

A Distinctive Perceptions of the Disputants in the Negotiation of Labor Dispute Resolution



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Abstract: Negotiation is a method by which disputing parties settle their differences. It is a process by which compromise or agreement is reached while avoiding argument or dispute. However, the success of every negotiation depends largely on the disputant's perceptions of each other on the negotiation table. This study investigated the influence of the perceptions of the representatives of the Academic Staff Union of Universities (ASUU) and the representatives of the Federal Government of Nigeria (FGN) in the negotiation process. In order to achieve the objectives of this study, a qualitative approach was adopted. A total number of 42 participants were interviewed through an in-depth face to face interview, 23 representatives from the side of the FGN and 19 representatives from ASUU. Findings from this study revealed that ASUU and the Nigeria government have not been able to resolve their labor dispute because of the government insincere and dishonest behavior in-terms of the implementation of her agreement reached with ASUU at the negotiation table. This study also found lack of explanation and apology from the side of the Nigeria government to ASUU especially when the government fail to implement the agreement reached by both parties. In contrast, the result of this study indicates that greed and selfishness, lack of compromise as their common perceptions of the representatives of the government about ASUU which often influence the successful outcome of the negotiation for some decades. This study concluded that, disputants cannot achieve a fruitful resolution outcome without a sincere and honest communication between the two parties at the negotiation table. In addition, negotiators cannot also reach a satisfactory win-win settlement point without cooperation and compromise between the two parties.

Keywords: Disputants' Perceptions, Negotiation, Negotiation Behavior

Manuscript published on November 30, 2019.

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I. INTRODUCTION

Dispute is a friction which is inevitable in every human organization between the management and employees (Ohbuchi & Fukushima, 1997). It usually occurs over conditions of employment such as leave entitlement; salary increment and promotion, dispute also manifest in the organizational settings due to poor working condition, working hours, legal rights and responsibilities. However, empirical evidence shows that when disagreement transpire in the organizational sphere between employees and employers, it often results to industrial actions such as lock-out, absenteeism and strikes which undermines and weaken the organizational vision and mission (Ogwuana, 2016; Olaniyi & Aina, 2014; Okuwa & Campbell, 2011; Ojielo, 2001). For these reasons, dispute need an urgent resolution at its infancy stage before it grows out of hand causing more serious damage to the organizational productivity (Odoziobodo, 2015). Disputant's perceptions play a substantial role in determine the successful outcome of every dispute resolution. Evidence shows that when disputants have a positive perception about each other in the resolution process, their chances of achieving a fruitful resolution outcome become high, this is because both parties would cooperate and find a logical solution to their misunderstanding (Antonioli, Mazzanti & Pini, 2011; Aquino et al, 2009; Aquino & Becker, 2005; Rousseau & Tijorilawa, 1999). On the contrary, when disputants have distinctive negative perceptions about each other in the resolution of dispute, both parties may not be able to resolve their differences due to lack of cooperation between the two parties (Ready & Tessema, 2011; Anyim & Ogunyomi, 2012; Anekwe, 2010; Anderson & Thompson, 2004).

Empirical evidence from the existing literature shows that there are various fair and effective methods of eliminating labor dispute between employers and their employees without seeking for legal proceeding such as litigation which is lengthy and expensive (Olekals, Horan & Smith, 2014; Philip & Adeshola, 2013; Hale et al., 2012; Okharedia, 2011; Okene, 2010; Dawe & Neathey, 2008; Hiltrop, 1985) these methods of resolving dispute include conciliation, negotiation and mediation. Several studies (see, Reif, 1990; Bingham, 2004; Gibbons, 2007; Goltsman et al., 2009; Quoc Bao Vo & Radulescu, 2012; Shinde, 2012) shows that mediation and conciliation have been an effective methods of resolving disputes between employers and their employees, compare to the negotiation process which proved to be unsuccessful and inconclusive.

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According to studies (e.g., Chand, 2015; Booth et al., 2016), the reason why conciliation and mediation are more effective in the resolution of dispute than negotiation is because of the support from the neutral and impartial third party known as the conciliator and mediator.

One of the primary rules of these two parties is to encourage and guide the disputing parties to fairly consider the key interest of each other for peaceful and amicable resolution. Unlike negotiation process where parties come to the bargaining table to figure out their differences by themselves which often result to a situation where both parties cannot achieve a successful resolution due to clash of interests (Aremu et al, 2015; Arrey, 2015; Asonibare, 2011). In order to fill this gap, this study investigate a distinctive perception of disputants in the negotiation process.

Several strands of studies (e.g., Paalvola 2014; Pon, 2014; QuocBao Vo, & Radulescu 2012; Okorobkin, 2008; White et al., 2004; Donohue & Roberto, 1996) found that when negotiating parties threatens their counterparts to accept their proposal in the bargaining table, both parties may not be able to reach a satisfactory agreement as the observer of the threatening offer often get upset and walk away from the negotiation table without reaching a satisfactory resolution. These scholars concluded that for negotiators to achieve a better result in the bargaining table, the negotiation process should be free from threat. On the contrary, empirical findings by Carnevale and Pruitt (1992), reported that a non-compromising negotiators often come to the negotiation table with an extreme demand which they wish to receive from their partner at all cost, this often results to a situation where both parties cannot achieve a rational agreement as the observer of the non-compromising behavior would not accept the extreme demands from their counterparts. Carnevale Pruitt suggested that for disputants to reach a successful agreement at the negotiation, both parties must come to the bargaining table with a moderate demand they wish to receive from each other.

II. METHODS OF THE STUDY

A. Research Design

A qualitative research method was adopted in this study, as the main aim of the study was to investigate different perceptions of the representatives of ASUU and the Nigeria Federal government on the process and outcome of their negotiation. This study adopted this design to enable representatives of ASUU and the representatives of the Nigeria government to share how the two parties perceived each other in the resolution process through an in-depth interview, with the intention of capturing the underlying issues. Thematic analysis was used to analyse the data which was categorized based on the disputant's various perceptions in the process of negotiation.

B. Research Population

The target population for this study was the representatives of the Academic Staff Union of Union Universities (ASUU) and the representatives of the Federal Government of Nigeria (FGN) who are familiar, with sufficient experience in their negotiation process.

C. Sampling and data Collection

The study sampled ASUU representatives and the representatives of the Nigeria federal government from the ministry of Labor and Employment in the Nigeria Federal capital Abuja. The participants ASUU and the representatives of the Nigeria government were selected using purposive sampling to seek for a specific group of participants who have experienced the phenomenon under investigation. The study drew on a face to face in-depth interview of a total number of 19 ASUU representatives and 23 representatives of the Nigeria government were interviewed. The principles of anonymity and confidentiality motivated the participants of this study to talk freely about their different perceptions of each other in the interview process.

D. Ethical Consideration

Before the main data collection of this study, the researcher contacted the Ministry of Employment and Labor in the Nigeria Federal Capital seeking for their approval to permit the researcher to carry out data her collection in the organization. The researchers also explained the purpose and importance of the research to the participants. The participants were also given consent forms to read and sign. Additionally, permission was also given to those participants who wish to withdraw from the interviews in the course of the research data collection. Data provided by participants who withdrew from the interview could only be useful with their consent. The purpose of the study, including the intention of publication of the research outcome was made known to the participants and the relevant agencies or organizations.

E. Data Analysis

This study permits an immediate elaboration of field notes, data which was gathered from the participants through the use of recording was transcript as soon as possible to avoid forgetfulness of the important data collected from the participants. Moreover, after the data collection of this study, there was an examination of the response from the participants in follow-up probes question. However, response which are similar across the participants were known and group together to form a major emerging theme for the purpose of data analysis. The study made use of thematic analysis.

F. Results and Discussions

Based on empirical data gathered from the participants of this study, there was a clear indication which shows that the representatives of ASUU and the representatives of the Nigeria government have different perceptions about each other in the process of their negotiation of labor dispute. These different perceptions continue to create disparity between the two parties, making it almost impossible for both parties to achieve a fruitful agreement at the negotiation table. For instance, lack of commitment to prioritization of demands and compromise for mutual agreement, lack of adequate negotiation strategy and offer rejection has been identified during the process of interview by the representatives of the Nigeria Federal Government as their key perceptions about the representatives of ASUU in the negotiation of labor dispute.

On the other hand, the representatives of ASUU have their own different perceptions about the representatives of the Federal Government of Nigeria at the negotiation table. These include threatening offer and poor negotiation tactics which are discussed under the following sub-headings:

1) Lack of prioritization and compromise

Lack of prioritization of demand and compromise is one of the common perceptions of the representatives of the Federal Government of Nigeria about ASUU in the process of their labor negotiation. According to the FGN representatives in an interview, the representatives of ASUU do not know what they actually want to achieve in the negotiation table. This simply means that, the representatives of ASUU have not been able to considerably and sincerely disclose their top priorities and preferences in relation to what they actually want to receive from the Federal Government of Nigeria at the bargaining table for some decades.

Empirical evidence from the representatives of the Nigeria Government showed that the representatives of ASUU always come to the bargaining table with the intention of achieving all their demands at all cost. This type of behavior from the representatives of ASUU continues to create a considerable level of psychological distress between both parties in the resolution process, resulting in no fruitful negotiation agreement for some decades. This is due to the fact that ASUU representatives continue to remain firm in achieving all their demands, while the representatives of the Nigeria Government continue to maintain their statement that the government cannot accept and implement all the demands of ASUU. The reason is that, the representatives of the Federal Government of Nigeria believe that, granting all the demands of ASUU will result in a win-loss solution. This simply means that, when ASUU succeed in achieving all their demands, it will lead to the failure of the Nigeria Government. This is why the representatives of the government do not want to accept this position as they believe that, negotiation should be a concern for self and for the other negotiators to ensure mutual win-win solution. Although, ASUU does not want to accept the idea of win-win agreement with the Nigeria Government. They believe that such win-win solution will stop them from achieving some of their demands which are of their vital interest. Therefore, for this reason, the two parties continue to negotiate for several years without achieving a logical agreement. In-line with this statement, A 55-year-old participant D on the Government representative shared a similar opinion that:

“We are not able to reach an agreement with ASUU because they want everything, they don't have primary and secondary demands because all their demands are important to them and they don't show any commitment to compromise with us by reducing those demands so that we can mutually reach agreements with them. They want to eliminate their poverty through us and be rich which is not possible because we cannot agree to fulfil such expensive demands. They are not the only organization we need to cater for their well-being in Nigeria.”

Another 39-year-old participant E, from the FGN representative added that:

“ASUU don't have specific demands they want to achieve as their demands, they don't compromise with us for win-win solution because they want lion share and then we loss. We cannot accept this kind of bargaining behavior as negotiation outcome should be based on win-win and not win-loss as they always desire.”

In contrast, evidence from ASUU representatives during the interview reveals that, the reason why they are not ready to compromise with the Government is that, they are only interested in the implementation of the agreement reached with the Government in 2009. In reality, compromise is possible during the bargaining process when the negotiators have not yet entered into an agreement, but not when the two parties have already reached an agreement over their disputed issues.

Furthermore, based on response from ASUU representatives, there is a clear indication which shows that, instead of the Government to implement the negotiation agreement reached with ASUU in 2009, they are rather looking for an excuse through prioritization and compromise to compel ASUU to reduce their demands. This is to pave way for another new negotiation agreement without an assurance from the Government that they can honestly and faithfully fulfil the new negotiation agreement terms and condition. Evidence from ASUU clearly revealed that the Nigeria Government till date is yet to consistently implement even their basic demands such as fractionalisation of salaries in public universities and payment of allowances and pension. They are also of the opinion that the Government have never pay attention to other aspects of their demands which include research grant, building more lecture halls as well as funding for the revitalization of public universities which are all of ASUU interest. A 51-year-old Participant D from ASUU representative lamented that:

“Since the government don't want to implement their promises to us, it means they don't want to compromise, and of course they can never expect us to compromise. What are we comprising for? Agreement has been reached, but implementation is the problem which often result to the poor outcome of the negotiation”

Based on the findings from ASUU, they have taken a non-stop position through national strike to put more pressure on the Government to fulfil the agreement reached by both parties in 2009, rather than compromise to lower their demands which ASUU believe will eventually result to unsatisfactory negotiation agreement. This result is consistent with (Olekalns, Smith, & Walsh 1996) findings which shows when a negotiating come to the bargaining table with extreme demands and do not want to compromise, both parties cannot be able to reach a successful settlement point. The reason is because the other party's may not accept and sincerely implement all those demands afterward.

2) Threatening offer and offer rejection

Offer with threat has been mentioned by all ASUU representatives in the interview process as another key perception they have about the FGN representatives in the process of labor negotiation.

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In contrast, this study also discovered offer rejection among the representatives of the Nigeria Government as their perception of the representatives of ASUU at the negotiation table. According to ASUU representatives, the Government often threatens them during the process of the negotiation as the Government is not willing to implement their demands on the basis that such demands are extreme and unnecessary after both parties most have entered an accepted agreement over those demands in 2009.

More-so, instead of the Government to be passionate towards ASUU by looking into their demands to fairly implement the negotiation agreement, evidence from representatives of ASUU indicated otherwise. The representatives of the FGN often applies the use of threat as a means of compelling the representatives of ASUU to accept whatever the Government can offer them. Failure to accept the Government proposal will imply that more representatives of ASUU will be sack from their position as university lecturers. This kind of threatening habit from the FGN representatives often provokes the representatives of ASUU at the negotiation table, this is due to the factual prove that the Nigeria Federal government in 2001 has sacked 49 lecturers at the University of Ilorin under the administration of President, Chief Olusegun Obasanjo for rejecting the government poor offer in the negotiation table, another reason the Government sacked those 49 the lecturers was as a result of their involvement in the industrial strike actions due to the government's refusal to meet up with ASUU's terms and conditions. However, instead of implementing the previous agreement reached with ASUU, Chief Olusegun Obasanjo who was then a Nigeria President described the Nigerian university lectures as a "bunch of lazy and ungrateful group of people". For these reasons, the Academic Staff Union of Universities (ASUU) embarked on further strike action for three months then, this was to called on well-meaning Nigerians to assist the sacked lecturers seek for justice, as ASUU believe that they have moral justification to protect the job of its members. Although, the Nigeria Federal Government orders all Vice chancellors in the public universities to enforce the rule of no work, no pay for any lecturer who participates in the nationwide strike action. This rule till date does not deter ASUU from embarking on strike actions as a weapon of putting more pressure on the Government to implement the negotiation agreement. ASUU, considering the Government ill treatment towards its members, have taking a strong position to continue demanding for the implementation of the previous agreement, while rejecting any forceful proposal from the Government which does not serve their goals. In A 49-year-old ASUU participant E, stressed in an interview that:

"Do they even know how to negotiate? They often threaten to sack us for rejecting their proposal in the negotiation process. Some of our members were sacked in the past. And they don't feel sorry for their gross misconduct towards us, they are always defensive even if they are completely wrong, this inhuman treatment makes us so angry to take a strong stand to achieve our demands. Their threat can never infringe us to get scared, if they want the should sacked all of us"

Contrary to the above mentioned ASUU perception of threatening offer about the representatives of Federal Government of Nigeria, evidence from the representatives of the Nigeria Government showed that one of the reasons the representatives often threaten ASUU in the negotiation table is because of ASUU frequent rejection of the government offer. The reason ASUU do not want to receive the Government poor offer is because they are only interested in the implementation of the initial agreement in 2009 which the Nigeria Government do not knowledge. The Government claimed that its representatives who reached an agreement with ASUU in 2009 lacked the capacity to negotiate actionable and as a result, ASUU took advantage of them. In relation to this statement. A 46-year-old participant F, FGN representative lamented that:

"ASUU are always against our proposal and sometimes they decide to walk away where we fail to agree with all their demands offer, and we also threat to sack them if they don't take care because there are many applicants out there hunting for job opportunities. When they reject our proposal and we reciprocate both of us get angry and we will not be able to reach a satisfactory agreement", we don't recognize the 2009 agreement they have been demanding for because those representatives who accepted all their greedy demands do not have proper negotiation skill and that was why the union took advantage of them."

This finding is in-line with a studies by (Paalvola 2014; Pon, 2014; QuocBao Vo, & Radulescu 2012; White et al., 2004; Shanmugam et al. 2019a, 2019b) which revealed that negotiators cannot succeed in achieving a satisfactory result in their negotiation if the other negotiators felt threaten by the action of their counterparts during the process of the negotiation. The reason is that the observer of this threat has a very high tendency of walking out from the negotiation table without reaching an agreement with their partners.

To sum up, negotiators are said to possess inadequate negotiation strategy during the bargaining process with their counterpart if the negotiators indulge in threatening offer during the bargaining process.

3) Inadequate negotiation strategy

Lack of adequate negotiation strategy has been reported during the process of interviewing by both the representatives of the FGN and the representatives of ASUU. Evidence from both parties in the interview showed that they blamed each other for adopting inadequate negotiation strategies which continue to contribute to the failure of the process of the labor negotiation between the two parties.

The representatives of ASUU during the interview process expressed their grievances and concern about the representatives of the FGN distributive bargaining attitudes on the negotiation table which is associated with lack of collective feelings, rudeness, authoritative as well as repetition of specific offers such as fractionalization of salaries without intention of fulfilling other aspects of the agreement.

Despite the fact that the Government does not adopt a proper negotiation strategy on the bargaining table, according to ASUU representatives in an interview process, they adopted an integrative behavior which is more of a cooperative oriented approach for a successful negotiation outcome with the representatives of the Nigeria Government. This cooperative approach includes written letters, personal contacts and phone calls to the Minister of Labor and Employment as well as Minister of Education. This is with the view to get in touch with the Nigeria President about the implementation of the negotiation agreement reached by both parties, but the Government will not reciprocate to ASUU' cooperative behaviors by responding to any of their messages nor fulfilling her promises. At this junction, the only power ASUU representatives can exercise is to go on strike as a means of drawing the Government attention to the table to discuss about the unfulfilled negotiation agreement. In relations to ASUU' perception of poor negotiation strategy about the representatives of the FGN, a 57-year-old ASUU participants H, share this in the interview process:

“They have poor negotiation strategies; they are very rude to us and they have high concern for themselves and that is why they are always lying and deceiving us. They don't know how to persuade us for effective negotiation. We tried several times to cooperate with them including approximately more than 351 letters written between 1990 to 2017 with the most recent one on 28th of August 2017, by ASUU President Prof. Biodun Ogunyemi. We also engage in telephone calls and solicitations through elder statesmen to remind the Government of their promises to us during the negotiation, but they will never respond”.

On the other hand, a statement from the representatives of the FGN in an interview showed that they adopt a cooperative strategy with the purpose of achieving a collective win-win agreement with ASUU. But the representatives of ASUU continues to employ tough negotiation attitudes for the sake of their personal achievement. This was captured by a 58-year-old FGN Participant H, in the interview process:

“They often make outrageous demands so offensive to make a better deal, we try to draw their attention towards cooperative behavior, but it is impossible as selfishness have dominated their blood and they behave irrational to us in the process and that affect our success and prolong the negotiation outcome”.

Another similar opinion from 49-year-old FGN participant I, also said:

“They come with a difficult demand using difficult negotiation styles while we come with a cooperative strategy for the interest of both of us but they seem not to reciprocate and then we cannot achieve success due to excessive argument”.

One of the major finding of this study is that, not all negotiation problems have the potential to be resolved with an integrative approach (soft way). This study discovered that

the representatives of ASUU adopt a combination of both distributive (hard bargaining tactic) and integrative (soft bargaining tactic) in their labor negotiation with the representatives of the Nigeria Government. The reason ASUU employ hard bargaining approach is to remain firm in achieving all their demands which they believed to have been taken for granted by the Nigeria Government for not just cause. Though, evidence from ASUU showed that they have no intention to use this kind of approach at the initial stage of the negotiation, but they find this strategy necessary due to the deceptive and empty promises from the Government which portrays a good example of distributive conduct at the negotiation table.

Furthermore, this study uncovered that even though ASUU employ a hard negotiation approach in the bargaining process with the representatives of the Nigeria government, they also maintain a soft bargaining tactics through follow-up steps such as letter writing and phone calls as a soft reminder to the Government to fulfil her agreement. But all these efforts from the representatives of ASUU seems to be in vain as the Nigeria government does not want to react to ASUU messages or calls. For this reason, both parties continue renegotiating, but the negotiation has not yielded any fruitful outcome.

Despite these observations, it is most unlikely to display hard bargaining behaviors at the negotiation table to achieve fruitful results. This is because negotiators with hard bargaining style place a strong attachment to self-importance, without considering the satisfaction level of their partners at the negotiation table. This study documented that when negotiators exhibit this kind of extreme behaviors on the discussion table, it obstructs the potential of integrative (win-win) resolution between the disputants. Therefore, in the spirit of equity, and to avoid prolonged labor dispute, both parties need to drop their preconceived idea about the negotiation process and jointly look at their problem in a simple way so that both parties can reach a constructive agreement. This finding differs from the previous studies which maybe as a result of methodological differences or because of the geographical location.

III. CONCLUSION

Dispute is unavoidable in every human organization, but it must be resolve through the negotiation or other methods of dispute resolution for peaceful co-existence among the disputing parties. The perceptions of disputants in the negotiation process is key to the determination of the success and the failure of the process of dispute resolution between the disputants. Based on empirical findings from the participants of this study, it can be concluded that negotiating parties cannot reach a mutual agreement when they have negative different perception of each other. These different perceptions continue to serve as a stabling block to mutual cooperation which is capable of facilitating quick resolution between the negotiating parties. This study also concluded that disputants can reach a fruitful negotiation outcome due to lack of sincere and honest discussion between both parties on the negotiation table.

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The reason is that, when negotiating party's reached a deceptive agreement with their counterparts during the process of negotiation, they will not implement the agreement reached with their partners afterward, this kind of deceptive habit continue to push the two parties to the negotiation table to negotiate over the same disputing issues without any fruitful outcome.

ACKNOWLEDGMENT

The author would like to acknowledge all the participants of this study who voluntarily took their time to participate in this study. We hereby also express our gratitude to Mr Lanre for his significant role during the process of data collection. We also acknowledge the contribution of Dr Peter for editing this paper.

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