies like CCMA, NEDLAC, Labour Court and Appeal Labour Court have sincerely and genuinely carried out their responsibilities in the interest of employers, employees, and the community. Even as most of these agencies are funded by the state, their mandate to resolve disputes through conciliation is never compromised.

5.4.7.3: Government interfere with the process of conflict resolution mechanisms.

Table5.15a (govt_3)

		Frequency	Per cent	Valid Percent	Cumulative Percent
	Agree	64	36.2	36.2	36.2

Valid	Disagree	12	6.8	6.8	43.0
	Neutral	25	14.1	14.1	57.1
	Strongly agree	73	41.2	41.2	98.3
	Strongly disagree	3	1.7	1.7	100.0
	Total	177	100.0	100.0	100.0

Country=A Nigeria (n=177)

Table5.15b: Government interfere with the process of conflict resolution mechanisms

		Frequency	Per cent	Valid Percent	Cumulative Percent
Valid	Maybe	37	19.9	19.9	19.9
	No	146	78.5	78.5	98.4
	Yes	3	1.6	1.6	100.0
	Total	186	100.0	100.0	

Country=B South Africa (n=186)

Interpretation 5.4.7.3

The research obtained the above information to establish whether the government interfered with conflict resolution mechanisms within multinational companies. According to the study, 41.2% of respondents in country A in Nigeria strongly agreed that government interference with conflict resolution mechanisms occurs.

A total of 36.2% of respondents agreed while 41.2% strongly agreed with the statement, bringing the total to 73.8% (36.2% plus 41.2%). Also, 6.8% of respondents disagreed with the statement, 1.7% strongly disagreed while 14.1% of respondents were unsure whether the government interfered with the process of conflict resolution. In the Nigerian setting, the magnitude difference between the respondents' responses denoted that the government is not only interfering in the decision-making process

when it comes to conflict among social partners, but also hindering and delaying conciliation, arbitration, and adjudication. Because of that, the labour relations social partners may not have trusted the instrument that settles disputes among the social partners.

Furthermore, the survey conducted in the organisation within country B in South Africa recorded that 78.5% of respondents said NO to the statement that government interference in conflict management is legitimate. A total of 1.6% of the respondents agreed with the same statement, while 19.9% said MAYBE the government always intervenes in labour court cases or stops striking workers whenever they go on strike in the workplace. Taking a close look at the above reports submitted by the multinational company employees in South Africa, it clearly shows that the government has allowed social partners in labour relations to succeed without interference. Based on respondents' answers to the survey, the results showed that most of the government agencies operate independently without the state depriving them of their rights to carry out their duties and obligations appropriately. As a result, this would have led to agitation of social partners, particularly workers, who are always at the mercy of employers.

5.4.8 Category 3: Questions on Multinational Enterprise Influence

5.4.8.1: multi-national company influence the process of conflict resolution mechanisms with the best international practice of employment relations in your company.

Table5.16a (mne-inf_1)

		Frequency	Per cent	Valid Percent	Cumulative Percent
Valid	Agree	12	6.8	6.8	6.8
	Disagree	67	37.9	37.9	44.7
	Neutral	31	17.5	17.5	62.2
	Strongly Agree	2	1.1	1.1	63.3
	Strongly disagree	65	36.7	36.7	100.0
	Total	177	100.0	100.0	100.0

Country=A Nigeria (n=177)

Table5.16b: multi-national company influence the process of conflict resolution mechanisms with the best international practice of employment relations in your company

		Frequency	Per cent	Valid Percent	Cumulative Percent
Valid	Agree	106	57.0	57.0	57.0
	Disagree	5	2.7	2.7	59.7
	Neutral	25	13.4	13.4	73.1
	Strongly Agree	49	26.3	26.3	99.4
	Strongly disagree	1	0.6	0.6	100.0
	Total	186	100.0	100.0	100.0

Country=B South Africa (n=186)

Interpretation 5.4.8.1

In order to find out how multinational company influence the process of conflict resolution mechanism with best international practices, the research reviewed the above information. Study presented organisation country A in Nigeria domain, whereby 37.9% of participants disagreed that the company influenced the method for resolving conflicts in Nigeria in accordance with the best international practices. Of the 36.7% who strongly disagreed with the same statement, a number did so several times. A combined 36.7% strongly disagreed and 37.9% disagreed resulting in a total of 74.6% (36.7% plus 37.9%).

Meanwhile, a total of 1.1% respondents strongly agreed with the statement, while a total of 17.5% of respondents felt unsure about the company's influence. It was noted that many of the respondents did not agree that multinational companies influenced the best practices of labour relations in their organizations. According to the report, a multinational company that should have incorporated international standard employment relations into the conflict resolution processes in the host country (Nigeria) neglected and abandoned the best international practice of employment relations in the host country. The host nation has thrown down labour relations laws regarding the dispute resolution process, which has allowed the multinational

company to by-pass the conventional dispute resolution process and adopt the easiest route, which has been detrimental to the political development of the host country Nigeria.

On the other hand, a study within country B in South Africa presented a total number of 57% respondents who agreed with the statement that multinational influence companies with best international practice in employment relations on issues related to dispute resolution. Furthermore, 26.3% of the respondents strongly agreed with the same statement, making a total of 83,3% respondents (26,3% plus 57%) who agreed with the statement about multinationals influencing the conflict resolution mechanisms with the best employment relations practices. 2.7% of respondents disagreed with the statement, 0.6% strongly disagreed with the statement, and 13.4% of respondents were neutral on the issue.

From the statistics above, we see that multinational companies, on their own opinions and retorts, thought that they had positively influenced the company with the best international standard for labour relations practice on the process of mechanisms that limit conflict between workers and organisations. In general, based on the rhetoric provided by employees of the company in Nigeria and reporting gathered regarding operations and deeds of foreign multinationals in Nigeria. MNEs have served as dubious vehicles for emigration from their host nations, exclusively in Africa, due to the economic and financial benefits they derive from their activities.

5.4.8.2: Host environment adapts to the employment relations practices of the multinational company.

Table5.17a(mne-inf_2)

		Frequency	Per cent	Valid Percent	Cumulative Percent
Valid	Agree	45	25.4	25.4	25.4
	Disagree	34	19.2	19.2	44.6
	Neutral	33	18.6	18.6	63.2
	Strongly agree	12	6.9	6.9	70.1
	Strongly disagree	53	29.9	29.9	100.0

	Total	177	100.0	100.0	100.0

Country=A Nigeria (n=177)

Table5.17b: Host environment adapts to the employment relations practices of the multinational company

		Frequency	Per cent	Valid Percent	Cumulative Percent
Valid	Agree	106	57.0	57.0	57.0
	Disagree	3	1.6	1.6	58.6
	Neutral	33	17.7	17.7	76.3
	Strongly Agree	42	22.6	22.6	98.9
	Strongly disagree	2	1.1	1.1	100.0
	Total	186	100.0	100.0	

Country=B South Africa (n=186)

Interpretation 5.4.8.2

In this study, the above question was asked to gain a better understanding of the claim that the host nation adapts the entire employment relations policy of the host multinational company. Below is the information from the survey, 29.9% of respondents in Nigeria strongly disagree while 19.2% respondents opposed the statement. Adding up the figures, 49.1% of all the respondents (29.9% plus 19.2%) disagree with the statement that the organization in the host environment needs to adapt and follow the practice of employment relations used by the multinational company. In all, 25.4% of respondents agreed with the statement that multinational companies follow the guidelines for labour relations practice of multinational companies in Nigeria. In all, 25.4% of respondents agreed and 6.9% of respondents strongly agreed with the same statement, making a total of 32.3% respondents (6.9% plus 25.4%), while 18.6% were neutral in their responses.

Considering the total positive (32.2%) and total negative (49.1%) responses of the employees, positive responses outnumber the negative responses. This simply means that the host organization did not adapt or copy the directives and guidelines for

employment relations of the multinational company. There is a possibility that this is due to multinational companies not always delivering their promises as they claimed and therefore not meaningfully contributing to their host nations. The above was reported by employees of the multinational company in Nigeria.

In the study, 22.6% of respondents strongly agreed with the statement that the host organization copies and adapts the practices of multinational companies. 57% of respondents voted in favour of the matching declaration, making it 79.6% (57% plus 22.6%). Among the respondents, 1.6% openly disagreed with the same assertion, while 1.1% strongly disagreed, for a total of 2.7% (1.6% plus 1.1%). 17.7% of respondents declared their neutrality regarding the declaration. Given the above statistics, it is understandable that there were more positive responses than negative responses, proving that the national organization in country B in South Africa held the multinational company in Nigeria accountable for replicating and tracking their style of employment relations practices.

5.4.9 Category 4: Questions on Multinational Enterprise Influence

5.4.9.1: The company adopts the best employment relations practices of the multinational company.

Table5.18a (mne-sub_1)

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Agree	24	13.6	13.6	13.6
	Disagree	63	35.6	35.6	49.2
	Neutral	30	16.9	16.9	66.1
	Strongly agree	10	5.6	5.6	71.7
	Strongly disagree	50	28.3	28.3	100.0
	Total	177	100.0	100.0	100.0

Country=A Nigeria (n=177)

Table 5.18b: The company adopts best employment relations practices of the multinational company

		Frequency	Per cent	Valid Percent	Cumulative Percent
Valid	Agree	106	57.0	57.0	57.0
	Disagree	5	2.7	2.7	59.7
	Neutral	27	14.5	14.5	74.2
	Strongly agree	46	24.7	24.7	98.9
	Strongly disagree	2	1.1	1.1	100.0
	Total	186	100.0	100.0	100.0

Country=B South Africa (n=186)

Interpretation 5.4.9.1

Essentially, this statement was posed to explore whether the multinational company in Nigeria and South Africa adopts best employment practices from the multinational company in the conflict resolution process. A second question was whether the multinational company was able to impart real and genuine labour relations practices to the subsidiary companies in Nigeria and South Africa. Within country A in Nigeria, 35.6% of the respondents disagreed with the statement that multinationals in Nigeria adopt the best employment relations practices of multinational companies while 28.3% of respondents strongly disagreed with the statement, making up a total of 63.9% (35.6% plus 28.3%) of respondents. In the survey, 16.9% of respondents were neutral, 13.6% of respondents agreed with the statement, and 5.6% of respondents strongly agreed with the statement, adding up the positive responses makes a total of 19.2% (13.6% plus 5.6%). By comparing positive and negative responses, it is evident that the question above has significant results. The employees of organisation country A in Nigeria did not adopt and implement as if it were the best international labour

relations practice of the multinational company, which could be due to the weak labour laws that prevail in the host country environment.

The study conducted in country B, a multinational company in South Africa, exposed 24,7% of respondents' strong agreement that the company applies best labour relations practices from overseas. An additional 57.0% agreed with the same statement, making a total of 81.7% (24.7% plus 57.0%). 14.5% of respondents responded neutrally to the statement, 2.7% disagreed, and 1.6% strongly disagreed with the statement that the company failed to practice the best labour relations practices of multinational companies in South Africa.

As per the information collected from the respondents in the survey, it can be said that multinational companies in South Africa usually uphold and follow the best labour relations practices, and this is not far from the best standard practice of labour relations in South Africa.

5.4.9.2: There is an alignment in the cultures and values of a multinational company and their host environments.

Table5.19a (mne-sub_2)

		Frequency	Per cent	Valid Percent	Cumulative Percent
Valid	Agree	13	7.3	7.3	7.3
	Disagree	80	45.2	45.2	52.5
	Neutral	27	15.3	15.3	67.8
	Strongly agree	2	1.1	1.1	68.9
	Strongly disagree	55	31.1	31.1	100.0
	Total	177	100.0	100.0	100.0

Country=A Nigeria (n=177)

Table5.19b: There is an alignment in the cultures and values of a multinational company and their host environment

		Frequency	Per cent	Valid Percent	Cumulative Percent
Valid	Maybe	33	17.7	17.7	17.7
	No	9	4.8	4.8	22.5
	Yes	144	77.5	77.5	100.0
	Total	186	100.0	100.0	

Country=B South Africa (n=186)

Interpretation 5.4.9.2

The statement above was a survey that sought to determine if there is alignment between the cultures and values of a multinational company and those of their host nation, as they often say that beliefs and values of one society cannot be completely divorced from another. A possible alignment and placement of such cultural values between one society and another will continue to generate success in whatever process or production is undertaken. It was found that 45.2% of respondents in country A did not affirm the statement that cultural norms and values of multinational corporations and their host environments are aligned. In addition, 31.1% of the respondents strongly disagreed with the same statement, bringing the total of negative responses to 76.3% (45.2% plus 31.1%). Approximately 7.3% of respondents agreed that there was an alignment between a multinational company's cultural norms and their host community's values. It was also confirmed in the study that a total of 15.3% of respondents felt neutral toward the statement above, while 1.1% strongly agreed with the statement.

It was determined that there was a constant non-adherence in the cultural settings of the environments of multinational companies, and that this in turn could have affected the successful operation of multinational companies, especially Nigerian multinational companies. Furthermore, the management of MNC'S have the responsibility and duty to make sure that the corporate values and norms of the multinational company are

aligned with the cultural norms of their host environment so that they can make the company successful in that environment.

Moreover, the study also revealed that in the organisation of country B in South Africa, a total of 77.5% of the respondents agreed that there was alignment between the cultures and values of both the multinational company and the host environment. The total number of respondents who stated NO to the above statement was 4.8%, whereas 17.7% answered neutrally. A comparison of the percent of positive responses (77.5%) and of negative responses (4.8%) showed that there is an alignment in the cultural values of the host environment with the company's social and cultural values.

5.4.9.3: Do you agree with the level of effectiveness built in the process of conflict resolution mechanisms in the host countries of your Multinational Company.

Table5.20a (mne-sub_3)

		Frequency	Per cent	Valid Percent	Cumulative Percent
Valid	Agree	7	4.0	4.0	4.0
	Disagree	55	31.1	31.1	35.1
	Neutral	27	15.3	15.3	50.4
	Strongly agree	1	0.6	0.6	51.0
	Strongly disagree	87	49	49	100.0
	Total	177	100.0	100.0	100.0

Country=A Nigeria (n=177)

5.20b: Do you agree with the level of efficacy built into the process conflict resolution mechanisms in the host countries of Multinational

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Agree	104	55.9	55.9	55.9
	Disagree	3	1.6	1.6	57.5
	Neutral	30	16.1	16.1	73.6
	Strongly agree	48	25.8	25.8	99.4
	Strongly disagree	1	0.6	0.6	100.0
	Total	186	100.0	100.0	

Country=B South Africa (n=186)

Interpretation 5.4.9.3

The purpose of the above question was to determine the effectiveness of built-in conflict resolution mechanisms in the host environment. In order for conflict resolution mechanisms to be perfect, they must be built with a level of efficacy. Overall, in organisation country A, Nigeria, 49% of respondents strongly disagreed on the motion that the level of efficacy built in the process and procedure of mechanism restricts conflicts among employees and organizations. The total negative responses amounted to 80.1% (31.1% plus 49%), that is 80.1% of respondents disagreed with the motion above. Also, 15.3% of respondents answered neutrally, 4% of respondents agreed with the statement, and 0.6% strongly agreed. In country A in Nigeria, based on reports collected, it appeared that there was no efficacy built into the process of conflict resolution. Consequently, conflict resolution mechanisms in the workplace cannot and will never be trusted, they lack merit, and they cannot accurately mediate, conciliate, arbitrate, and adjudicate disputes adequately.

Within organisation country B in South Africa, the question was asked to know the level of effectiveness built into the process of conflict resolution mechanism that exists within the company. A total of 25.8% of respondents strongly agreed while 55.9% of respondents agreed with the statement. From the information gathered, the addition

of the positive responses amounted to 81.7% (25.8% plus 55.9%). Likewise, 1.6% of respondents disagreed and 0.6% strongly disagreed with this statement, making a total of 2.2% (1.6% plus 0.6%) of negative responses while 16.1% of employees responded neutrally to the same motion raised above. On the basis of these results, it can be said that there is a fair, effective and reliable method of resolving conflicts that arise within multinational corporations in country B.

5.5 Qualitative Data Analysis

In statistics, qualitative data is also known as categorical data - data that can be arranged categorically based on the attributes and properties of a thing or a phenomenon (Questionpro,2020). Qualitative data is not numerical, it approximates and characterizes, it is possible to observe as record qualitative information. In this type of study, data is collected through observations, one-to-one interviews, conducting focus groups, and similarly designed study techniques. Analysis of findings from interviews with Lagos-based HR managers and South African-based HR managers (ten each of the two countries) who participated in the study was bases on qualitative data. The findings were interpreted and presented in the following sections.

Nigeria Managers Reports Concerning CRM

D 1: case 1

According to the first manager interviewed, the company does not have formal mechanisms for resolving conflicts. Whenever a conflict arises, they solve it without following any rules. Moreover, the manager explained that teams always use whatever mechanism they think will be most effective in resolving conflict, which suggests that there is no standardized way to resolve conflict in the organization. Furthermore, he explained that, working for a Chinese company, the rule of the game is the master-servant relationship when dealing with disputes; when employees are neglected from their issues, it leads to conflict.

D 2: case 2

As a conflict resolution strategy in an organization, master servant relationships exist. Manager explained that conflict resolution mechanisms are currently in use, but they are not performing at their best.

D 3: case 3

Collaborative strategy has been used whenever conflict arises in the organization, according to the manager. Organizational conflict resolution mechanisms do not work well enough to resolve conflict in your organization. A major challenge to conflict resolution is economic situations or lack of funds and resources. A multinational company's host environment is

influenced by it. As compared to the mechanisms prevailing in multinational companies, they differ due to the unique features of each country's labour unions, employers' associations, and labour laws & conventions.

D 4: case 4

According to the manager, they opted for mediation and conciliation, which means they engaged in an internal dispute resolution procedure. Employee conflict cannot be adequately prevented by the conflict resolution mechanisms within the organization. It is always problematic to implement the process of conflict resolution mechanisms at the right time. Host environments emulate and copy the employment relations practices of the multi-national company to some extent.

D 5: case 5

According to the manager, the Nigerian environment understands the strike action as a conflict resolution mechanism. It seems that whenever there is strike action, employers listen to the employees and strive to reach an agreement. Conflict resolution mechanisms aren't working properly.

D 6: case 6

The organization does not have formal requirements for conflict resolution. The organization does not follow most of the processes properly. Conflict resolution mechanisms in organizations are affected by implementation challenges. Yes, multinational corporations have a great deal of influence on their host communities. The multinational company can afford them to the extent of their capacity. Conflict resolution mechanisms are so ineffective, especially with regards to the level of efficacy they offer. Each country has its own values and culture, so they cannot be the same.

D 7: case 7

No set of rules exists that must be followed every time there is a conflict resolution mechanism put in place to resolve conflict in your organization No, the conflict resolution mechanisms in place do not work. The conflict resolution mechanism is not being followed properly. Yes, multinational companies have an impact on their company in Nigeria, sometimes negatively, the host environment emulates or copies the employment relations practices of the multinational companies-To to a certain extent since the environment is different. Conflict resolution mechanisms are not effective enough. The proximity between them makes it impossible to compare them. Conflict resolution mechanisms are always circumvented by employers. Harmony is a mechanism to resolve conflicts.

D 8: case 8

Conflict resolution mechanisms are employed and enforced in your organisation-Organisation engage in the master /servant relationship to settle conflict in the organisation Conflict resolution mechanisms put in place to resolve conflict are working effectively in your organisation-they are not working effectively Challenges to conflict resolution that permit growing dissonance between labour and management in your organisation-when employers

ignore the interest and full participation of employees in the decision making of the organisation Conflict resolution mechanisms of multi-national companies, have an influence on the counterpart multinational company --Yes extent does host environment emulate or copy the employment relations practices of the multi-national company-To little extent level of efficacy of conflict resolution mechanisms in your organisation-Incompetent level of mechanisms does it compare to the mechanisms prevailing mechanism in the multinational company on their host environment -Must not be compared to each other because of their different location factors that influence the efficacy of conflict resolution in both environments-Government labour laws and regulations The kind of conflict resolution framework can be proposed for multi-national companies that desire to have a new host environment must be -Conflict Resolution Mechanism that works

D 9: case 9

The conflict resolution mechanisms employed and enforced in your organisation-Informal process Conflict resolution mechanisms put in place to resolve conflict working effectively in your organisation-No, not working Challenges to conflict resolution that permit growing dissonance between labour and management in your organisation-Bribery and Corruption on part of employers and Government Conflict resolution mechanisms of multi-national companies, have an influence on their host environment -Yes, multinational company have influence, host environment emulate or copy the employment relations practices of the multi-national company-Just small Level of efficacy of conflict resolution mechanisms in your organisation-Not so good Compare to the mechanisms prevailing in the multinational company host environment-They are different because of cultural differences factors that influence the efficacy of conflict resolution in both environments-Implementation and enforcement problem Conflict resolution framework can be proposed for multi-national companies that desire to have a new host environment-That will allow the employees and employers to have good employment relations

D 10: case 10

Conflict resolution mechanisms are employed and enforced in your organisation-Self adopted mode of resolving conflict resolution mechanisms put in place to resolve conflict working effectively in your organisation-Not working properly Challenges to conflict resolution that permit growing dissonance between labour and management in your organisation-Government policies Conflict resolution mechanisms of multinational companies, have an influence on their host environments-Yes Extent, host environment emulate or copy the employment relations practices of the multi-national company-To some extent The level of efficacy of conflict resolution mechanisms in your organisation-Not too good Compare to the mechanisms prevailing in the multinational company host environment -Really can't compare base on their site The factors that influence the efficacy of conflict resolution in both environments-Over domineering attitude of government kind of conflict resolution framework can be proposed for multi-national companies that desire to have a new host environment-That works for both employees and employers

South Africa Managers Reports Concerning CRM

D 1: case 1

In the organization, the manager explains that discussion and dialogue are the mechanisms for resolving conflict. The manager explained that the conflict resolution mechanisms in place to resolve conflict are effective in the organization. The challenges to conflict resolution that permit growing dissonance between labour and management in your organization--imposition, yes, mechanisms of multinational companies, influence their host environments. The extent that the host environment emulates or copies the employment relations practices of the multi-national company--a large extent. The level of efficacy of conflict resolution mechanisms in your organisation--very high compared to the mechanisms prevailing in the country of origin--close the factors that influence the efficacy of conflict resolution in both environments--human resource kind of conflict resolution framework can be proposed for multi-national companies that desire to have a new host environment--discussion and dialogue.

D 2: case 2

According to the manager, there is a process of dialogue within the firm that they use to resolve conflicts, they communicate to resolve the issues within the firm. In addition, he explained that organizations that are looking for exponential growth must utilize interpersonal communication as a means of resolving conflict within the organization. Also, the manager explained that the conflict resolution mechanisms within the company are working effectively. He explained that the company has allowed the mechanisms to prevail over every issue within the company.

Challenges to conflict resolution that permit growing dissonance between labour and management in your organisation---Lack of communication Conflict resolution mechanisms of multinational companies, developed in their countries of origin, have an influence on their subsidiaries--It forms the basis but the Labour law of each Resident countries takes precedence extent, host environment emulate or copy the employment relations practices of the multinational --To the extent of maintaining peace and cordial relationships with the labour union of the multinational level of efficacy of conflict resolution mechanisms in your organisation--It has been very successful because we are yet to have any staff protests or downtime Does it compare to the mechanisms prevailing in the multinational company environment--It is about the same stability factors that influence the efficacy of conflict resolution in both environments--Continuous communications and improved staff relationships Conflict resolution framework can be proposed for multinational companies that desire to have a new host environment--Direct relationship with the union representatives

D 3: case 3

The mechanism employed and enforced in the organization is about introducing values that follow both local and international laws and putting in place mechanisms for resolving conflict efficiently. There are challenges to conflict resolution in your organization that allow for

growing dissonance between management and labour-Not too sure Conflict resolution mechanisms of multinational companies, developed in their countries of origin, have an impact on the host environment - Yes, they do To what extent does the subsidiary, host environment emulate or copy the employment relations practices of the multinational company's home country----In the organisation, it's the work ethic and culture which is emphasised in order to drive the company to the success that it is level of efficacy of conflict resolution mechanisms in your organisation--Very good Does it compare to the mechanisms prevailing within multinational environment --Not too much difference factors that influence the efficacy of conflict resolution in both environments--Different cultures Conflict resolution framework can be proposed for multinational companies that desire to have a new host environment---Be open minded to new cultures, laws and regulations of different nations.

D 4: case 4

According to the manager, if the internal mechanism fails, it will be followed by external mechanisms provided by the government. In South Africa, the conflict resolution mechanism put in place is working effectively based on political, social, technological, and economic factors. A multinational corporation's conflict resolution mechanism developed in its country of origin impacts its subsidiary. Labour relations of the multinational company in South Africa were heavily utilized by the multinational company. The multinational company environment provides a sound and ideal method for resolving conflicts. In the host nation environment, conflict resolution cannot be compared to that which operates within the company. Economic, political, and social factors influence the effectiveness of conflict resolution mechanisms. A fair collective bargaining system should be implemented in the workplace.

D 5: case 5

Conflicts are resolved within the laws created by the organization and if it fails, the government takes over. According to the manager, the mechanisms put in place to reduce conflict are working well. The challenge is the working conditions and terms. Yes, they influence a great deal. The level of efficacy built into the conflict resolution mechanism is perfect. How does it compare to mechanisms prevailing in multinational organizations--At some level this can be compared? Conflict resolution's effectiveness was influenced by state laws and regulations, and by the economy in both environments. Dispute resolution through alternative means should be encouraged.

D 6: case 6

An organization pursues internal mechanisms such as conciliation and mediation, and if there is still a conflict, an external mechanism such as CCMA or Labour courts is used to settle it. Conflicts are being resolved properly by the mechanism. Conditions of work, such as salary increases, a safe working environment, etc. As a result of access to an instrument that addresses conflict between employees and employers, the level of effectiveness built into the conflict resolution mechanism is good. As both organisations have different value systems and cultures, we cannot compare them. A state's role as the umpire between employee and employer is one of the factors contributing to its proper operation. Social partners must always

be able to curb conflicts with equitably devised devices and mechanisms by employers and governments.

D 7: case 7

According to the manager, conciliation, mediation and arbitration as well as CCMA adjudications and labour courts are employed and enforced in the organization. Due to the fact that it is always in the employees' interests, the conflict resolution mechanism is effective. Mechanisms for resolving conflicts are implemented and enforced without any challenges. It always functions at its optimum level of efficacy in an organization's conflict resolution mechanisms. Compared to the subsidiary, the multinational has a better mechanism for resolving conflict. Factors related to the economy and politics. Communication and dialogue should be better.

D 8: case 8

Mechanisms for resolving internal and external conflicts. Yes, the performance is satisfactory. There are no challenges. Their impact is undeniable. An influential multinational company enforces best practices in work ethic and culture. Conflicts are managed at an adequate and sufficient level. Policies of the government. The employees must always be involved in the decision-making process of the organization.

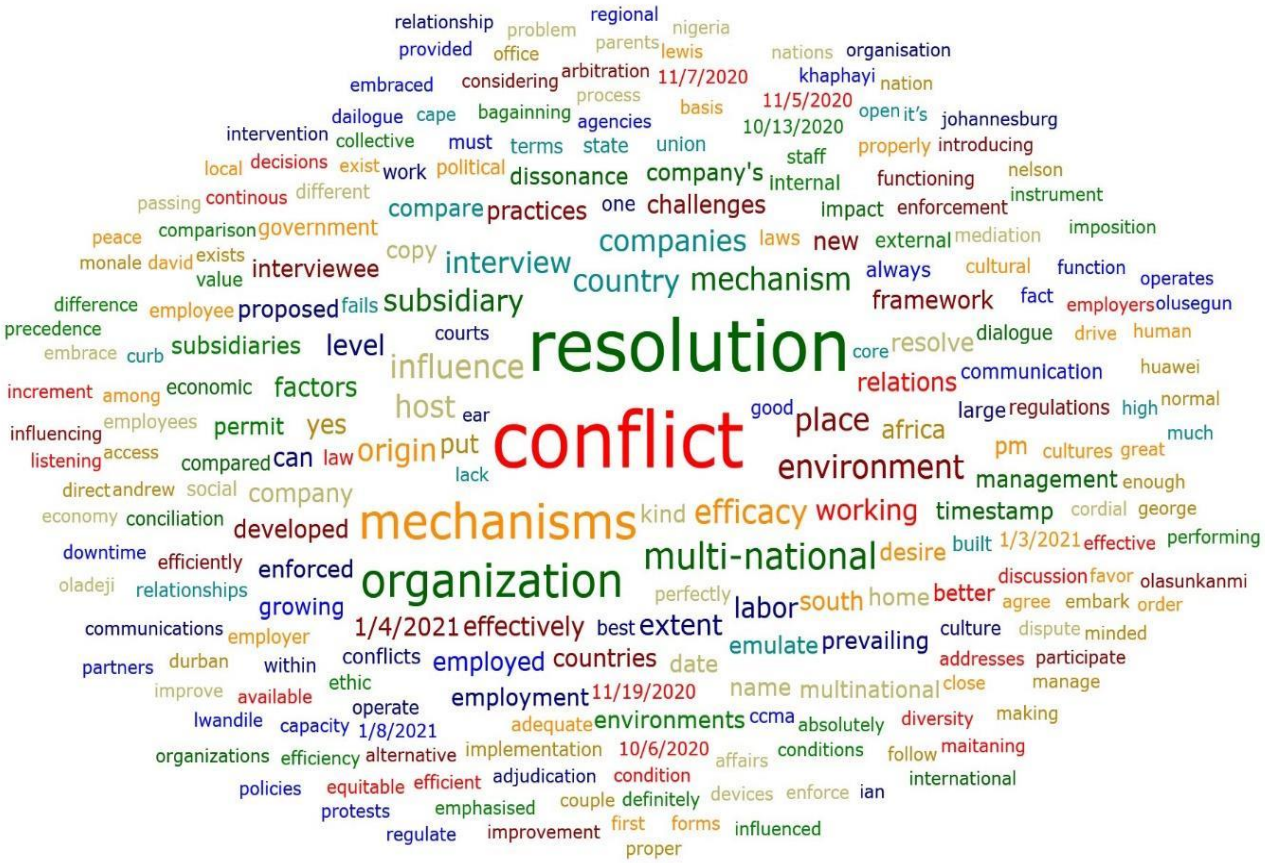
D 9: case 9

Organizations should communicate and listen to their employees. Working effectively to a certain extent. Reimbursement of employees has been improved. In a large capacity. The level of efficacy built into the conflict resolution mechanism is the best standard of labour relations practices. The conflict resolution mechanism in South Africa is better than that of Nigeria, and the laws governing the affairs of labour in South Africa are more rigid than those in Nigeria. Diversity of value and culture. The union representative should regain the right to represent the organization.

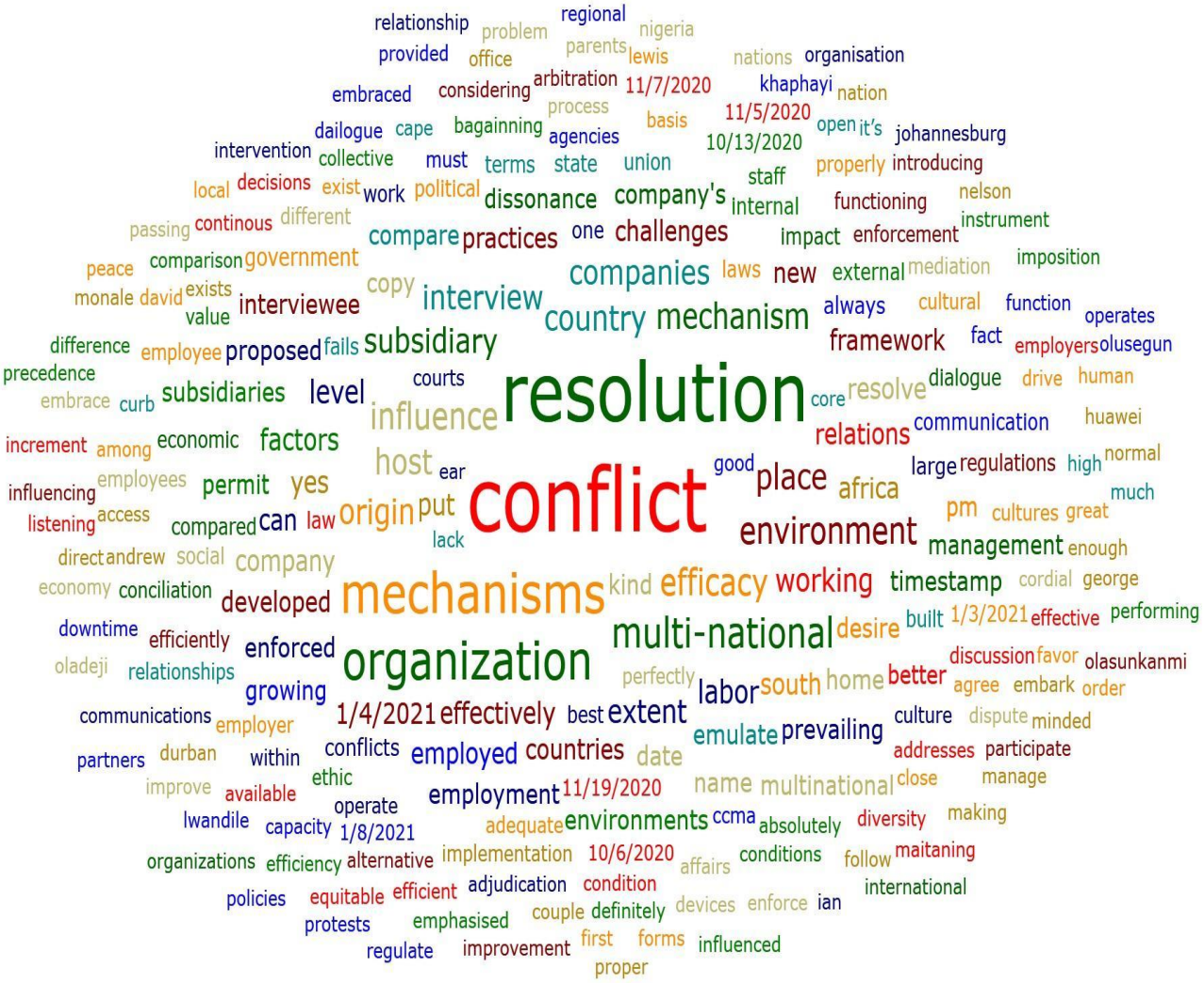
D 10: case 10

The communication needs to be effective and efficient. If this does not occur, the regular internal mechanisms will kick in. Enforcement and implementation issues. The extent of the problem is large. One cannot be compared with another because it is better. Through government agencies, the government intervenes. A framework for conflict resolution that works effectively and efficiently.

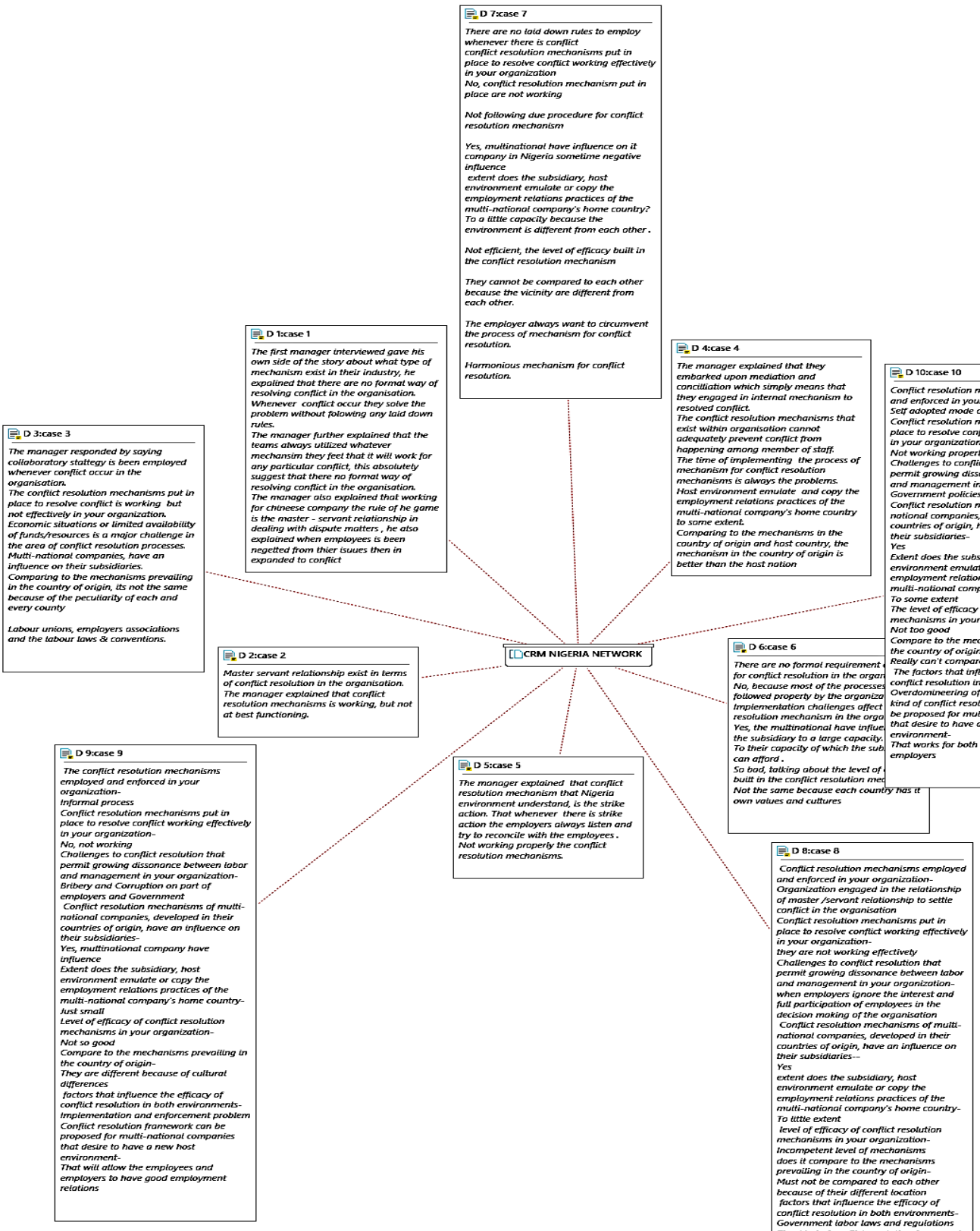
5.5.1 The Pictorial Description of Nigeria CRM Word Cloud Report



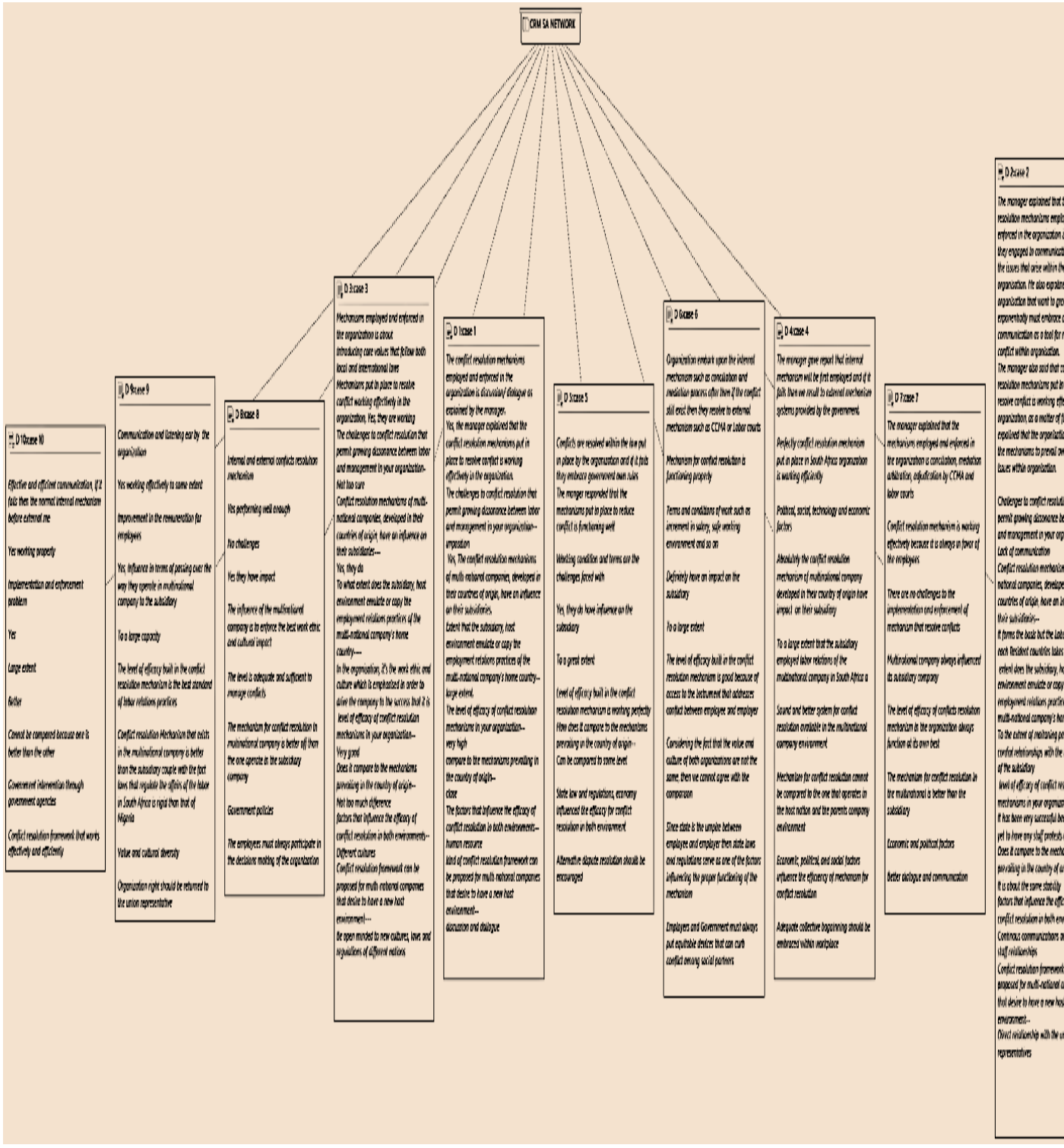
5.5.2 The Pictorial Description of South Africa CRM Word Cloud Report

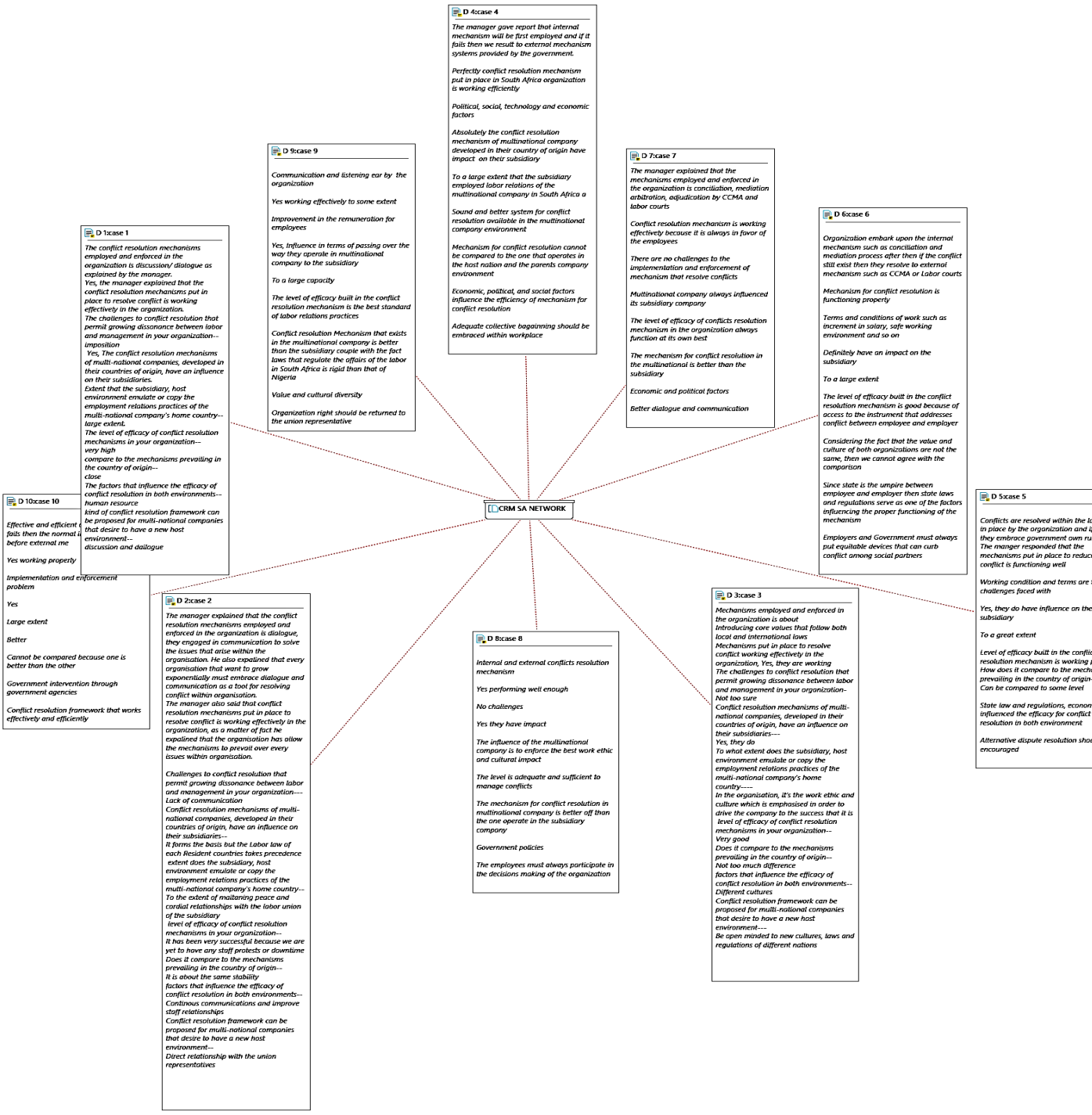


5.5.3 CRM Nigeria Group Network


D 7:case 7
There are no laid down rules to employ whenever there is conflict
conflict resolution mechanisms put in place to resolve conflict working effectively in your organization
No, conflict resolution mechanism put in place are not working
Not following due procedure for conflict resolution mechanism
Yes, multinational have influence on it company in Nigeria sometime negative influence
extent does the subsidiary, host environment emulate or copy the employment relations practices of the multi-national company's home country?
To a little capacity because the environment is different from each other .
Not efficient, the level of efficacy built in the conflict resolution mechanism
They cannot be compared to each other because the vicinity are different from each other.
The employer always want to circumvent the process of mechanism for conflict resolution.
Harmonious mechanism for conflict resolution.
D 1:case 1
The first manager interviewed gave his own side of the story about what type of mechanism exist in their industry, he expalined that there are no format way of resolving conflict in the organisation.
Whenever conflict occur they solve the problem without folowing any laid down rules.
The manager further explained that the teams always utilized whatever mechansim they feel that it will work for any particular conflict, this absolutely suggest that there no format way of resolving conflict in the organisation.
The manager also explained that working for chineese company the rule of he game is the master - servant relationship in dealing with dispute matters , he also explained when employees is been negetted from thier isuues then in expanded to conflict
D 4:case 4
The manager explained that they embarked upon mediation and conciliation which simply means that they engaged in internal mechanism to resolved conflict.
The conflict resolution mechanisms that exist within organisation cannot adequately prevent conflict from happening among member of staff.
The time of implementing the process of mechanism for conflict resolution mechanisms is always the problems.
Host environment emulate and copy the employment relations practices of the multi-national company's home country to some extent.
Comparing to the mechanisms in the country of origin and host country, the mechanism in the country of origin is better than the host nation
D 10:case 10
Conflict resolution mechanisms empl
and enforced in your organization-
Self adopted mode of resolving confli
Conflict resolution mechanisms put i
place to resolve conflict working effec
in your organization-
Not working properly
Challenges to conflict resolution that
permit growing dissonance between
and management in your organizatio
Government policies
Conflict resolution mechanisms of m
national companies, developed in the
countries of origin, have an influence
their subsidiaries-
Yes
Extent does the subsidiary, host
environment emulate or copy the
employment relations practices of the
multi-national company's home cou
To some extent
The level of efficacy of conflict resolu
mechanisms in your organization-
Not too good
Compare to the mechanisms prevaili
the country of origin-
Really can't compare base on their si
The factors that influence the efficac
conflict resolution in both environme
Overdomineering of government
kind of conflict resolution framework
be proposed for multi-national comp
that desire to have a new host
environment-
That works for both employees and
employers
D 3:case 3
The manager responded by saying collaboratory stattegy is been employed whenever conflict occur in the organisation.
The conflict resolution mechanisms put in place to resolve conflict is working but not effectively in your organization.
Economic situations or limited availability of funds/resources is a major challenge in the area of conflict resolution processes.
Multi-national companies, have an influence on their subsidiaries.
Comparing to the mechanisms prevailing in the country of origin, its not the same because of the peculiarity of each and every county
Labour unions, employers associations and the labour laws & conventions.
CRM NIGERIA NETWORK
D 2:case 2
Master servant relationship exist in terms of conflict resolution in the organisation.
The manager explained that conflict resolution mechanisms is working, but not at best functioning.
D 6:case 6
There are no formal requirement
for conflict resolution in the organ
No, because most of the processes
followed property by the organiza
Implementation challenges affect
resolution mechanism in the orga
Yes, the multinational have influe
the subsidiary to a large capacity.
To their capacity of which the sub
can afford .
So bad, talking about the level of
built in the conflict resolution mec
Not the same because each country has it own values and cultures
D 9:case 9
The conflict resolution mechanisms employed and enforced in your organization-
Informal process
Conflict resolution mechanisms put in place to resolve conflict working effectively in your organization-
No, not working
Challenges to conflict resolution that permit growing dissonance between labor and management in your organization-
Bribery and Corruption on part of employers and Government
Conflict resolution mechanisms of multi-national companies, developed in their countries of origin, have an influence on their subsidiaries-
Yes, multinational company have influence
Extent does the subsidiary, host environment emulate or copy the employment relations practices of the multi-national company's home country-
Just small
Level of efficacy of conflict resolution mechanisms in your organization-
Not so good
Compare to the mechanisms prevailing in the country of origin-
They are different because of cultural differences
factors that influence the efficacy of conflict resolution in both environments-
Implementation and enforcement problem
Conflict resolution framework can be proposed for multi-national companies that desire to have a new host environment-
That will allow the employees and employers to have good employment relations
D 5:case 5
The manager explained that conflict resolution mechanism that Nigeria environment understand, is the strike action. That whenever there is strike action the employers always listen and try to reconcile with the employees .
Not working properly the conflict resolution mechanisms.
D 8:case 8
Conflict resolution mechanisms employed and enforced in your organization-
Organization engaged in the relationship of master /servant relationship to settle conflict in the organisation
Conflict resolution mechanisms put in place to resolve conflict working effectively in your organization-
they are not working effectively
Challenges to conflict resolution that permit growing dissonance between labor and management in your organization-
when employers ignore the interest and full participation of employees in the decision making of the organisation
Conflict resolution mechanisms of multi-national companies, developed in their countries of origin, have an influence on their subsidiaries--
Yes
extent does the subsidiary, host environment emulate or copy the employment relations practices of the multi-national company's home country-
To little extent
level of efficacy of conflict resolution mechanisms in your organization-
Incompetent level of mechanisms
does it compare to the mechanisms prevailing in the country of origin-
Must not be compared to each other because of their different location
factors that influence the efficacy of conflict resolution in both environments-
Government labor laws and regulations
The kind of conflict resolution framework can be proposed for multi-national companies that desire to have a new host environment must be -Conflict Resolution Mechanism that works

5.5.4 CRM South Africa Group Network





5.6 Comparative Data Analysis

5.6 Cronbach's Alpha Test

As part of this section, exploratory analysis is used to analyse the data in order to establish a reliable representation of what is occurring in the study and determines the validity and reliability of the collected data. The Cronbach's alpha is commonly used

to evaluate and assess internal consistency ("reliability") (Saunders, Lewis & Thornhill, 2009). Moreover, Cronbach's alpha is used to check the validity and reliability of research, particularly when using multiple Likert questions in a survey/questionnaire in order to establish the reliability of the scale. For assessing interrelate reliability, a guide to using Cohen's (*) kappa could be helpful.

In SPSS Statistics, the reliability analysis can be used to calculate Cronbach's alpha, which is expressed as a number between 0 and 1. Data that is closer to 1 is more reliable (Parumasur,2011). Cronbach's alpha values can be affected by the number of items tested, the interrelationships between items, and dimensionality. Within a range of 0.60 to 0.90 is considered acceptable for Cronbach's alpha. When reliability scores are less than 0.6, they are considered poor, scores between 0.7 and 0.8 are good, and so on. The following is a commonly accepted rule of thumb for describing internal consistency (George & Mallery 2003).

5.6.1 Internal Consistency

Cronbach’s alpha	Internal consistency
0.9 ≤ α	Excellent (High stakes testing)
0.8 ≤ α < 0.9	Good (Low stakes testing)
0.7 ≤ α < 0.8	Acceptable
0.6≤ α < 0.7	Questionable
0.5≤ α < 0.6	Poor
α < 0.5	Unacceptable

Source: George & Mallery (2003).

The reliability of items should not be extremely high (0.95 or higher), as this indicates that the items could be redundant. A reliable instrument should allow scores on similar items to be related (internally consistent), while each item should also contribute some unique information (Streiner, 2003). Also note that Cronbach's alpha is necessarily higher when tests measure narrower concepts, and lower when tests measure more generic, broad concepts. As a result of this phenomenon and a few other factors, objective cut-off values are not justified for internal consistency measurements. Cronbach's alpha is also influenced by the number of items on the scale, so shorter

scales will often have lower reliability estimates, but they are still preferred in many situations since they have a lower burden (Peters, 2014).

5.6.2 Cronbach's Alpha

Factors	Items	Cronbach's Alpha
General questions	Q1, Q3, Q7, Q10, Q11, Q13, Q14, Q16	0.711
Question on government mechanism for conflict resolution	Q2, Q4, Q9	0.888
Question on MNE, s Influence	Q5, Q12	0.709
Question on MNE, s Influence on host nation	Q6, Q8, Q15	0.686
Total questions for CRM	Q1, Q2, Q3, Q4, Q5, Q6, Q7, Q8, Q9, Q10, Q11, Q12, Q13, Q14, Q15, Q16	0.852

An inadequate Cronbach's alpha signifies either a low number of questions, incorrectly asked questions or poor interconnectedness between the items used on the survey instrument. In cases when Cronbach's alpha value is too low, such items will need to be revised or discarded while in cases where Cronbach's alpha value is too high, such items will be considered redundant. In order to examine the inter-correlations of all the items before carrying out the reliability analysis, a bivariate correlation test was conducted. The Cronbach's alpha should be between 0.6 and 0.9 for a group of items in the research to be sufficiently correlated. According to Cronbach's alpha results presented in the table above, all items are statistically interrelated and suggest a very good internal consistency for scales except items that measure Multinational Enterprise influence on the process conflict resolution mechanisms, which have a low questionable value.

According to the research, 73(63+10) of Nigerian respondents disagreed with the influence that multinational companies have on Nigerian enterprises while only 7(5+2) of their counterparts in South Africa disagreed. Analysing both responses statistically, it appears that there is a large difference between how conflict resolution mechanisms

are conducted between the two groups of organisations, and between how multinational companies influence the process of conflict resolution when examining the same scale for both respondents.

As shown in the reliability statistics table above, the many combined results of the reliability statistics show a Cronbach's alpha coefficient for the efficacy of mechanisms for conflict resolution. For the conflict resolution mechanism scale as presented above, Cronbach's alpha coefficients produced include 0.771, 0.888, 0.709, 0.686, 0.852, the study-based Cronbach's rule suggested very good internal consistency and reliability. Furthermore, the data indicates that the instruments have measured properly what they are supposed to measure according to Cronbach's alpha accuracy test computation.

5.7 T-Test

T-tests are used to determine if there is a significant difference in means for two groups from two different instances of the same observation, in which a variable has been measured twice. In other words, they are used for comparing means from two observations at different points in time. In the current study, two groups are considered, namely Nigeria and South Africa.

5.7.1 T-test table

T-Test (1)

Group Statistics

	Group	N	Mean	Std. Deviation	Std. Error Mean
CRM	Nigeria	16	2.3825	.84386	.21097
	South Africa	16	3.9081	.80942	.20236

A comparative study using the means of the two countries was conducted to determine whether there are significant differences between the two means of Nigerian and South African organisations. According to the T-Test table-group statistics which was computed from the CRM general items, Nigerian organizations had an efficacy score of 2.3825 in the area of mechanisms for conflict resolution in employment relations, while South African organizations had an efficacy score of 3.9081. In terms of effectiveness of the conflict resolution mechanism, it shows that South Africa did

excellently better than Nigeria. There is a significant difference of 1.5256 between the two organizations. A significant difference of 1.5256 was also found by the above table, which showed the South African company followed normal procedure in the execution of the procedure which resolved conflict within its organization, as compared with the Nigerian company. Also, the significant difference in the mean can be explained by a series of items selected in the analysis.

5.8 Levene's Test of Equality of Variance

The Levene's equality of variance test explains whether the homogeneity of variance assumption has been satisfied, according to Burns & Burns, (2008). The test attempts to determine whether the factors have an equal variance for each level and for each category. It is assumed that when Levene's test p-value is less than 0.05, variances are not equal, meaning that anything that is compared has a significant difference. When the Levene's test p-value is 0.05 or greater, it is assumed that variances are equal, which simply means there is no significant difference between the groups being compared. In the current study, Levene's test of equality of variance was applied to data obtained through the computation of independent sample T-test on SPSS from two groups of Organizations-Nigeria and South Africa. Based on the results of a T-Test conducted independently, the results below show the variance in the effectiveness of mechanisms for dispute resolution in employment relations at a multinational company.

Independent Samples Test (1)

		Levene's Test for Equality of Variances		t-test for Equality of Means						
									95% Confidence Interval of the Difference	
		F	Sig.	T	Df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	Lower	Upper
CRM	Equal variances assumed	.586	.450	-5.219	30	.000	-1.52562	.29233	-2.12263	-.92862

	Equal variances not assumed			-5.219	29.948	.000	-1.52562	.29233	-2.12268	-.92857

P-Value(sig2-tailed) =0 (.000 < .05, the p-value is less than .05, so the variance is not assumed to be equal, meaning that there is a significant difference between the implementation of the CRM process in the two groups).

Levene's test of equality of variance was used for this study to measure the effectiveness of conflict resolution mechanisms used to resolve disputes among employees and management at a multinational corporation. From the table above, F value is calculated as a ratio of two sample variances, and if F value is not equal to 1, it is assumed that there is a difference in the population variance. A p-value of less than 0.05 indicates that there is a significant difference in variances between the two samples, and equal variance cannot be assumed.

5.8.1 Analysis of the Levene's Test of Equality of Variance

In a recent study, an independent analysis of T-test reliability was conducted to examine how conflict resolution mechanisms were effective for reducing dissonance among employees and employers of a multinational company in employment relations across Nigeria and South Africa. Using Levene's test for equality of variance, no violations were detected, p= 0.450. According to results, the South Africa organisation conflict resolution mechanisms performed better than those of the Nigeria organisation conflict resolution mechanisms (SA(CRM)=3.9081, SD=0.84386, and NG(CRM)=2.3825, SD=0.80942).

There is a significant difference in the variances of the population represented by F, which indicates that equal variances cannot be assumed. F is 0.586; this is below 1. p-value is 0.450, which means that it is greater than 0.05, which simply means that equal variances can be assumed. Statistical significance is calculated using a two-tailed t-value of -5.219, with 30 degrees of freedom. Hence, at 95 percent confidence level, the mean difference between the samples is 1.5256; on the other hand, the mean difference between the population is -2.12263 (lower) and -.92862 (upper). Therefore, since the two-tail statistical value is equal to 0.000 then, the above statement implies statistically that there is a significant difference between the ways in which conflict resolution mechanisms are implemented and enforced in South Africa and Nigeria.

T-Test (2)

Group Statistics

	Group	N	Mean	Std. Deviation	Std. Error Mean
CRM	Nigeria	176	88.50	50.951	3.841
	South Africa	186	271.92	56.315	4.129

In addition, to determine whether there is a significant difference between the means of the two groups - Nigerian and South African - a comparative study was conducted, using the means of both countries. According to the statistics derived from the above T-Test table-groups, the Nigerian organization has a mean of 88.50 in the mechanisms for conflict resolution in employment relations, compared to the results of the South African organisation with a mean of 271.92. Based on the results of the efficacy of the mechanism for conflict resolution, it can be concluded that the South Africa organisation performed more efficiently than the Nigeria organisation by more than 183.42 points. Moreover, the significant difference of 183.42 obtained from the above group statistics table revealed that the South African company followed standard procedure in order to resolve conflict within its organization than its Nigerian counterpart. There is also a possibility that this is due to a series of items selected that caused the significant difference in the mean.

Independent Samples Test (2)

		Levene's Test for Equality of Variances		t-test for Equality of Means						
									95% Confidence Interval of the Difference	
		F	Sig.	T	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	Lower	Upper
CRM	Equal variances assumed	1.971	.161	-32.436	360	.000	-183.419	5.655	-194.540	-172.299

	Equal variances not assumed			-32.526	359.286	.000	-183.419	5.639	-194.509	-172.329

P-Value(sig2-tailed) =0 (.000 < .05, the p-value is less than .05, so the variance is not assumed to be equal, meaning that there is a significant difference between the implementation of the CRM process in the two groups).

Using an independent T-Test reliability analysis, it was examined how conflict resolution mechanisms led to reduced dissonance between employees and employers of a multinational company in Nigeria and South Africa in employment relations. Levene's test for equality of variances did not show any violations p=1.161. Results indicate that the South African organization conflict resolution mechanisms work more effectively than Nigeria organization conflict resolution mechanisms, seeing as their M-values are greater (SA(CRM) = 271.92 SD=56.315 and NG(CRM) = 88.50, SD=50.951). The value F is 1.971; this value is equal to 1 which means that there is no significant difference in the population variances, then equal variances can be assumed. The p-value is 0.161, is greater than 0.05, which simply means that equal variances can be assumed. The T-value -32.436, with 360 degrees of freedom with a two-tailed statistical significance of 0.000. Hence the mean difference of the samples is -183.419, at 95 percent level of the confidence interval, the difference between the population means is found between -194.540 (lower) and -172.299 (upper). Since the two-tailed significance is equal to 0.000 which is less than 0.05 then, the above statement implies statistically that there is a significant difference between the implementation and enforcement of conflict resolution mechanisms within the multinational company in South Africa and Nigeria.

Effect Size Calculation for T-Test (1)

For the independent samples T-test, Cohen's *d* is determined by calculating the mean difference between the two groups and then dividing the result by the *pooled* standard deviation. Cohen's *d* is the appropriate effect size measure if two groups have similar standard deviations and are of the same size. Glass's *delta*, which uses only the standard deviation of the control group, is an alternative measure if each group has a different standard deviation. Hedges' *g*, which provides a measure of effect size weighted according to the relative size of each sample, is an alternative where there are different sample sizes.

Calculate Cohen's *d* = (3.9081 - 2.3825)／0.826819 = 1.845143.

Glass's *delta* = (3.9081 - 2.3825)／0.84386 = 1.807883.

Hedges' *g* = (3.9081 - 2.3825)／0.826819 = 1.845143.

Effect Size Calculation for T-Test (2)

Cohen's *d* = (271.92 - 88.5)／53.700017 = 3.415641.

Glass's *delta* = (271.92 - 88.5)／50.951 = 3.599929.

Hedges' *g* = (271.92 - 88.5)／53.774372 = 3.410918.

5.8.2 Reliability Scale: Total Items for CRM Q1, Q2, Q3, Q4, Q5, Q6, Q7, Q8, Q9, Q10, Q11, Q12, Q13, Q14, Q15, Q16

Here is the presentation from the data obtained after the study conducted on the assessment of the efficacy of mechanisms for conflict resolutions in employment relations using Cronbach's alpha reliability measurement for consistency within the items. In measuring conflict resolution mechanisms in employment relations at a multinational company, the conflict resolution mechanisms scale was employed. Mechanisms for conflict resolution scale is a self-reported measure that contains 16 items statements rated employing a 5-points Likert scale, rating from 1 (strongly disagree) to 5 (strongly agree). The conflict resolution mechanism scale items contained 16 questions that border upon how conflict resolution mechanisms have been employed in employment relations at a multinational company in Nigeria and South Africa. The reliability of these questions must be tested, in testing the reliability, the internal consistency has been measured below. The popular employed indicator is Cronbach's Alpha Coefficient. More also, De villas,2003, mentioned that the output value of Cronbach's Alpha coefficient of a scale should be 0.7 and above, for it to be reliable and significant. Below illustrates the test for reliability of mechanism for conflict resolutions in employment relations at a multinational company:

Case Processing Summary

		N	%
Cases	Valid	185	98.4

	Excluded	3	1.6
	Total	188	100.0

a. Listwise deletion based on all variables in the procedure.

Reliability Statistics

Cronbach's Alpha	Cronbach's Alpha Based on Standardized Items	N of Items
.768	.852	16

The reliability statistics table above shows the Cronbach's Alpha Coefficient for the conflict resolution mechanisms scale. In the present study conducted, the Cronbach's Alpha Coefficient is 0.768. The value suggests very good internal consistency reliability for this scale.

Item Statistics

	Mean	Std. Deviation	N
Organisation_1	4.02	.663	185
Government_1	4.11	.702	185
Organisation_2	4.07	.651	185
Government_2	4.05	.678	185
MNE_Influe_1	4.11	.662	185
MNE_Sub_1	4.07	.700	185
Organisation_3	4.59	.958	185
MNE_Sub_2	4.45	1.093	185
Government_3	1.46	.921	185
Organisation_4	4.56	.931	185
Organisation_5	3.96	.772	185
MNE_Influe_2	4.02	.711	185
Organisation_6	3.86	1.499	185
Organisation_7	4.60	.951	185
MNE_Sub_3	4.09	.678	185

Organisation_8	2.51	1.642	185

Inter-Item Correlation Matrix

	Organisation_1	Government_1	Organisation_2	Government_2	MNE_Influe_1	MNE_Sub_1	Organisation_3	MNE_Sub_2	Government_3	Organisation_4	Organisation_5	MNE_Influe_2	Organisation_6	Organisation_7	MNE_Sub_3	Organisation_8
Organisation_1	1.000	.837	.802	.711	.627	.642	.267	.282	.404	.293	.500	.564	.113	.355	.529	.097
Government_1	.837	1.000	.850	.719	.698	.637	.248	.295	.402	.310	.491	.596	.104	.329	.607	.008
Organisation_2	.802	.850	1.000	.854	.813	.788	.325	.299	.435	.320	.546	.643	.107	.326	.577	.042
Government_2	.711	.719	.854	1.000	.860	.806	.282	.286	.454	.241	.503	.607	.063	.300	.546	.060
MNE_Influe_1	.627	.698	.813	.860	1.000	.851	.314	.312	.462	.364	.488	.620	.023	.314	.511	.009
MNE_Sub_1	.642	.637	.788	.806	.851	1.000	.319	.321	.523	.365	.479	.599	.017	.337	.468	.036
Organisation_3	.267	.248	.325	.282	.314	.319	1.000	.655	.300	.550	.182	.201	.188	.439	.189	.031
MNE_Sub_2	.282	.295	.299	.286	.312	.321	.655	1.000	.414	.591	.229	.277	.133	.435	.255	.114
Government_3	.404	.402	.435	.454	.462	.523	.300	.414	1.000	.417	.277	.394	.072	.333	.395	.179
Organisation_4	.293	.310	.320	.241	.364	.365	.550	.591	.417	1.000	.306	.339	.167	.486	.302	.085
Organisation_5	.500	.491	.546	.503	.488	.479	.182	.229	.277	.306	1.000	.784	.024	.228	.422	.077

MNE_Influe_2	.564	.596	.643	.607	.620	.599	.201	.277	.394	.339	.784	1.000	.003	.315	.527	.114
Organisation_6	.113	.104	.107	.063	.023	.017	.188	.133	.072	.167	.024	.003	1.000	.259	.074	.128
Organisation_7	.355	.329	.326	.300	.314	.337	.439	.435	.333	.486	.228	.315	.259	1.000	.290	.000
MNE_Sub_3	.529	.607	.577	.546	.511	.468	.189	.255	.395	.302	.422	.527	.074	.290	1.000	.011
Organisation_8	.097	.008	.042	.060	.009	.036	.031	.114	.179	.085	.077	.114	.128	.000	.011	1.000

The conflict resolution mechanisms scale has 16 items that include the following: *Organisation_1,Government1,Organisation_2,Government_2,MNE_Influe_1,MNE_Sub_1,Organisation_3,MNE_Sub_2,Government_3,Organisation_4,Organisation_5,MNE_Influe_2,Organisation_6,Organisation_7,MNE_Sub_3,Organisation_8* in all. Inter Item Correlation Matrix values range from small to large values of 0.000 to 0.860. The lowest value is row 14&16 of the items which is-(*organisation_7 & organisational_8) (R14=0.000) & (R16=0.000)* equal the same figure, while the highest value is from - row 4&5(*Government_2 & MNE_Influe_1) (R4=0.860 & R5=0.860)* equal the same figure. Having equal value from the lowest value 0.000 (R14, R16) of the items and having equal value from the largest value 0.860 (R4, R5). This is a very clear indication that all items in the inter items correlation matrix are reliably good and shows the strength and the relationships among the items.

Item-Total Statistics

	Scale Mean if Item Deleted	Scale Variance if Item Deleted	Corrected Item-Total Correlation	Squared Multiple Correlation	Cronbach's Alpha if Item Deleted
Organisation_1	58.51	43.686	.665	.769	.739
Government_1	58.42	43.375	.659	.823	.738
Organisation_2	58.46	43.250	.733	.873	.736
Government_2	58.48	43.349	.689	.838	.737
MNE_Influe_1	58.42	43.451	.695	.836	.737
MNE_Sub_1	58.46	43.369	.662	.786	.738
Organisation_3	57.94	42.915	.488	.522	.745

MNE_Sub_2	58.08	42.238	.459	.542	.747
Government_3	61.06	56.170	.512	.411	.821
Organisation_4	57.97	42.896	.508	.523	.744
Organisation_5	58.57	44.137	.509	.632	.746
MNE_Influe_2	58.51	43.806	.600	.720	.742
Organisation_6	58.66	46.170	.076	.182	.799
Organisation_7	57.93	42.674	.513	.374	.743
MNE_Sub_3	58.44	44.868	.510	.448	.749
Organisation_8	60.02	47.027	.030	.170	.814

The above table shows the various Item-Total Statistics. It is crucial to look at the table and focus on the Item-Total Correlation Column. This column indicated the extent to which each item correlates with the total score. Each of the items from (R1-R16) shows correlated items-total correlation ranging between 0.30 and 0.733. Any result ranging from 0.3 is regarded as measuring what it purported to have originally measured. However, looking at the figure above it's within the 0.30 range, which suggested that items computed on the scale accurately measured everything about the efficacy of the conflict resolution mechanism. In the Items-Total Statistics, the Cronbach's Alpha Items found are above 7.0 which simply means that the reliability is good.

Scale Statistics

Mean	Variance	Std. Deviation	N of Items
62.53	49.957	7.068	16

5.9 Comparative Data Analysis Using the Research Objective

In this section of the research, the objectives were used for the comparative analysis. The following objectives were considered below:

- To determine whether multinational companies across the board can influence the process of conflict resolution and the mechanisms within their new host environments.
- To examine the extent to which the multinational corporations adapt to the labour relations climate of the host environments.
- To compare the level of efficacy of the mechanisms built into the conflict resolution process of both parties – multi-national company and host countries.

- To explore possible non-alignment within the cultures and values of both parties– multi-national company and host countries.
- To propose a conflict resolution framework that multinational companies that come to Nigeria can adopt for effective performance.

The comparative analysis of the research is based on the categorization of the items on the research instrument is given below:

5.9.1 Comparative analysis on effectiveness and efficiency of conflict resolution mechanisms that exist within organisations in Nigeria and South Africa

Questions	Nigeria organisation		South Africa Organisation	
	Agree	**Disagree**	**Agree**	**Disagree**
Efficient conflict resolution mechanisms exist in your organisation	4.0%	44.1%	58.6%	2.2%
Organisation follow due process of labour relations act/trade dispute act for settlement of dispute in employment relations	4.5%	41.8%	59.1%	2.2%
Your organisation enforces or ratifies the unsurpassed international practice of labour relations	4.5%	44.1%	82.3%	3.2%
Labour procedure in your firm promotes the right and interest of workers	5.1%	50.8%	79.6%	2.7%
Your organisation always reviews labour legislation and policy and replace them with the new ones	4.0%	36.7%	52.7%	1.1%
Some factors influence the efficacy of conflict resolution mechanisms in your company	44.6%	5.1%	59.1%	15.6%

Does conflict resolution mechanisms function well in your organisation/country	4.5%	29.9%	82.8%	3.2%
There are challenges to conflict resolution mechanisms between labour and management	44.6%	0.6%	24.2%	48.9%

Question 1: Interpretation

A review of the above table shows that 4% of respondents agreed that there was an effective and efficient conflict resolution mechanism in the organization in Nigeria and 44.1% disagreed that an effective and efficient conflict resolution machinery existed. In addition, 58.6% of respondents in the South Africa organization agreed that a truly effective and efficient device to prevent conflict existed in their organization, while 2.2% disagreed. Based on both responses, the Nigerian organisation clearly demonstrated by a low percentage of replies that the organisation did not have a functioning mechanism to solve disputes.

The results from Country-B, South Africa, showed that 58.6% of respondents agreed that formal mechanisms that explain how conflict should be dealt with, exist within the organization. Moreover, a total of 21% of respondents strongly agreed that a conflict resolution device is present within the organization, which results in a total of 79.6% (58.6% plus 21%). Approximately 2.2% of respondents disagree with the notion that conflict resolution mechanisms are prevalent, while 0.5% strongly disagree with it. Since the total number of 79.6% of employees responded positively, it can be said that there is a just conflict resolution mechanism within the organization in South Africa. The conclusion comes from the fact that if unbiased conflict resolution mechanisms exist between management and labour, this automatically enhances harmony in the workplace.

Question 2: Interpretation

An overall 34.5% of respondents strongly disagreed with the statement of whether Nigerian organizations follow due procedure when resolving disputes, according to country A. A total of 41.8% of respondents disagreed that organizations followed due procedure, making the overall percentage 82.6% (34.5% + 48.1%). In total, 4.5% of respondents agreed and 0.6% strongly agreed that organizations follow procedures

when there is conflict between staff members. Based on the percentage answers above, it was evident from the result that 82.6% disagreed, stating that the organization did not always follow due process in the process and application of mechanisms for conflict resolution.

59.1% of respondents agreed that the South Africa-based organisation followed due procedure and due process. Among all respondents, 23.7% strongly agreed that the organization followed due process, totalling 82.8% (59.1% plus 23.7%). Then, 2.2% disagreed, 0.5% strongly disagreed, and 14.5% were neutral when it came to the case of the organisation following due process when it comes to dispute mechanisms. It is imperative to mention that a total number of 82.8% of respondents agreed with the statement, indicating that the organization followed proper procedures and processes when dealing with conflict issues, as reported by the employees.

Question 3: Interpretation

In Nigeria, 44.1% of the respondents disagreed with the claim that the organization enforces or ratifies international labour standards. 35.6% strongly disagreed that organisations uphold and endorse the international labour framework for conflict resolution, which equalled a total of 79.7% responses (44.1% + 35.6%), 4.5% responded that they agreed, 0.6% strongly agreed, and 15.3% said they were neutral. This indicates that the organization of country A disallowed international standards of work practice around conflict management, as evidenced by the highest percentage of employees who disagreed with the statement.

A total number of 82.3% of respondents in South Africa responded YES to whether their company approves and permits international labour standards regarding managing conflict in employment relations; 3.2% said NO; and 14% said maybe, likely unsure of the answer. In terms of the number of employees who answered YES, the percentage is significantly higher than those who responded NO to the question regarding whether the organization consented to the international legal framework for adjudicating workplace conflicts. It is evident from the foregoing that organization in country B -South Africa has adopted the mechanisms of international labour standards for conflict resolution to always take its cause whenever conflict arises in the organization. Consequently, that organization would practice labour relations in a way

that is fair, equitable, and equal in terms of conflict resolution mechanisms.

Question 4: Interpretation.

In country A in Nigeria, 42.9% of respondents strongly disagreed with whether the organization promotes the rights and interests of employees through labour law and procedure. A total of 5.1% of respondents agreed with the statement, 0.6% strongly agreed with it, and 0.6% disagreed. The growing percentage of employees who strongly disagreed or disagreed exceeded that of employees who agreed with the statement, which merely means that the labour process that exists in the organization does not protect employees' interests and rights.

However, Country-B in South Africa had a total of 79.6% respondents who said YES, 2.2% respondents who said NO, and 17.7% respondents who said they were neutral. It is clear from the results that many respondents answered YES, thereby supporting the idea that the labour law in Country-B in South Africa certainly sponsored and supported the interests and rights of employees in the organization.

Question 5: Interpretation.

The study revealed that 40.1% of respondents strongly disagreed, and 36.7% agreed, making a total of 76.8% of respondents (40.1% plus 36.7%) disagreed on whether an organization should always review and appraise labour legislation as recommended by the government. A total of 4.1% of respondents in Country A agreed and 0.7% of respondents strongly agreed with the statement of how organizations evaluate and examine labour policy as approved by the government. Based on the above statistics, the labour organization has not replaced or reviewed labour legislation.

Similarly, in South Africa, a total of 52.7% of respondents agreed that the organization should review and renew labour legislation, as it has been mandated by the government from time to time. Also, a total of 22.6% of respondents strongly agreed, which already equals to a total of 75.3% (52.7% plus 22.6%), which is the highest outcome. 1,6% of respondents strongly disagreed with the statement, while 1,1% agreed with it. 22% of respondents were neutral. Based on such a high number of responses on whether the organisation reviews labour legislation as instructed by the government, the conclusion arises that the organisation indeed does perform a thorough review of labour laws within its mandate.

Question 6: Interpretation.

According to the study, a total of 43.5% of respondents in the Nigeria region agreed with the statement, while a total of 28.2% strongly agreed with the statement that there are many factors that undermine the success and competence of the conflict mechanism system within the organization.

Accordingly, when the 43.5% agreed responses are combined with the 28.2% strongly disagreed responses, we get 71.7% (43.5% plus 28.2%), 5.6% strongly disagreed and 5.1% equally disagreed, while 16.4% were neutral on the question. The high number of either agreeing or strongly agreeing responses (71.7%) reflects a clear understanding of factors affecting the effectiveness and survival of conflict resolution systems in an organization, that there are several limitations to the competence and survival of conflict resolution systems. As a result, such a drawback might lead to improper administration of the company's mechanisms for conflict resolution, which may negatively affect labour relations within the company.

Furthermore, the study revealed that in the Country-B- South Africa location, 59.1% of respondents said 'yes', 15.6% said 'no', and 25.3% were not sure if some factors influence the efficacy of the conflict mechanism system in the organization. Based on the above responses that have the largest number of YES responses from the survey, it is safe to say at this point that there is a positive influence regarding the aspect of the efficacy of mechanisms that foster industrial harmony.

Question 7: Interpretation.

Based on the results of the study in the Nigerian context, 48.6% of respondents strongly disagreed, while 29.9% disagreed that mechanisms that exist for resolving disputes within an organization work effectively. Taking both disagreed and strongly disagreed responses together (48.6% plus 29.9%) gives a total of 78.5% which is the most popular response out of all. The statement was strongly agreed upon by 4.5% of respondents, strongly disagreed upon by 0.6%, while 16.4% of respondents were neutral. In the result, the maximum percentage (78.5%) indicated that the mechanisms for conflict resolution are not functioning properly or are not functioning effectively in the organization. In the event of a dispute, the ineffectiveness of conflict resolution mechanisms may impair the employee's wellbeing regarding fair labour practices.

In addition, the study found that 82.8% of respondents in the Country-B-South Africa location agreed and answered YES to the question of whether the conflict mechanism system functioned well enough in the organization. 3.2% of respondents disagreed that the organization's conflict resolution mechanisms function well enough while 14% of respondents did not know whether conflict resolution works well enough in the organization. The survey responses gathered from organisation in country B revealed that the conflict resolution process performed well enough in South Africa to allow free and fair proceedings around issues of dispute matters in the organization. In simple words, that the organisation has not circumvented the mechanism of conflict resolution is an undeniable fact based upon the results obtained by the respondents from the survey.

Question 8: Interpretation.

In country A- in Nigeria, a total of 36.7% participants strongly agreed, while 44.6% agreed that challenges occur during a dispute resolution mechanism between employees and employers of multinational companies. By adding up the percentages of both strongly agreed and agreed with responses equals 81.3% (36.7% plus 44.6%). According to the study, 2.8% of respondents strongly disagreed while 0.6% disagreed with the statement regarding the diverse challenges encountered during the process and procedure of conflict resolution. Based on the high number of respondents who strongly agreed and agreed with responses from the survey, it can be said conceivably that the organisation representing country-A in the Nigeria region has encountered many problems in their conflict resolution mechanism.

Furthermore, in Country-B in South Africa, 48.9% of respondents gave NO as their answer. 24.2% of respondents indicated YES, while 26.9% of respondents were unsure about the declaration that the organization was faced with so many challenges during the conflict resolution process. According to the results obtained from the participants from organization B in South Africa, the organisation was able to manage the conflict mechanism system very well in a manner that it served as an umpire or arbiter between management and workers. The success of any organization in managing disagreement between employee and employer can be measured by taking into consideration the system of managing disputes as exemplified by the South African company.

5.9.2. Proportional examination on the mechanisms that government uses for conflict resolution in Nigeria and South Africa

Questions	Nigeria Organisation		South Africa Organisation	
	Agree	**Disagree**	**Agree**	**Disagree**
The government put in place competent conflict resolution mechanisms that mediate the industrial dispute	5.1%	42.4%	52.7%	1.6%
CCMA/NIC perform well enough to avert dispute between employers and employees	6.2%	44.1%	56.5%	2.1%
Government interferes with the process of conflict resolution mechanisms	36.2%	6.8%	1.6%	78.5%

Question 1: Interpretation.

42.4% of respondents in country A in Nigeria disagreed with the statement that the government enacted capable labour laws to guide employees, employers, and the community. In addition, 32.2% of respondents strongly disagree that the government passed into law well-organized labour decrees. In total, it amounted to 74.6% (42.4% plus 32.2%) when strong disagreements and disagrees were added together. 0.6% of respondents strongly agreed with the statement, 5.1% of respondents agreed, and 19.8% of respondents were unbiased. The significant difference observed in the percentages of respondents who strongly agreed and disagreed with each other has undoubtedly indicated that Nigerian government agencies have not enacted fully effective labour policies that met international best practices. A lack of knowledge of labour laws has resulted in a failure on the part of the government. This could further allow social partners in labour relations to avoid conflict resolution mechanisms at a time when labour policy is flexible, as it is in Nigeria.

Specifically, in South Africa, the study revealed 29% of participants strongly agreed that the government has done a good job with labour policy and legislation while 52.7% of participants agreed with this statement. A total of 81.7% of participants strongly agreed or agreed with this position (52.7% total 29%), 1.6% of participants disagreed, 0.5 % participants strongly disagreed with the motion that the government put in place competent labour laws to reduce conflict among staff, while 16.1% of participants expressed no opinion at all. As most employees responded positively and in a large number to the statement that the government spent a lot of resources on the labour in the organization of Country-B in South Africa, this proves that the government performed very well in the labour policy that controls conflict at work. South Africa is one example where the government is highly rigid in labour laws; this contributes to a congenial atmosphere in the workplace for employees, employers, and the community.

Question 2: Interpretation.

As it concerns labour conflict settlement, a total number of 32.8% of the participants disagreed strongly with the statement that Nigeria's National Industrial Court performs splendidly. Of the total participants, 44.1% disagreed strongly with the statement. Adding the percentage figures together, the total amounted to 76.9% (32.8% plus 44.1%). Also, a total of 6.2% of respondents agreed with the statement, 0.6% strongly agreed, and 17.2% were neutral. The practical implication of the above result based on the vastly contrasting opinions of workers about the performance of the Nigerian government in the area of labour, shows that government agencies in Nigeria (NIC) and (IAP) have performed poorly in their capacities. The overbearing and domineering nature of the Nigerian government was likely to be a contributing factor to the lack of true representation in labour matters due to the prevailing nature of the process.

The study also showed that 23.7% of the respondents from organisation country B in South Africa strongly agreed that government agencies such as CCMA, NEDLAC, Labour Court and Appeal Labour Court are reasonably performing well in discharging their responsibility and duty. Overall, 56.5% of respondents agreed with the statement, making a total of 80.2% when added together (23.7% plus 56.5%); 2.1% of respondents disagreed with the statement, 0.5% of respondents strongly disagreed with the statement; and 17.2% were neutral. In South Africa, the responses show that

government agencies like CCMA, NEDLAC, Labour Court, and Appeal Labour Court have truly and sincerely carried out their duties and responsibilities in favour of employers, employees, and the community. Given that many agencies in the public sector receive funding from the government, they fulfil their mandate in terms of mediating disputes.

Question 3: Interpretation.

According to the study, 41.2% of respondents in country-A in Nigeria strongly agreed that government interference with conflict resolution mechanisms occurs while 36.2% of respondents agreed with the statement, bringing the total number of respondents to 78.4% (36.2% + 41.2%). Additionally, 6.8% of respondents disagreed, 1.7% strongly disagreed while a total of 14.1% of respondents were unsure whether the true government interferes in conflict resolution. In the Nigeria setting, the magnitude difference between the respondents' responses denoted that the government is not only interfering in the decision-making process when it comes to conflict among social partners, but also hindering and delaying conciliation, arbitration, and adjudication. It is believed that this would have caused the social partners in labour relations to no longer believe in the instrument that resolves disputes between them.

Furthermore, in South Africa, the organisation within-country B's survey also found that a total of 78.5% of respondents disagreed with the statement that government interference in conflict management is acceptable. A total of 1.6% of the respondents agreed with the same statement, while 19.9% responded and said MAYBE government always intervenes in labour court cases or stops striking workers whenever they go on strike in the workplace. According to the above reports by the employees of the multinational company, the government is allowing a level playing field for labour relations social partners to operate without interference or intrusion. In the survey, respondents who responded with NO indicated that most government agencies have operated independently without the need for the state to eliminate their rights and responsibilities. Thus, social partners and workers would have been more agitated, due partly to their dependence on employers and governments.

5.9.3 multi-national company influence on the process of conflict resolution mechanisms with the best international practice of employment relations.

Questions	Nigeria Organisation		South Africa Organisation	
	Agree	**Disagree**	**Agree**	**Disagree**
MNE, s influences the process of conflict resolution mechanisms with the best international practice of employment relations in your company	6.8%	37.9%	57%	2.7%
Host environments adapt to the labour relation climate of the multinational company	25.4%	19.2%	57%	1.6%

Question 1: Interpretation.

Study participants in Nigeria from country A disagreed with the assertion that multinational corporations do not influence production activities within the organization in terms of the method by which disputes are resolved inside the organization. 36.7% strongly disagreed with the same assertion. A combined 36.7% strongly disagreed and 37.9% disagreed resulting in a total of 74.6% (36.7% plus 37.9%). At the other end of the spectrum, 6.8% of respondents agreed with the statement, 1.1% strongly agreed with the statement, while 17.5% of respondents weren't sure. According to many respondents, multinational companies do not influence multinational organizations in Nigeria with the best international labour practices. This report shows that a multinational company in Nigeria that was supposed to integrate international standard employment relations into the process of conflict mechanisms completely neglected and abandoned the best international practice of employment relations. This is likely attributed to the host community's decision to streamline its labour laws and reduce the standard of conflict resolution process. By doing this, multinational

corporations have been able to circumvent the normal dispute resolution process, thus depriving Nigeria of its continental development potential.

Comparatively, the study showed that in South Africa, organization B presented the results of 57% of respondents that agreed on the statement that multinational companies influence multinational companies in Nigeria with best international practices of employment relations concerning the process of conflict resolution. Furthermore, 26.3% of the respondents strongly agreed on the same statement, making a total of 83,3% respondents (26,3% plus 57%) who strongly agreed on the statement about multinationals with the best employment relations practices. A total of 2.7% of respondents disagreed with that statement, 0.5% strongly disagreed while 13.4% respondents responded neutrally.

On the basis of the statistics presented above, it is evident that multinational companies believed they had positively impacted the multinational company in Nigeria with their best international practice for labour relations, especially on processes for restricting conflict between employees and the organization. According to rhetoric from employees of the company in Nigeria and reports gathered on how the multinational company's operations and deeds unfold in the host nation. MNEs have served as dubious effective vehicles for emigration from their host nations, exclusively in Africa, due to the economic and financial benefits they derive from their activities.

Question 2: Interpretation.

The study revealed a total of 29.9% strong disagreements and 19.2% disagreements with the statement that multinational companies adapt and follow practices of employment relations in the host environment in country A. The addition giving a total of 49.1% (29.9% + 19.2%). Overall, 25.4% of respondents agreed on the above declaration that multinational companies in Nigeria should adopt and follow the directives and guidelines for labour relations practices of the multinational company. A total of 6.8% of respondents strongly agreed on the same declaration, resulting in a total of 32.2% (6.8% plus 25.4%); while an additional 18.6% of respondents were neutral in their responses.

Considering the above total positive (32.2%) and total negative (49.1%) responses of all respondents, In the host environment, negative responses outperformed positive ones, simply because the host environment did not adopt and copy the employee

relations guidelines and directives of the multinational. There is a possibility that this could be due to multinational companies not always delivering on their claims, thus leaving host nations without meaningful contributions as reported above by employees of the multinational company in Nigeria.

Additionally, the study found that, within the organization in country B in South Africa, 22.6% of respondents strongly agreed on adopting and copying multinational company practices. 57% of respondents also agreed with the statement, making a total of 79.6% (57+22.6%). 1.6% of respondents openly disagreed with the same assertion and 1.1% of respondents strongly disagreed with the same assertion above, making a total of 2.7% of respondents (1.6% plus 1.1%). 17.7% of respondents declared their neutrality regarding the declaration. The above statistics suggests that the total positive responses outweighed the total negative responses of respondents, meaning company B in South Africa confirmed that their style of employment relations practices were replicated and tracked by the company.

5.9.4 Relative examination of multinational enterprise influence on the host nation in Nigeria

Questions	Nigeria Organisation		South Africa Organisation	
	Agree	**Disagree**	**Agree**	**Disagree**
There is an alignment in the cultures and values of both multinational company and host countries	7.3%	45.2%	77.5%	4.8%
level of effectiveness built in the process of conflict resolution mechanisms	4%	31.1%	55.9%	1.6%

Question 1: Interpretation.

In the study, it was found that 45.2% of the respondents within Nigeria organizations within country A disagreed that there is an alignment between the cultural norms and values of multinational companies and those of the host country. A total of 31.1% of

the respondents strongly disagreed with the same statement, adding up to 76.3% of respondents (45.2% plus 31.1%). Approximately 7.3% of respondents confirmed the above statement that cultural norms and values of a multinational company and host country are aligned, 1.1% strongly agreed, and a further 15.3% responded neutrally. Applied to above results, it was determined that there was a lack of cultural alignment between the host country and the multinational company that can affect the effectiveness of operations.

Furthermore, the study revealed that inside organization country B in South Africa, 77.5% of the respondents said there was an alignment in the cultures and values of the multinational and host country, while 4.8% of respondents said there wasn't. The total number of respondents who responded neutrally was 17.7%. Because there is huge discrepancy between the number of positive (77.4%) and negative (4.8%) responses, there is certainly a cultural alignment between the values of the multinational company and those of the host company.

Question 2: Interpretation.

According to the research study, a total number of 49.2% of respondents at organization A in Nigeria strongly disagreed on the statement that ascertains the level of efficacy built into the process and procedure of mechanism used to reduce conflict among member staff and organisation. An overall number of 31.1% disagreed with the motion above, which totalled 80.3% disagreements (31.1% plus 49.2%) of respondents while a total of 15.3% of respondents answered in a neutral manner. A total of 4% of respondents agreed with the statement and a few 0.6% strongly agreed with the statement. In country A in Nigeria, based on reports collected within the organisation, it was evident that the mechanisms of conflict resolution were not constructed to be effective, and that they could never be trusted. The system lacks merit and cannot effectively resolve workplace disputes through mediation, conciliation, arbitration, and adjudication.

A substantial percentage of 25.8% respondents in the organisation in country B in South Africa strongly endorsed and 55.9% endorsed the statement that the organization has an effective conflict resolution mechanism. That is, 81.7% of the respondents (25.8% plus 55.9%) agreed with the statement. Approximately 1.6% of respondents disagreed, and 0.6% strongly disagreed with the same statement, which

brings the total number of disagreements to 2.1% (1.6% plus 0.5%). The same motion was answered neutrally by 16.1% of respondents. The above results support the conclusion that there is a device that is equitable and reliable to use in alleviating conflict within multinational corporations when it occurs within country B in South Africa.

5.10 Chapter Summary

In summary, the research gathered data using different methods (such as quantitative & qualitative methods). By reviewing the opinions and views of staff members and managers in a multinational company in Nigeria and South Africa on how the conflict resolution mechanism at their employers has been used to reduce disputes among employees. SPSS and Atlas Ti were utilized for quantitative and qualitative data analyses, respectively. A Cronbach alpha test was also used for the comparative data analysis to determine whether conflict resolution mechanism items used for the study were reliable. An independent t-test was run to determine whether there were any significant differences between Nigeria and South Africa organisations. In this chapter, comparative data analysis revealed that South Africa, unlike Nigeria, has better mechanisms for conflict resolution as either provided by the government or its employers. Based on the report gathered, the South African organization did significantly better than its Nigerian counterpart in implementing and executing the mechanisms for conflict resolution.

CHAPTER SIX: DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS

6.0 Introduction

This chapter aims to discuss, conclude, and recommend. In accordance with the research objectives, different headlines have been adopted to explain and summarize the findings of the study. The chapter focuses on the assessment of the efficacy of mechanisms for conflict resolution in employment relations in multinational companies because of findings of this study. Finally, recommendations were based on a conflict resolution framework multinational enterprise can adopt in their new host environment.

6.1 DISCUSSION

6.1.1 Influence of Multinational Company on the Process of Conflict Resolution Mechanism Within Host Environment

The first objective of the study was to examine how multinational enterprises operate within their host environments and how their influence over conflict resolution mechanisms can be measured. The operations of multinational businesses can influence the employment arrangements that exist within their host countries (Zhao, 1998). The influence multinational enterprises exert on the employment environment can also affect labour relations policy and labour law in the host country (Frenkel & Paetz, 1998; Stopford, 1998).

As indicated by the average percentage of respondents with an agreement about how multinational companies influence conflict resolution mechanisms in host countries. In Nigeria and South Africa, the research established that multinational companies influence the process of conflict resolution mechanisms. For example, MNEs might already have been accustomed to the dispute resolution processes in place in their country of origin regarding labour issues. Therefore, the question arises: Would the MNE attempt to circumvent or adapt the process to suit what they are already familiar with, if confronted with an employment relations situation in their host nation? The practice of international labour law could be challenged by this. The literature already suggests that MNEs tend to take the path of least resistance when faced with higher labour standards (Briscoe, Schuler & Tarique, 2012; Eweje, 2009; Iyanda & Bello, 1979; Onimode, 1978).

Based on the report collected from the study, a multinational company meant to infuse the international standard of employment relations into its host country's conflict

mechanisms abandoned and neglected the best international practice of employment relations there. In such a circumstance, the host nation may have regressed from its labour relations legislation standard regarding conflict resolution. The multinational company has been able to sidestep the normal dispute resolution process by following the easiest route, disregarding normal protocol. The continental development of the host nation, such as Nigeria, has been adversely affected. If a multinational corporation fails to observe the labour laws of the host nation, how will the government sanction this behaviour? Is there a procedure or regulation for dealing with such transgressions in the host nation's legal framework? It is common for governments to lack mechanisms that would keep them in check.

From the findings presented in the study, multinational companies believe they have influenced the host nation environment by using the best international standard for labour relations practice in the development of mechanisms that limit conflict among members of the workforce. Nonetheless, employees of the company in Nigeria as well as reports of operations and actions of a multinational company in Nigeria provide some support for this assertion. Even though MNEs reap a tremendous number of economic and financial benefits, they have served as contrarian vehicles for capital flight from their host nations, exclusively in Africa (Allen-Ile & Olabiyi, 2019).

In the 'Labour Standard,' the government defines the kind of relationship that should be maintained by all parties to the employment relationship, regardless of their occupation. Standard employment or labour practices usually focus on how workers should be treated. Neither domestic nor multinational businesses are exempt from this criterion. If, for whatever reason, the multinational enterprise thinks the job standard is too high, it would prefer a lower standard. What are the ways in which a multinational enterprise can attempt to subvert the employment standard of the host country? The possibility exists for MNEs to circumvent this standard using a variety of methods.

Because of the above labour standard, a nefarious employer could take advantage of the dispute resolution mechanism currently in place to try to circumvent the labour relations system. When it comes to resolving disputes between the parties, the system lays out specific steps. The LRA also states that unions and workers have to follow certain procedures before they can go on strike. Strikes must be recognized by the employer as protected strikes, meaning the employer must acknowledge that the strike

is a protected strike and issue a certificate permitting it. In such a case, the employer is deliberately refusing to approve such a strike for an ulterior motive such as dismissing those striking workers to hire new workers, and, by doing so, sidestepping the labour relations process and the law (Allen-Ile & Olabiyi, 2019).

As a result of the extensive and rigid labour laws protecting worker rights, multinational companies have a strong influence within South Africa's business environment. There has been some criticism of this protection from employers, including multinational corporations. As an example, sections 51, 161 and 167 of the Labour Relations Act (LRA) Number 66 of 1995, as amended, prescribe due statutory processes and mechanisms for the resolution of disputes, which some employers may find extremely onerous and demanding. This has sometimes been cited, rightly or wrongly, as one of the reasons why certain multinational corporations have been reluctant to invest in the country (Allen-Ile & Olabiyi, 2019).

6.1.2 Extent to Which Multinational Corporations Adapt to Labour Relations Climate of the Host Environments

This research has demonstrated the difference between Nigeria's host environment and South Africa's host environment with which the multinational operates. A rigid statutory labour law is evident in South Africa in contrast to a weak labour policy in Nigeria. A multinational corporation's ability to adapt to the labour climate is largely determined by the employment policies and labour laws existing in the host country.

In addition, the rule of engagement in employment relations is also vital when considering the host environment of which South Africa has a better judicial framework in comparison to its peresters. Based on the results of the study, multinational Corporations in South Africa were able to follow the steps and procedures of labour legislation most notably in the conflict-resolution mechanisms; in comparison, Nigeria multinational corporations defaulted in the rule of engagement.

Research found that in the labour relations system proposed by Dunlop, the process and authority of making and administering regulations governing the work community and the workplace are critical. The idea of Dunlop, (1958, p7) was that an industrial relations system consists of a certain environment that binds the system together and a body of rule which governs actors in the union and work community. The framework within which these actors operate is the larger environment that drives their conduct,

the rules that they establish, and the rules that employers, workers, and governments set. However, instead of what is described above, the study highlighted the existence of functionality and practicality in these rules for the work community in South Africa, as well as their non-functionality in the work community in Nigeria.

Dynamic models of systemic paradigms of industrial relations are justified by a multinational corporation in South Africa that performs better than a Nigerian multinational corporation due to societal dynamics. Dynamic societies and their rules (conflict resolution mechanisms) are frequently altered as a result of changes in context or environment; Blain and Gennard (1970) are credited with developing the dynamic model of conflict resolution. As a result, multinational corporations adapt to the varying environments based upon how their labour relations system is designed and operated. Government policy and specialised agencies are responsible for implementing conflict resolution mechanisms in South Africa's work environment. This non-performance is a consequence of noncompliance with the rules in Nigeria's work environment or workplace and does not match the standards of the international standard set.

However, Dunlop also addressed the frequent review and change of these rules in a dynamic society. The specialised government agencies (minister of labour, for example) that oversee making, reviewing, and making changes to the labour laws, have had an over determining influence on these institutions which has destroyed the overall system of industrial relations in the Nigerian environment under the current dispensation. The findings of the study confirm the fact that the environment in which conflict resolution mechanisms perform at their best is determined and controlled by how rigidly the employers, employees, and government protect the processes and rules that govern labour relations, and particularly the subject of conflict resolution.

6.1.3 Level of Efficacy of the Mechanisms Built into the Conflict Resolution Process of Both Parties – Multi-national Company and Host Country.

In the study, it was observed that for the effectiveness and efficiency of conflict resolution mechanisms to be fully achieved, there must be an appropriate level of follow-up and observation by all actors in labour relations throughout the stages and processes of conflict resolution. As stated by HRA (2011), the grievance process

consists of a series of steps that need to be followed before a resolution can be reached.

As a first step, the worker and line manager have an opportunity to resolve the dispute with the assistance of a union shop steward. The next step is to file a formal grievance, in which the employee or the union appeals to the company's management. Unresolved issues are appealed to a neutral arbitrator if they do not resolve during the second step.

Hunt & Kleiner (2004) highlights that, when all parties are willing to reach an arbitration agreement, grievances are often resolved at the very first two steps of the process. An analysis conducted by Lewin and Peterson (1988) of a grievance procedure at a specific New York company that reached arbitration helped confirm this assertion. According to Lewin & Peterson (1988), expedited grievances result in a quicker resolution.

The interviews revealed that the managers and employees in South Africa followed the prescribed processes and stages in resolving disputes within the organisation; if those processes and stages are not followed, especially by employers, there is a huge penalty from the government. In terms of processes and stages, this could include internal mechanisms, such as conciliation and mediation processes within the organization, and external mechanisms, such as government agencies such as CCMA (Commission for Conciliation, Mediation and Arbitration). The government agency in South Africa has satisfied the needs of employers and employees over the years by providing the necessary resolution to disputes. Managers in Nigeria also explained that when conflict breaks out within the team, they use internal mechanisms. However, most of these mechanisms are informal methods and stages, not delineated by any formal rules.

There was strong disagreement among 53 employees as to whether or not efficient conflict resolution mechanisms exist in the organization, which means 29.9% of employees strongly disagreed. There were also 78 responses which led to a conclusion that 44.1% of respondents did not agree with the competence of the organization as well as its dispute resolution mechanism. Combine 29.9% and 44.1% (strongly disagree and disagree) for a total of 74% since both (strongly disagree) and (disagree) scales of measurement address the same content as for Country A in

Nigeria. It is evident in the Nigeria company that there are no reasonable devices or instruments that could have averted the dispute if compared with the employees' responses on the scale of strongly disagree and disagree with the presence of operational instruments for dispute settlement. There will be an unfavourable way to resolve disputes among staff members, which may not effectively address the core issue of the dispute. This, then, means that where there are no effective and efficient ways to regulate disputes among staff, the dispute will proceed without any resolution.

According to findings in South Africa, Table5.5b revealed that 58.6% of respondents agreed that there are formal mechanisms within the organization that clarify how conflict should be addressed. A total of 21% of respondents strongly agreed with the question that the organization has its own impartial mechanism for resolving conflicts, totalling 79.6% (58.6% plus 21%). On the prevalence of mechanisms for resolving conflict, 2.2% of respondents agreed, and 0.5% respondents strongly agreed. According to the results, since 79.6% of the employees responded positively, which was the highest amongst the other responses, a just mechanism for resolving conflicts exists within the organization. The conclusion stems from the fact that if unbiased conflict resolution mechanisms exist between management and labour, this automatically enhances harmony in the workplace.

Findings on whether organizations follow the Labour Relations Act/Trade Dispute Act for the settlement of employment disputes: Table 5.6a in the Nigeria study showed that 34.5% of respondents strongly disagreed that the Nigerian organisation followed due procedure when resolving the dispute based on the Nigerian trade dispute act. A total of 41.8% of respondents disagreed that organizations followed due procedure, making the overall percentage 76.3% (34.5% + 41.8%). 4.5% of respondents agreed, and 0.6% strongly agreed that an organisation must follow due process and procedures when conflicts arise among members of staff.

According to the percentage responses gathered, 76.3% of respondents disagreed, thus proving that organization country-A in Nigeria failed to follow the right process when it comes to the application of the conflict resolution structure. According to the literature reviewed, failure to follow the processes and stages in the conflict resolution mechanisms between employees and employers can severely affect the performance of the organization's staff. Nonetheless, this does not provide enlightenment about

instrumentation and enforcement of mechanisms that legalize disputes between staff members and organizations.

Furthermore, 59.1% of respondents agreed that the organisation followed due process and procedure, indicating the South Africa organization represents Country-B in the study. There was a strong consensus among 23.7% of respondents (59.1% plus 23.7%) that due process was followed. In total, 2.2% disagreed with the statement, but only 0.5% strongly agreed with it. The neutral stance taken by 14.5% of respondents as to whether the organisation follows due process in dealing with dispute mechanisms was the most common. Considering the fact that many respondents agreed and strongly agreed to the statement making a total of 82.8%, it is imperative to note that the organisation responsibly followed due procedure when dealing with conflict issues as reported by employees.

The implementation of disciplinary codes and procedures in an organization implies the application of justice in the workplace, according to Folger & Cropanzano (1998). In implementing the disciplinary code and procedures, fairness is implied in the methods, procedures, and processes that are used to determine fair outcomes on disciplinary issues. According to Beugre (1998), achieving organisational justice involves a consideration of what is perceived as fair when it comes to bringing about change at work. An organisation's social system of employees may undergo social or economic changes, affecting relationships among employees, their supervisors, and co-workers.

Organization enforces or ratifies the unsurpassed international standard of employment relations: From country A in Nigeria, the study indicated that 44.1% of respondents disagreed with the assertion that organizations enforce or ratify international standards of employment relations. 35.6% strongly disagreed that organisations uphold and endorse the international labour framework for conflict resolution, which equals a total of 79.7% responses (44.1% + 35.6%), 4.5% responded that they agreed, 0.6% strongly agreed, and 15.3% said they were neutral. It appears, then, that the organization in country A, somewhat disallowed international labour practice around conflict management. The highest percentages of employee responses suggest that the organization in country A, disallowed the international standard of labour practice around conflict resolution.

An aggregate number of 82.3% of the respondents in Country-B in South Africa responded YES to the statement that their company complies with international labour standards regarding conflict in employment relations, and only 3.2% responded NO, a total of 14.5% responded maybe and are unsure about the question. In terms of the percentage of employees who responded YES to the question, it is significantly greater than the percentage of employees who responded NO to the question of whether the organization complied with the international legal framework to resolve workplace conflicts. It is clear that country B in South Africa always take the cause when conflict arises within the organization by embracing the composition of international labour standards mechanisms for conflict resolution. Therefore, there will be fairness and equality in the labour relations practice of the organization.

For the results of the survey on whether labour procedures in the company promote the rights of and interest of workers in country A Nigeria, 42.9% strongly disagreed with the findings. 50.8% of employees disagreed with the question of whether organizations promote the interest and rights of their employees through labour law and procedure, which equated 93.7% of all responses. There were 5.1% of respondents who agreed, 0.6% who strongly agreed, and 0.6% who were neutral. This revealed that the proportion of employees who had disagreements with the statement surpassed the proportion of employees who agree with the statement, indicating that the labour procedures in the company were not promoting employee interests and rights.

The organisation in Country B in South Africa had 79.6% of respondents responding YES, a total of 2.7% of respondents responding NO, and 17.7% of respondents responding neutrally. Almost all employees in Country-B in South Africa responded to YES, thereby positive responses showed that the legal framework in South Africa certainly protected employees' interest and rights.

Results of the research on organization always reviewing labour legislation and policies and replacing them with new ones were as follows: In country A - Nigeria, a high percentage of employees disagreed with the question of whether the organization promotes their interests and rights through labour law and procedure was recorded in country A in Nigeria, where 42.9% strongly disagree. Furthermore, 50.8% of employees strongly disagreed with the question, giving a total number of 93.7%. The

statement was agreed upon by 5.1% of respondents, strongly agreed by 0.6% of respondents, and 0.6% were neutral. The study revealed that the proportion of employees who had strong disagreements with the statement surpassed the proportion of employees who agree with the statement, indicating that the labour procedures in the company were not promoting employee interests and rights. The number of respondents for Country-B in the South African environment was 79.6% for YES, 2.7% for NO, and 17.7% were neutral. Based on the results of the survey, it is evident that most of the employees responded YES, suggesting that the labour law in Country-B in South Africa certainly supports and complies with the interest and rights of employees.

The results of the study revealed that the organisation always reviews labour legislation and policy and replaces them with new ones. In the survey, a total number of 40.1% of respondents strongly disagreed, 36.7% disagreed, making a total of 76.8% respondents (40.1% plus 36.7%) who disagreed that the organization always assess and appraise labour legislation periodically as recommended by the authority or government. Additionally, Country A had 4% of respondents who concurred and 0.6% of respondents who strongly agreed with the statement regarding how organizations evaluate and examine labour policies approved by the government. Considering the figures above, it is evident that the organization has refused to review and replace labour laws.

The study also revealed that 52.7% of respondents in Country B- South Africa agreed with the statement that the organization always review and renew its labour legislation as it is mandated by the government to do from time to time. A total of 22.6% of respondents strongly agreed with the statement, adding up to 75.3% (52.7% plus 22.6%), the highest number of respondents. The total number of respondents who strongly disagreed was 1.6% while the number of respondents who strongly disagreed was 1.1%. A total of 22% of respondents had neutral reactions to the statement. It is concluded that such a high number of responses support the idea that the government instructs the organization to re-evaluate labour policy at its own discretion.

Findings on factors influencing the effectiveness of conflict resolution mechanisms revealed that in country-A in Nigeria region, 44.6% of respondents agreed and 28.2% of respondents strongly agreed with the statement that there are many factors holding

back the organizational capability to implement conflict management mechanisms effectively. A total of 72.8% (44.6% plus 28.2%) agreed with the statement, 5.7% strongly disagreed, 5.1% equally disagreed and 16.4% were neutral. Considering the huge number of responses (71.7%), it is clear that there are limitations to the competence and survival of dispute mechanism systems within the organization due to several factors. As a result, those mechanisms may be improperly administered, posing a risk to the labour relations in the company.

A total of 59.1% of respondents in Country-B- South Africa location agreed to the statement while 15.6% disagreed, and a total of 25.3% were not sure whether certain factors influence the efficacy of the conflict mechanism system in the organization. From the high number of YES responses obtained from the survey, it is sacrosanct to state at this point that the efficacy of mechanisms that foster industrial harmony is positively influenced by several factors.

Results on whether conflict resolution mechanisms function well in the organization/country: In the Nigerian environment, 48.6% of respondents strongly disagreed and 29.9% of respondents disagreed with the statement that mechanisms exist for resolving disputes between staff and organizations. Correlated responses of disagreed and strongly disagreed (48.6% plus 29.9%) gave a total percentage of 78.5%, 4.5% of respondents agreed with the statement, while 0.6% strongly agreed, and 16.4% were neutral. In the result, a high percentage (78.5%) indicated that the mechanisms for conflict resolution are not functioning properly or are not functioning well in the organization. Perhaps the employees' wellbeing will be harmed in terms of obtaining fair labour practices in case of dispute.

A total of 82.2% of participants agreed and responded YES on the question of whether conflict mechanism systems could satisfy the needs of the organization in the Country-B-South Africa location. 3.2% of respondents disagreed that the organization's conflict resolution mechanisms function well enough while 13.4% of the respondents did not know whether the organisation's conflict resolution process works well enough. The survey responses gathered from organisation country B revealed that the conflict resolution process performed well enough in South Africa to allow free and fair proceedings around issues of dispute matters in the organization. The results of the

survey by respondents provide a clear indication that the organization has not circumvented conflict resolution mechanisms.

Findings concerning challenges to conflict resolution mechanisms between workers and managers in an organisation: In country A, 36.7% of respondents strongly agreed, and 44.6% agreed that there were challenges encountered during conflict resolution by employees and employees of multinational firms. Since the scale measurement is the same, one must add up the percentages of respondents of both strongly agreed and agreed to responses, which comes to 81.3% (36.7% plus 44.6%). A total of 2.8% of respondents strongly disagreed with the statement on the diverse challenges that are encountered during conflict resolution processes and procedures, while 0.6% of those surveyed strongly disagreed. On the basis of the high number of respondents that agreed with the statement, it is conceivable that regional organizations in country-A and have encountered so many issues during the conflict resolution process.

Additionally, in Country-B in South Africa 48.9% of respondents answered NO, 24.2% of respondents also indicated YES, while 26.9% of respondents were not sure about the declaration that the organization was faced with so many challenges during the conflict resolution process. According to the results received from the participants within organization B in South Africa, the organisation has been able to manage the conflict mechanism system very well in such a way that it has served as an arbitrator between management and employees in the organization. Organizations who want to be successful and healthy in resolving disagreements between employee and employer should consider the system of resolving disputes employed by South African companies.

The management interviews conducted on challenges encountered in the CRM process revealed the following issues: implementation and enforcement issues, increasing government dominance, government policy, government labour laws and regulations, unions, employers' organizations, internal and external factors, disagreements, corruption on the part of the government and the organisation, and employers always wanting to circumvent the mechanisms for dispute settlement, government labour laws

6.1.4 Alignment within the Cultures and Values of Both Parties– Multi-national Company and Host Country.

The literature reviewed shows that culture and values are profoundly influencing most of our daily activities whether we belong to a particular society or not because society cannot exist without culture. Across the region, there are many cultural differences especially when races are included, which has a significant impact on how organizations operate (Venter & Levy, 2014). Essentially, the current study is saying that there is bound to be a performance increase when a multinational company's culture and values are aligned with those of the host environment, most especially the conflict resolution processes. As a result of the peculiarities of each country, the alignment in cultural values prevailing from multinational corporations and host environments is not the same. One of the managers stated during the interview that cultural diversity in the host country is different from that of the multinational corporation. Culturalism in that it emphasizes values and attitudes present in multinational corporations and how they affect senior managers' choices in determining how to treat employees. This approach can be expressed in the form of Hofstede's (1980) dimensions of national cultures (Ngo et al., 1998; Bae, Chen, & Lawler, 1998). The residual approach is sometimes used in conjunction with this to articulate differences between firms in terms of national cultures. Nonetheless, this explanation is not satisfactory, because it simply begs the question: why do some countries have a certain set of values, attitudes, and ways of life? (Ferner & Almond; Clark & Colling, Edwards; Holden & Muller-Camen; 2004).

There was a total of 45.2% of respondents in Nigeria organization in country A who disagreed with the assertion that cultural norms and values are aligned between multinational company and the host company. Additionally, 31.1% of respondents strongly disagreed with the same statement; combined, the results for negative responses were 76.3% (45.2% plus 31.1%). In total, 7.3% of respondents strongly agreed, 15.3% disagreed with and 1.1% were neutral to the statement. In interpreting the result obtained from the survey, it was found that the multinational company and the host company have constant cultural differences, which could negatively affect a company's efficiency in its host environment. For there to be an effective operation of the business in the host environment, it is the responsibility and duty of the

management to ensure that the company's values and norms are aligned and oriented with those of the host country.

A total of 77.5% of the respondents in the study in South Africa said that the cultures and values of the multinational and company aligned with those of the host community. 4.8% of respondents answered NO while 17.7% of respondents agreed with the statement. In light of the discrepancy between the positive (77.5%) and negative (4.8%) responses, it can be concluded that multinational companies are in agreement that their cultural values are in line with the social and cultural values of host companies. As a result of comprehensive changes in South African labour policy, entrenched worker rights are now being incorporated into the labour laws, which regulate all aspects of the relationship between workers and employees (Venter & Levy, 2014).

6.1.5 Proposing Conflict Resolution Framework Which Multinational Company Can Adopt for Effective Operation. *Results and Findings of both Multinational Groups:*

6.1.5.1 Country-A Nigeria Multinational Company

In Nigeria, the first multinational group proposed an interpersonal harmonious model for conflict resolution that should be observed by parties to the labour dispute wherever they may be located. Additionally, the Nigeria multinational group suggests that people are encouraged to use accommodating resolution strategies in the event of conflict, which would allow everyone to feel heard. There should be a shift from confrontational relations in the workplace to corporate relationships that cater for peaceful coexistence among social partners through alternative dispute resolution. The Resolution Instrument is a process that pacifies and intercedes for disputing parties while they attempt to resolve their differences. It is a mechanism whereby participants in labour relations can resolve conflicts over basic employment conditions. It is recommended that an effective mechanism for conflict resolution be included in the organisational dialogue and discussion processes. Mechanism for resolving conflicts that allows employees, employers, communities, and governments to cooperate and have good working relations as well as equal opportunities for employment should be employed.

6.1.5.2 Country-B South Africa Multinational Company

As suggested by the second multinational group from South Africa, any attempt to reduce conflict among social partners must always be based on equitable measures. Better communication and dialogue between employers and employees are necessary. A collective bargaining process should encourage the unionization of employees and the participation of the employer's organization. It is imperative that management be open-minded to different cultures, laws, and regulations. Employees should be as well informed about the working environment and be given the opportunity to participate in workers' forums. All employees should have a voice in the organization's decision-making process. Ultimately, the union representative should retain the right to negotiate on behalf of the union. An appropriate conflict resolution framework should always be authorized at work, and it should work effectively and efficiently.

6.2 CONCLUSION

6.2 Overview of the study

A study on employment relations was triggered by the observation of complex interactions between parties to the labour relationship and the numerous guidelines and laws that govern that relationship. This led to the consideration of using conflict resolution mechanisms, which is the topic under the study. In the same way that conflict can be traced to the very beginning of labour relations as a practice, so does the institutionalisation of conflict resolution mechanisms through policy and procedure that governs what happens at the workplace, facilitates the approval of pleasant-sounding labour relationships. Several studies have previously been conducted exploring the root causes of conflict in an organisation, developing a map of conflicts within the organization, and implementing conflict resolution mechanisms, but this study examines the efficacy of conflict resolution mechanisms in the workplace at a multinational organization. This study compiles a comparative analysis of the mechanisms used whenever conflict erupts in both environments (South Africa and Nigeria). The conflict resolution mechanism is functioning in South Africa very differently from the Nigeria conflict resolution mechanism, and all the mechanisms in the Nigeria system are not functioning. It's worth exploring how conflict resolution mechanisms work in South Africa compared to the Nigeria conflict resolution mechanism. Several factors militating against adherence and conformity to these rules

of law, the non-compliance to these rules, which are intended to offer a solution to the industrial conflict in the employment relations system, overall were examined.

In addition, this research provides a comprehensive analysis of the basic tools and framework required to resolve employment disputes in South Africa and Nigeria to increase reconciliation and peace. The evaluation and effectiveness of dispute resolution mechanisms relating to employment relations is critically examined in this study. The study explored how collective bargaining mechanisms may assist in the resolution of conflicts between employees and their employers, especially between employee unions and their members.

In the study, different settlement mechanisms were observed for industrial conflicts for both Countries-Nigeria and South Africa, including both internal and external measures. There are numerous legislative mechanisms used by governments to resolve internal disputes, such as mediation, conciliation, and external settlements. An extensive literature review was performed in Nigeria and South Africa to provide an overview of the whole conflict resolution apparatus.

6.3 Conclusion Drawn from Conflict Resolution Practices in Nigeria and South Africa

Analysis of the data survey resulted in the conclusion that multinational corporations have an influence on the process of conflict resolution mechanisms within the host environment.

Several factors have been identified as contributing to Nigeria's volatile labour relations environment, such as government corruption, employer violations of labour laws, political instability, military intervention, insufficient infrastructure, and personnel, as well as outdated and cumbersome labour laws. Considering the aforementioned factors, the labour relations environment has been made susceptible to multinational corporations influencing conflict resolution procedures so negatively. Due to the lowering of the bar of employment relations laws by the Nigerian government and private employers, multinational companies have been able to play pranks on the Nigerian labour policy.

By contrast, the research results indicate that the South Africa labour relations system or environment can be compared to the international labour standard, since they have

adhered to and ratified the best worldwide employment practices. Due to that, multinational companies influenced the conflict resolution process positively in that environment. Similarly, the judicious observation and implementation of labour laws by employers and employees in accordance with their constitutions can prove it. Specifically, the results of the research have proven that South Africa's conflict resolution mechanism is more advanced than Nigeria's.

It was found that participants indicated that the host country has not adopted the best employment relations practices of the multinational company, and this was indicated by participants who reported that the host country has not adopted the best employment relations practices of the multinational company. The South African government appears to have in place very strict legislation to protect workers, even though that does not constitute sufficient protection against commercial or fiscal manipulation by multinational corporations. As a result, the labour legislation in South Africa is more robust than the labour legislation in Nigeria, and for this reason, the host environment failed to adopt the best international practices of multinational companies because of the weaker mechanisms that prevail in the host environment.

Basically, this finding confirms the mechanisms built into the conflict resolution process of the multinational company and the host country. On the one hand, it was achieved by the participant's declaration that multinational companies in South Africa have developed an equitable and outstanding dispute resolution process that regulates the affairs and conduct of employees in the organization. The study showed that South African participants followed the stages and processes accurately. Once the internal dispute resolution mechanisms, mediation, and conciliation, have been exhausted, then the parties proceed to the external mechanisms, which are entities under the Government with the task of resolving disputes. In contrast, based on the illustration of the Nigerian participants, the level of worth and value of the conflict resolution mechanism built into the company is nothing but a worthless mechanism for conflict resolution. As a result of the inadequate employment relations and labour legislation, multinational investors can easily avoid Nigeria's labour laws as most employment legislation does not apply to public civil servants, as was expressed by the participants in the study.

Finally, alignment within the cultural and value of both parties in the study, i.e., international company and host country, was achieved through participants' testimonies that both locations of the organization are unique and separate. Since each area possesses its own unique cultural values, there would most likely be some inconsistency between the cultures. There is invariably a negative impact on the effectiveness of operations in the host environment, as well as the conflict resolution process. It is essential to eradicate the culture of disregard for labour laws that compromises the success of labour legislation, as well as the culture of disobedience to processes and procedural provisions of conflict resolution mechanisms. Government interference or influence on the judgments of labour courts should be ignored. There are several deterred erratic cultural values that have been observed in Nigeria, and those values must be rectified. These advanced employment relations practices displayed by multinational companies in South Africa must serve as lessons learned by Nigeria's host environment and be in alignment with top labour relations practices.

6.4 RECOMMENDATIONS

Research study findings has enabled the following recommendations--on conflict resolution framework--to be proposed for multinational companies to adopt for their new host nation as well as for the rest of the African countries to adopt for a more comprehensive and healthy labour laws environment:

6.4.1 Harmonious conflict resolution framework

One of the greatest lessons to be learned by the Nigerian organization or country from the South Africa organization is the well-improved process of their conflict resolution mechanism. In accordance with the study, multinational South African companies have always held the labour law in high esteem even after the 1994 constitutional election. The South African community's current practice of a transformative labour law is aligned with best global labour practice. In spite of the economy of South Africa performing poorly, there have been agitations recently about the potential costs and inflexibility of labour law placed on employers when paying high wages to workers (Venter & Levy,2014). In South Africa, the labour policy has changed significantly through the involvement of special government agencies, resulting in a less conflict-ridden environment that largely gave way to a more harmonious and conducive workplace environment. The study recommends that the Nigerian government or

country should adhere to the labour policy dimensions that South Africa's labour legislation framework has adapted for elaborate and comprehensive relationships in the world of work. Nigeria's government should work to strengthen institutions like those in South Africa that promote corporate growth, job creation, protection of employees' rights, and improved living standards for workers.

6.4.2 Alternative Conflict Resolution

Alternative conflict resolution, such as conciliation and arbitration, is often seen as being more effective at settling labour disputes than more conventional mechanisms due to its lower costs and faster speed. It has the potential of presenting a more successful and sustainable solution for labour disputes since it typically requires the consent, and thus commitment, of the parties involved (Bendeman, 2006). Alternative conflict resolution has not received as much attention lately as compared to the Labour Relations Act (LRA) and all other statutory procedures, however, after the reform of the South African labour relations system in 1994, it was made compulsory as part of the transformation of the South African labour framework. Nigeria has its own alternative conflict resolution mechanism; however, according to the report gathered, the Nigerian mechanism is not flourishing and is largely favoured to a few classes of individuals, which cannot be compared to the South African alternative conflict resolution model.

By implementing alternative conflict resolution mechanisms in its labour relations policy, the study recommends that Nigerian organisations or countries encourage alternative conflict resolution. Another suggestion is that government and private employers could create an agency like the one in South Africa that would address employment conflict among workers.

6.4.3 Accommodating Resolution Strategy

Employers or employees can agree to compromise on accommodating resolution strategy if they seek to meet their employer's goals. According to the study, it is crucial to have co-operative interpersonal relations between the actors in employment relations, but they should not be assertive or overconfident in order to resolve the conflict. One may look at this as a gracious way to concede when they realize they have been incorrect in their reasoning. There is no sense in accommodating another merely in order to preserve harmony or avoid disruption. This can result in unresolved

issues, just like avoidance. There is a danger of too much accommodation leading to groups where the most controlling parties dominate the conversation (Thomas and Kilmann, 2017). The study also recommends that when social partners in labour relations can cooperate with each other whenever there are disputes, this categorically inspires a peaceful legal environment.

6.4.4 Participatory Resolution Mechanism

In different countries, workers participate in policy making and decision making in a variety of ways. In Germany, it is called co-determination, in the United States it is called workers council, in Japan it is called joint consultation or industrial democracy, in Italy it is called employee involvement, in India, it is called workers participation, and in Britain, It is also known as the joint consultative committee or employee council, but in South Africa, which is the subject of this study, it is known as the workplace forum - as explained within the Labour Relations Act of 1995, which seeks to introduce employee participation in decision making into South African labour legislation. Workplace forums are better suited to achieve a goal that collective bargaining cannot: the resolution of conflict within the workplace in a non-adversarial climate (Venter & Levy, 2014).

Therefore, it is intended to promote a more harmonious, cooperative, positive, and constructive work environment. The study suggests that Nigeria as a nation and other African countries experiencing a turbulent period in terms of their employees' participation in labour policy making for resolving conflict in the workplace should apply the best above-mentioned solutions and implement them.

6.4.5 Negotiation Mechanism

A key component of labour relations is negotiation. It is the primary process of collective bargaining and dispute resolution, and, therefore, must be given particular attention (Venter & Levy, 2014). Negotiation within labour relations can be defined as the process of establishing an agreement between parties with initially opposing viewpoints through dialogue and discussion. A negotiation mechanism for conflict resolution has been recommended for both organizations in Nigeria and South Africa purely because it is a mechanism that can quickly resolve conflict within an organization than the statutory procedures.

Following are additional recommendations based on the findings of this study:

1. The ineffective voluntary and statutory mechanisms in place to mitigate dispute phenomena in Nigeria need to be reviewed and changed in a way that benefits both social partners and society overall.
2. Government organizations like the Commission for Conciliation, Mediation and Arbitration (CCMA); and the National Economic Development and Labour Council (NEDLAC), which provide constructive mechanisms for resolving labour disputes in South Africa, can be incorporated into Nigeria's conflict resolution system.
3. To ensure that the integrity of the National Industrial Court (NIC) and Industrial Arbitration Panel (IAP) is not undermined, the state must monitor any haughty and heavy-handed influence on court decisions and the decision of other state-provided institutions.
4. Taking measures to mitigate deliberate government apathy for justice on labour matters that undermines and weakens the process for justice must be considered to ensure quick and effective resolution.
5. To properly measure the mechanism up to international standards, it is imperative to follow the process and procedure inherent in the conflict resolution mechanism.
6. The Industrial Arbitration Panel (IAP) in Nigeria should be restructured and operate as an independent commission without state, political party, trade union, or ministerial influence. This will enhance the ease of redress for workers.
7. Nigeria's conflict resolution mechanism needs to be redesigned so that it offers a solution for the purpose of reforming the machinery for trade dispute resolution.
8. This inflexible and comprehensive labour legislation in South Africa should serve as a blueprint for Nigeria's labour legislation that has not yet reached the level of promoting industrial democracy.

9. It is imperative that the Nigerian community complies with the standards of the International Labour Organization (ILO), particularly as they pertain to workers' rights and labour relations.
10. Deregulation and liberalization of labour relations policies must be approached so that employees and employers are given a substantial role both in terms of process and outcomes.

6.4.6 Limitations and Suggestions for Further Research study

There were a few challenges the researcher confronted while conducting this research. As the study was not an assignment or project of the multinational company, some employees chose to either take part partially or not at all. Due to the global pandemic COVID-19, some employees have been kept from the office and are working from home as the regulation of COVID-19 didn't allow them all to return to office at once. The researcher had to put a lot of pressure on employees in remote locations before getting them to participate in the study. Most of the top managers were not available to meet the researcher at the time of the interview, so the researcher has continued to contact them via email and telephone to schedule another appointment for the interview. It was not possible to use the data from participants who didn't fully participate or who withdrew from the study. In order to create reliable and accurate data, this procedure was followed. Further research should examine "enhancing competent conflict resolution mechanisms to ensure nonviolent labour relations in South Africa". The "rejigging mechanisms architecture for dispute resolution for multinationals across African nations with the participation of labour relations actors: Recipe for congenial continental development" is another topic worth examining.

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NOTES:

In 2002, section 191(5A) of the 1995 LRA was amended, and the con-arb (conciliation-arbitration) process was formally introduced into the LRA. 15 Different commissioners can conciliate and arbitrate at con-arb, and this is encouraged. According to Molahlehi (2005), the number of objections to the con arb process has become a major challenge to the CCMA because a party may object to the con arb for no apparent reason if not only to frustrate the other party's attempt at a speedy resolution of the dispute.

This is supported by Brand (2000) who reports that the CCMA has proved to be cheap and accessible to workers at the point of entry. A lack of resources leads to limited opportunities for training. Brand (2000) further indicates that caseload pressure has now forced less experienced and qualified commissioners to arbitrate. See also Roskam (2006), Cheadle (2006) and Benjamin (2006). Understanding the Efficiency and Effectiveness of the Dispute Resolution System in South Africa: An Analysis of CCMA Data. 1 See van Niekerk (2005) and Cheadle (2006) for the dubious heritage of the concept of unfair labour practice which was introduced as a necessary protective mechanism for White workers. 2 The merits of a dispute were often lost in procedural and legal technicalities. See also the discussion on Labour Law available at http://www.legalcitator.co.za accessed on 25/11/2006. 3 However, as noted by Cheadle (2006) and others, the adversaries inherited from the pre-1994 industrial relations era continues to be a strong feature of the labour regulatory environment in South Africa. Understanding the Efficiency and Effectiveness of the Dispute Resolution System in South Africa: An Analysis of CCMA Data.

Appendices

Appendix A (1): Interview Guide for Conflict Resolution Mechanism Participants

I am OLABIYI OLANIYI Joshua a doctorate candidate in the department of Industrial Psychology, Faculty of Economic and Management Sciences, University of the Western Cape. You are cordially requested to voluntarily participate in the survey assessing the mechanism for conflict resolution in employment relations.

The title of the study is **"Assessment of the Efficacy of the Mechanisms for Conflict Resolution in Employment Relations at a Multinational Company in Nigeria: Lesson from South Africa"** the general purpose of the study is to determine the necessary mechanism needed or employed in employment relationship whenever dispute ensue at a multinational company in employment relations. Following your consent, you gave to participate in the study, you will be required to answer different questions to be asked as it relates to conflict resolution mechanism in your organization.

Your participation in this study is voluntary and your responses will be treated in private. As a participant in this study, there is the freedom to withdraw from participation at any stage you choose to do so. An individual will not be penalized for withdrawing from an ongoing study, the researcher will represent the individual name with code, and the respondent's identity will always be kept at all times secretly. The researcher only will be the one that will have access to the information that is connected to the data collection procedure.

The study is free from any harm and does not pose any risk whatsoever to the participant, and if there is any question the participant is not comfortable with, the individual can desist from such since the study is voluntary participation. Like the precaution against malfeasance, the researcher will ensure that the execution of this research does not bring any physical or psychological harm to the participants.

Section: A Please kindly read the questions and fill in the space provided with your suitable answer.

What are the conflict resolution mechanisms employed and enforced in your organization?----------
----------Are the conflict resolution mechanisms working effectively in your organization?----------
----

What are the challenges to conflict resolution that permit growing dissonance between labour and management in your organization?----------
----

Do the conflict resolution mechanisms of multinational companies influence the labour relations climate of the host nations ?----------
----

To what extent does the host environment emulate or copy the employment relations practices of the multinational company?----------
----

What is the level of efficacy of conflict resolution mechanisms in your organization?---
----

How does it compare to the mechanisms prevailing of the multinational company?----
----

What are the factors that influence the efficacy of conflict resolution in both environments? ----------
----

What kind of conflict resolution framework can be proposed for multi-national companies that desire to have a new host environment?----------
----

Thank you for your time and patience in participating in the survey.

Appendix: A (2) Questionnaire for Conflict Resolution Mechanisms Participants

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WESTERN CAPE

I am OLABIYI OLANIYI Joshua a doctorate candidate in the department of Industrial Psychology, Faculty of Economic and Management Sciences, University of the Western Cape. You are cordially requested to voluntarily participate in the survey assessing the mechanism for conflict resolution in employment relations. As a participant in the study, you are kindly required to complete the items on the questionnaire. Thank you for your amiable time you shared on the administration of the questionnaire.

The title of the study is **"Assessment of the Efficacy of the Mechanisms for Conflict Resolution in Employment Relations at a Multinational Company in Nigeria: Lesson from South Africa"** the general purpose of the study is to determine the necessary mechanism needed or employed in employment relationship whenever dispute ensue at a multinational company in employment relations. Following your consent, you gave to participate in the study, you will be required to answer different questions by completing the questionnaire relating to the conflict resolution mechanism.

Your participation in this study is voluntary and your responses will be treated in private. As a participant in this study, there is the freedom to withdraw from participation at any stage you choose to do so. An individual will not be penalized for withdrawing from an ongoing study, the researcher will represent the individual name with code, and the respondent's identity will always be kept at all times secretly. The researcher only will be the one that will have access to the information that is connected to the data collection procedure.

The study is free from any harm and does not pose any risk whatsoever to the participant, and if there is any question the participant is not comfortable with, an individual can desist from such since the study is voluntary participation. Like the precaution against malfeasance, the researcher will ensure that the execution of this research does not bring any physical or psychological harm to the participants.

SECTION A
Demographic Background of the Respondents (Please kindly answer the following questions)

1. **Age: What is your age?**

(a)18-24 years' old

(b) 25-34 years' old

(c) 45-54 years' old

(d) 45-54 years' old

(e) 55-64 years' old

2. Ethnic origin: Please specify your ethnicity.

(a) Black

(b) White

(c) African

(d) Colour

(e) Other

3. Education: Education: What is the highest degree or level of school you have completed? If currently enrolled, highest degree received.

(a) No schooling completed

(b) Nursery school to 8th grade

(c) Some high school, no diploma

(d) High school graduate, diploma, or the equivalent (for example GED)

(e) Some college credit, no degree

(f) Trade/technical/vocational training

(g) Associate degree

(h) Bachelor's degree

4. Marital Status: Marital Status: What is your marital status?

(a) Single, never married

(b) Married or domestic partnership

(c) Widowed

(d) Divorced

(e) Separated

SECTION: B, please indicate your level of agreement or disagreement with each of these statements regarding the Mechanism for Conflict Resolution. Place an "X" mark in the box of your answer!

Conflict Resolution Mechanism Questions	**Strongly Disagree**	**Disagree**	**Neutral**	**Agree**	**Strongly Agree**
An efficient conflict resolution mechanism exists in your organization					

The government put in place a competent conflict resolution mechanism that mediates an industrial dispute					
The organization follows due process of the Labour Relations Act/Trade Dispute Act for settlement of the dispute in employment relations					
CCMA/NIC perform well enough to avert dispute between employees and employers					
MNEs influence the process of conflict resolution mechanisms with the best international practice employment relations in your company					
Multinational company adapt to the labour relations climate of the host environment					
Your organization ratify or enforces the unsurpassed international practice of labour relations					
There is an alignment in the cultures and values of MNEs and the host community					
Government interferes in the process of conflict resolution mechanisms					
Labour procedure in your firm protect the interest and right of workers					
Your organization always reviews labour legislation and policy and replace them with new ones					

Host environments emulate the employment practice of the multinational company					
Some factors influence the efficacy of conflict resolution mechanisms in your organization					
Does the conflict resolution mechanism function-well in your organization or country					
Do you agree with the level of efficacy built in the process of conflict resolution mechanism in your organization or country					
Challenges are confronting the success of conflict resolution mechanisms between labour and management in your company or country					

Thank you very much for your patience, time, and participation in the survey!

Appendix B: Reliability and T-Test

The need to investigate if there are underline factors to a group of items (questions) before grouping these questions is paramount. To do this there is a need to investigate the inter-correlation of all the items with each other, through a reliability analysis test.

The reliability test is done in this document to calculate the Cronbach's Alpha coefficient. For the group of items to be sufficiently inter-correlated this alpha value must be 0.7.

Cronbach's alpha	Internal consistency
$0.9 \leq \alpha$	Excellent (High stakes testing)
$0.8 \leq \alpha < 0.9$	Good (Low stakes testing)
$0.7 \leq \alpha < 0.8$	Acceptable

0.6≤ α < 0.7	Questionable
0.5≤ α < 0.6	Poor
α < 0.5	Unacceptable

Source: George & Mallery (2003).

Report

Cronbach's Alpha

Factors	Items	Cronbach's Alpha
General questions	Q1, Q3, Q7, Q10, Q11, Q13, Q14, Q16	0.711
Question on government mechanism for conflict resolution	Q2, Q4, Q9	0.888
Question on MNE, s Influence	Q5, Q12	0.709
Question on MNE, s Influence on host nations	Q6, Q8, Q15	0.686
Total questions for CRM	Q1, Q2, Q3, Q4, Q5, Q6, Q7, Q8, Q9, Q10, Q11, Q12, Q13, Q14, Q15, Q16	0.852

Cronbach's alpha results presented in the table above based on the values showed that all the items are statistically inter-correlated and suggested a very good internal consistency for the scale except items for Multinational Enterprise influence on the process conflict resolution mechanisms, which has a low questionable value of alpha 0.686. However, the many combined results of the reliability statistics table above show the Cronbach's alpha for the coefficient for the efficacy of mechanisms for conflict resolution scale. The Cronbach's alpha coefficient generated from the computation of reliability analysis for different conflict resolution mechanism items as presented above include 0.771, 0.888, 0.709, 0.686, 0.852, of all these acceptable values generated from the study as recommended by Cronbach's alpha rule suggests very good internal consistency reliability for this scale.

T-Test (1)

Group Statistics

	Group	N	Mean	Std. Deviation	Std. Error Mean

CRM	Nigeria	16	2.3825	.84386	.21097
	South Africa	16	3.9081	.80942	.20236

Independent Samples Test (1)										
		Levene's Test for Equality of Variances		t-test for Equality of Means						
		F	Sig.	t	Df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
									Lower	Upper
CRM	Equal variances assumed	.586	.450	-5.219	30	.000	-1.52562	.29233	-2.12263	-.92862
	Equal variances not assumed			-5.219	29.948	.000	-1.52562	.29233	-2.12268	-.92857

P-Value(sig2-tailed) =0 (.000 < .05, the p-value is less than .05, so the variance is not assumed to be equal, meaning that there is a significant difference between the implementation of the CRM process in the two groups).

T-Test (2)

Group Statistics

	Group	N	Mean	Std. Deviation	Std. Error Mean
CRM	Nigeria	177	88.50	50.951	3.841
	South Africa	186	271.92	56.315	4.129

Independent Samples Test (2)		
	Levene's Test for Equality of Variances	t-test for Equality of Means

		F	Sig.	T	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
									Lower	Upper
CRM	Equal variances assumed	1.971	.161	-32.436	360	.000	-183.419	5.655	-194.540	-172.299
	Equal variances not assumed			-32.526	359.286	.000	-183.419	5.639	-194.509	-172.329

P-Value(sig2-tailed) =0 (.000 < .05, the p-value is less than .05, so the variance is not assumed to be equal, meaning that there is a significant difference between the implementation of the CRM process in the two groups).

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T-TEST GROUPS=Group (1 2)
  /MISSING=ANALYSIS
  /VARIABLES=Mean
  /CRITERIA=CI (.95).
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T-Test

Group Statistics

	Group	N	Mean	Std. Deviation	Std. Error Mean
Country	Nigeria	16	2.3825	.84386	.21097
	South Africa	16	3.9081	.80942	.20236

Independent Samples Test

		Levene's Test for Equality of Variances		t-test for Equality of Means						
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
									Lower	Upper
Country	Equal variances assumed	.586	.450	-5.219	30	.000	-1.52562	.29233	-2.12263	-.92862
	Equal variances not assumed			-5.219	29.948	.000	-1.52562	.29233	-2.12268	-.92857

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T-TEST GROUPS=Group (1 2)
  /MISSING=ANALYSIS
  /VARIABLES=Participant Number
  /CRITERIA=CI (.95).
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T-Test

Group Statistics

	Group	N	Mean	Std. Deviation	Std. Error Mean
Participant Number	Nigeria	177	88.50	50.951	3.841
	South Africa	186	271.92	56.315	4.129

Independent Samples Test

		Levene's Test for Equality of Variances		t-test for Equality of Means						
									95% Confidence Interval of the Difference	
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	Lower	Upper
Participant Number	Equal variances assumed	1.971	.161	-32.436	360	.000	-183.419	5.655	-194.540	-172.299
	Equal variances not assumed			-32.526	359.286	.000	-183.419	5.639	-194.509	-172.329

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T-TEST GROUPS=Group (1 2)
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  /VARIABLES=Participant Number
@2.1Efficientconflictresolutionmechanismsexistinyourorganisation
    @2.2Governmentputinplacecompetentconflictresolutionmechanismstha
    @2.3OrganisationfollowdueprocessofLaborRelationsActTradeDisputeA
    @2.4CCMANICperformwellenoughtoavertdisputebetweenemployersandemp
    @2.5Multinationalcompanyinfluencetheprocessofconflictresolutionm
    @2.6Thesubsidiaryadoptsbestemploymentrelationspracticesofthecoun
    @2.7Yourorganisationenforcesorratifytheunsurpassedinternationalp
    @2.8Thereisanalignmentintheculturesandvaluesofmultinationalcompa
    @2.9Governmentinterferewiththeprocessofconflictresolutionmechani
    @2.10Laborprocedureinyourfirmpromotetherightandinterestofworkers
    @2.11Yourorganisationalwaysreviewslaborlegislationandpolicyandre
    @2.12Hostenvironmentemulatetheemploymentrelationspracticesofthem
    @2.13Therearefactorsthatinfluencetheefficacyofconflictresolution
    @2.14Doconflictresolutionmechanismfunctionwellinyourorganisation
    @2.15Doyou4withthelevelofeffectivenessbuiltinconflictresolutionm
    @2.16Therearechallengestoconflictresolutionmechanismsbetweenlabo
  /CRITERIA=CI (.95).
```

T-Test

Group Statistics

	Group	N	Mean	Std. Deviation	Std. Error Mean
Participant Number	Nigeria	177	88.50	50.951	3.841
	South Africa	186	271.92	56.315	4.129
2.1 Efficient conflict resolution mechanisms exist in your organizations?	Nigeria	176	2.03	.878	.066
	South Africa	1	1.00	.	.
2.2 Government put in place competent conflict resolution mechanisms that mediate industrial dispute?	Nigeria	176	2.01	.885	.067
	South Africa	1	1.00	.	.
2.3 Organization follow due process of Labor Relations Act/Trade Dispute Act for settlement of the dispute in	Nigeria	176	1.93	.859	.065
	South Africa	1	1.00	.	.

employment relations?					
2.4 CCMA/NIC perform well-enough to avert dispute between employers and employees?	Nigeria	176	1.97	.868	.065
	South Africa	1	1.00	.	.
2.5 Multi-national company influence the process of conflict resolution mechanisms with the best international practice of employment relations in your company?	Nigeria	176	1.98	.959	.072
	South Africa	1	1.00	.	.
2.6 The company adopts best employment relations practices of the country of the multinational company?	Nigeria	176	2.33	1.183	.089
	South Africa	1	1.00	.	.
2.7 Your organization enforces or ratifies the unsurpassed international practice of labour relations?	Nigeria	176	1.93	.875	.066
	South Africa	1	1.00	.	.
2.8 There is an alignment between the cultures and values of a multinational company and the host company?	Nigeria	175	2.03	.934	.071
	South Africa	1	1.00	.	.
2.9 Government interfere with the process of conflict resolution mechanisms?	Nigeria	176	4.11	.965	.073
	South Africa	1	4.00	.	.
2.10 Labour procedure in your firm promotes the rights and interest of workers?	Nigeria	176	1.87	.938	.071
	South Africa	1	1.00	.	.
2.11 Your organization always reviews labour legislation and policy and replaces them with new ones?	Nigeria	176	1.89	.887	.067
	South Africa	1	1.00	.	.
2.12 Host environment emulates the employment relations practices of the multinational company?	Nigeria	176	2.61	1.327	.100
	South Africa	1	1.00	.	.
2.13 Some factors influence the efficacy of conflict resolution mechanisms in your company?	Nigeria	176	3.84	1.096	.083
	South Africa	1	4.00	.	.
2.14 Do conflict resolution mechanisms function well in your organization/country?	Nigeria	176	1.79	.917	.069
	South Africa	1	1.00	.	.
2.15 Do you 4 with the level of effectiveness built-in conflict resolution mechanisms in the host country of your Multinational Company?	Nigeria	176	1.76	.894	.067
	South Africa	1	1.00	.	.
2.16 There are challenges to conflict resolution	Nigeria	176	4.14	.858	.065
	South Africa	1	5.00	.	.

mechanisms between labour and management?										

Independent Samples Test

		Levene's Test for Equality of Variances		t-test for Equality of Means						
									95% Confidence Interval of the Difference	
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	Lower	Upper
Participant Number	Equal variances assumed	1.971	.161	-32.436	360	.000	-183.419	5.655	-194.540	-172.299
	Equal variances not assumed			-32.526	359.286	.000	-183.419	5.639	-194.509	-172.329
2.1 Efficient conflict resolution mechanisms exist in your organizations?	Equal variances assumed	.	.	1.168	175	.244	1.028	.880	-.709	2.766
	Equal variances not assumed			.	.	.	1.028	.	.	.
2.2 Government put in place competent conflict resolution mechanisms that mediate industrial dispute?	Equal variances assumed	.	.	1.133	175	.259	1.006	.887	-.745	2.757
	Equal variances not assumed			.	.	.	1.006	.	.	.
2.3 Organization follow due process of Labor Relations Act/Trade Dispute Act for settlement of the dispute in employment relations?	Equal variances assumed	.	.	1.081	175	.281	.932	.862	-.769	2.632
	Equal variances not assumed			.	.	.	.932	.	.	.
2.4 CCMA/NIC perform well-enough to avert dispute between employers and employees?	Equal variances assumed	.	.	1.110	175	.269	.966	.870	-.752	2.684
	Equal variances not assumed			.	.	.	.966	.	.	.
2.5 Multi-national company influence the process of conflict resolution mechanisms with the best international practice of employment relations in your company?	Equal variances assumed	.	.	1.022	175	.308	.983	.962	-.915	2.881
	Equal variances not assumed			.	.	.	.983	.	.	.
2.6 The company adopts best employment relations practices of the multinational company?	Equal variances assumed	.	.	1.121	175	.264	1.330	1.186	-1.012	3.671
	Equal variances not assumed			.	.	.	1.330	.	.	.
2.7 Your organization enforces or ratifies the unsurpassed international practice of labour relations?	Equal variances assumed	.	.	1.055	175	.293	.926	.878	-.806	2.658
	Equal variances not assumed			.	.	.	.926	.	.	.
2.8 There is an alignment between the cultures and values of a multinational company and the host company?	Equal variances assumed	.	.	1.104	174	.271	1.034	.937	-.814	2.883
	Equal variances not assumed			.	.	.	1.034	.	.	.
2.9 Government interfere with the process of conflict resolution mechanisms?	Equal variances assumed	.	.	.112	175	.911	.108	.968	-1.802	2.018
	Equal variances not assumed			.	.	.	.108	.	.	.
2.10 Labor procedures in your firm promote the rights and interests of workers?	Equal variances assumed	.	.	.924	175	.357	.869	.941	-.987	2.726
	Equal variances not assumed			.	.	.	.869	.	.	.
2.11 Your organization always reviews labour legislation and policy and replaces	Equal variances assumed	.	.	.996	175	.320	.886	.890	-.869	2.642
	Equal variances not assumed			.	.	.	.886	.	.	.

them with new ones?										
2.12 Host environment emulates the employment relations practices of the multinational company?	Equal variances assumed	.	.	1.209	175	.228	1.608	1.330	-1.018	4.233
	Equal variances not assumed			.	.	.	1.608	.	.	.
2.13 Some factors influence the efficacy of conflict resolution mechanisms in your company?	Equal variances assumed	.	.	-.150	175	.881	-.165	1.099	-2.334	2.004
	Equal variances not assumed			.	.	.	-.165	.	.	.
2.14 Do conflict resolution mechanisms function well in your organization/country?	Equal variances assumed	.	.	.859	175	.392	.790	.920	-1.026	2.605
	Equal variances not assumed			.	.	.	.790	.	.	.
2.15 Do you 4 with the level of effectiveness built-in conflict resolution mechanisms in the host country of your Multinational Company?	Equal variances assumed	.	.	.849	175	.397	.761	.897	-1.009	2.531
	Equal variances not assumed			.	.	.	.761	.	.	.
2.16 There are challenges to conflict resolution mechanisms between labour and management?	Equal variances assumed	.	.	-1.004	175	.317	-.864	.860	-2.561	.834
	Equal variances not assumed			.	.	.	-.864	.	.	.

```
T-TEST GROUPS=Group (1 2)
  /MISSING=ANALYSIS
  /VARIABLES=Participant Number
@2.1Efficientconflictresolutionmechanismsexistinyourorganisation
    @2.2Governmentputinplacecompetentconflictresolutionmechanismstha
    @2.3OrganisationfollowdueprocessofLaborRelationsActTradeDisputeA
    @2.4CCMANICperformwellenoughtoavertdisputebetweenemployersandemp
    @2.5Multinationalcompanyinfluencetheprocessofconflictresolutionm
    @2.6Thesubsidiaryadoptsbestemploymentrelationspracticesofthecoun
    @2.7Yourorganisationenforcesorratifytheunsurpassedinternationalp
    @2.8Thereisanalignmentintheculturesandvaluesofmultinationalcompa
    @2.9Governmentinterferewiththeprocessofconflictresolutionmechani
    @2.10Laborprocedureinyourfirmpromotetherightandinterestofworkers
    @2.11Yourorganisationalwaysreviewslaborlegislationandpolicyandre
    @2.12Hostenvironmentemulatetheemploymentrelationspracticesofthem
    @2.13Therearefactorsthatinfluencetheefficacyofconflictresolution
    @2.14Doconflictresolutionmechanismfunctionwellinyourorganisation
    @2.15Doyou4withthelevelofeffectivenessbuiltinconflictresolutionm
    @2.16Therearechallengestoconflictresolutionmechanismsbetweenlabo
  /CRITERIA=CI (.95).
```

T-Test

Group Statistics

	Group	N	Mean	Std. Deviation	Std. Error Mean
Participant Number	Nigeria	177	88.50	50.951	3.841
	South Africa	186	271.92	56.315	4.129
2.1 Efficient conflict resolution mechanisms exist in your organization?	Nigeria	176	2.03	.878	.066
	South Africa	1	1.00	.	.
2.2 Government put in place competent conflict resolution mechanisms that mediate industrial	Nigeria	176	2.01	.885	.067
	South Africa	1	1.00	.	.

dispute?					
2.3 Organization follow due process of Labor Relations Act/Trade Dispute Act for settlement of the dispute in employment relations?	Nigeria	176	1.93	.859	.065
	South Africa	1	1.00	.	.
2.4 CCMA/NIC perform well-enough to avert dispute between employers and employees?	Nigeria	176	1.97	.868	.065
	South Africa	1	1.00	.	.
2.5 Multi-national company influence the process of conflict resolution mechanisms with the best international practice of employment relations in your company?	Nigeria	176	1.98	.959	.072
	South Africa	1	1.00	.	.
2.6 The company adopts best employment relations practices of the multinational company?	Nigeria	176	2.33	1.183	.089
	South Africa	1	1.00	.	.
2.7 Your organization enforces or ratifies the unsurpassed international practice of labour relations?	Nigeria	176	1.93	.875	.066
	South Africa	1	1.00	.	.
2.8 There is an alignment between the cultures and values of a multinational company and the host company?	Nigeria	175	2.03	.934	.071
	South Africa	1	1.00	.	.
2.9 Government interfere with the process of conflict resolution mechanisms?	Nigeria	176	4.11	.965	.073
	South Africa	1	4.00	.	.
2.10 Labor procedures in your firm promote the rights and interest of workers?	Nigeria	176	1.87	.938	.071
	South Africa	1	1.00	.	.
2.11 Your organization always reviews labour legislation and policy and replaces them with new ones?	Nigeria	176	1.89	.887	.067
	South Africa	1	1.00	.	.
2.12 Host environment emulates the employment relations practices of the multinational company?	Nigeria	176	2.61	1.327	.100
	South Africa	1	1.00	.	.
2.13 Some factors influence the efficacy of conflict resolution mechanisms in your company?	Nigeria	176	3.84	1.096	.083
	South Africa	1	4.00	.	.
2.14 Do conflict resolution mechanisms function well in your organization/country?	Nigeria	176	1.79	.917	.069
	South Africa	1	1.00	.	.
2.15 Do you 4 with the level of effectiveness built-in conflict resolution	Nigeria	176	1.76	.894	.067
	South Africa	1	1.00	.	.

mechanisms in the host country of your Multinational Company?					
2.16 There are challenges to conflict resolution mechanisms between labour and management?	Nigeria	176	4.14	.858	.065
	South Africa	1	5.00	.	.

Independent Samples Test

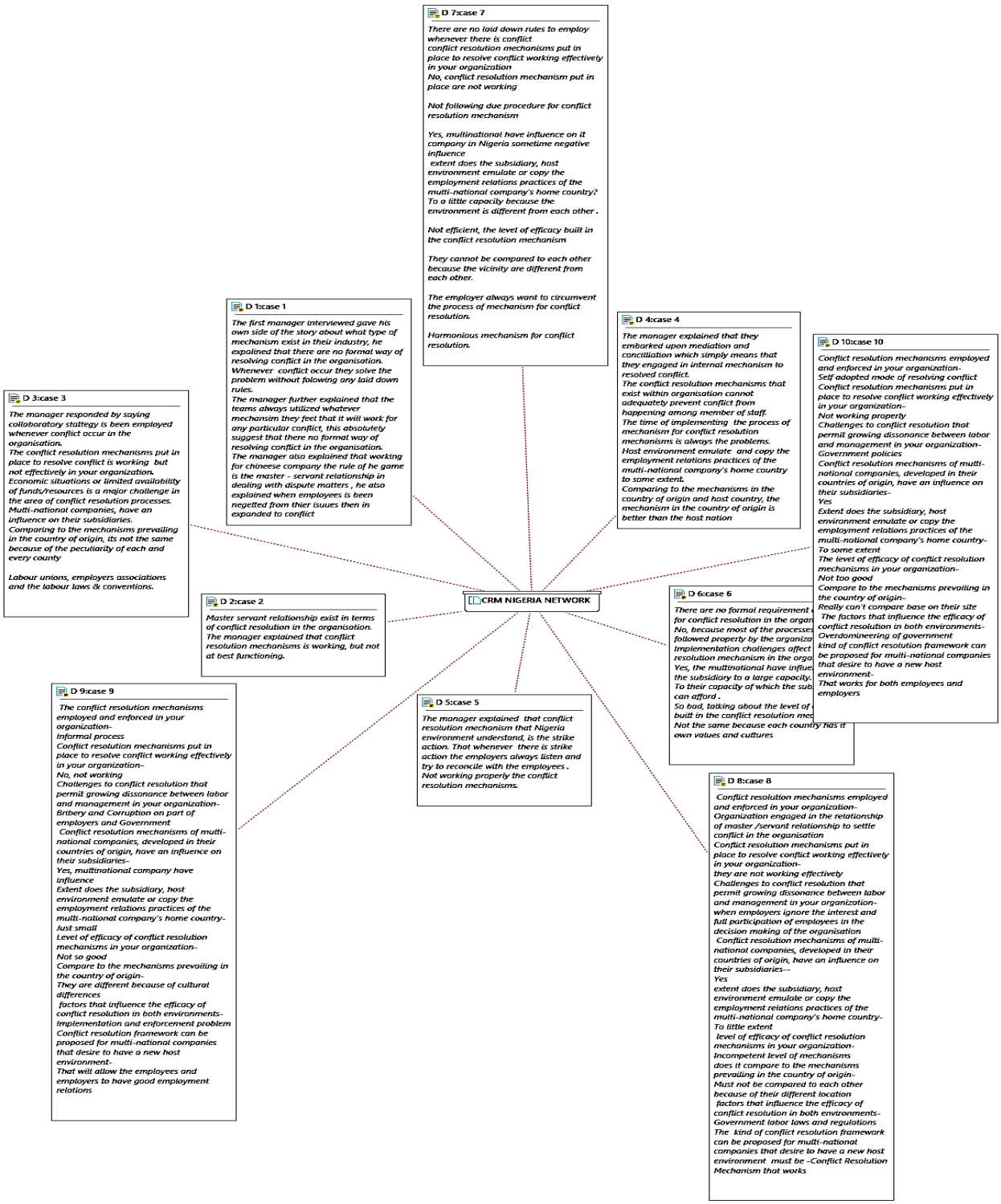
		Levene's Test for Equality of Variances		t-test for Equality of Means						
									95% Confidence Interval of the Difference	
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	Lower	Upper
Participant Number	Equal variances assumed	1.971	.161	-32.436	360	.000	-183.419	5.655	-194.540	-172.299
	Equal variances not assumed			-32.526	359.286	.000	-183.419	5.639	-194.509	-172.329
2.1 Efficient conflict resolution mechanisms exist in your organizations?	Equal variances assumed	.	.	1.168	175	.244	1.028	.880	-.709	2.766
	Equal variances not assumed			.	.	.	1.028	.	.	.
2.2 Government put in place competent conflict resolution mechanisms that mediate industrial dispute?	Equal variances assumed	.	.	1.133	175	.259	1.006	.887	-.745	2.757
	Equal variances not assumed			.	.	.	1.006	.	.	.
2.3 Organization follow due process of Labor Relations Act/Trade Dispute Act for settlement of the dispute in employment relations?	Equal variances assumed	.	.	1.081	175	.281	.932	.862	-.769	2.632
	Equal variances not assumed			.	.	.	.932	.	.	.
2.4 CCMA/NIC perform well-enough to avert dispute between employers and employees?	Equal variances assumed	.	.	1.110	175	.269	.966	.870	-.752	2.684
	Equal variances not assumed			.	.	.	.966	.	.	.
2.5 Multi-national company influence the process of conflict resolution mechanisms with the best international practice of employment relations in your company?	Equal variances assumed	.	.	1.022	175	.308	.983	.962	-.915	2.881
	Equal variances not assumed			.	.	.	.983	.	.	.
2.6 The company adopts best employment relations practices of the multinational company?	Equal variances assumed	.	.	1.121	175	.264	1.330	1.186	-1.012	3.671
	Equal variances not assumed			.	.	.	1.330	.	.	.
2.7 Your organization enforces or ratifies the unsurpassed international practice of labour relations?	Equal variances assumed	.	.	1.055	175	.293	.926	.878	-.806	2.658
	Equal variances not assumed			.	.	.	.926	.	.	.
2.8 There is an alignment between the cultures and values of a multinational company and the host company?	Equal variances assumed	.	.	1.104	174	.271	1.034	.937	-.814	2.883
	Equal variances not assumed			.	.	.	1.034	.	.	.
2.9 Government interfere with the process of conflict resolution mechanisms?	Equal variances assumed	.	.	.112	175	.911	.108	.968	-1.802	2.018
	Equal variances not assumed			.	.	.	.108	.	.	.
2.10 Labor procedures in your	Equal variances assumed	.	.	.924	175	.357	.869	.941	-.987	2.726

firm promote the rights and interests of workers?	Equal variances not assumed			.	.	.	.869	.	.	.
2.11 Your organization always reviews labour legislation and policy and replaces them with new ones?	Equal variances assumed	.	.	.996	175	.320	.886	.890	-.869	2.642
	Equal variances not assumed			.	.	.	.886	.	.	.
2.12 Host environment emulates the employment relations practices of the multinational company?	Equal variances assumed	.	.	1.209	175	.228	1.608	1.330	-1.018	4.233
	Equal variances not assumed			.	.	.	1.608	.	.	.
2.13 Some factors influence the efficacy of conflict resolution mechanisms in your company?	Equal variances assumed	.	.	-.150	175	.881	-.165	1.099	-2.334	2.004
	Equal variances not assumed			.	.	.	-.165	.	.	.
2.14 Do conflict resolution mechanisms function well in your organization/country?	Equal variances assumed	.	.	.859	175	.392	.790	.920	-1.026	2.605
	Equal variances not assumed			.	.	.	.790	.	.	.
2.15 Do you 4 with the level of effectiveness built-in conflict resolution mechanisms in the host country of your Multinational Company?	Equal variances assumed	.	.	.849	175	.397	.761	.897	-1.009	2.531
	Equal variances not assumed			.	.	.	.761	.	.	.
2.16 There are challenges to conflict resolution mechanisms between labour and management?	Equal variances assumed	.	.	-1.004	175	.317	-.864	.860	-2.561	.834
	Equal variances not assumed			.	.	.	-.864	.	.	.

Word Cloud Report for South Africa CRM

Word Cloud Report for Nigeria CRM

Group Network for Nigeria CRM



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