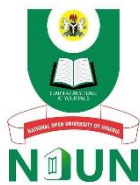


COURSE GUIDE

PAD 126 INTRODUCTION TO CONFLICT MANAGEMENT

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COURSE DESCRIPTION

PAD 126: Introduction to Conflict Management (3 Credit Units) This course is expected to give learners an in-depth understanding of the core concept of diversity conflict management. The contents are: Managing workplace diversity, managing cultural diversity, Managing gender diversity, Nature of conflicts, Conflict process and curves, conflict prevention, management and resolution, sociological theories of conflict, Responses of people in conflict, mediation and conciliation, Adjudication and Arbitration, Mini trial and early neutral evaluation peer review, negotiation, History of Ombudsman system, Public Complaints Commission in Nigeria, the Jurisdiction of the Ombudsman, Ombudsmen in selected countries.

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INTRODUCTION

This course is expected to give learners an in-depth understanding of the core concept of diversity and conflict management. The contents are: Managing workplace diversity, managing cultural diversity, Managing gender diversity, Nature of conflicts, Conflict process and curves, conflict prevention, management and resolution, sociological theories of conflict, Responses of people in conflict, mediation and conciliation, Adjudication and Arbitration, Mini trial and early neutral evaluation peer review, negotiation, History of Ombudsman system, Public Complaints Commission in Nigeria, the Jurisdiction of the Ombudsman, Ombudsmen in selected countries.

COURSE AIM

This course aims at equipping learners with the concept of diversity and managing conflicts. Due to the diverse nature of Nigeria. Nigeria comprises of different ethnic, tribal and religious groups of people with constant conflicts and misunderstandings which had led to the development and use of this topic as a means of solving present and unforeseen crises thus, preventing degeneration into crisis that cannot be easily resolved.

COURSE OBJECTIVES

At the beginning of each unit there are specific objectives for that unit which learners should study before they go into the study of the main content. Learners should also endeavour to go back to the objectives once they finish a unit in order to affirm if they have learnt or done what is required of them.

COURSE STRUCTURE

Learners are encouraged to go through this course guide as this will explain and give an understanding of what to expect in the material. Learners are expected to read the study unit. They are also expected to complete and submit all tutor marked assignment found at the end of each unit. There will be an examination at the end of the course; the course should take you about 18 weeks to complete. Learners are also advised to go through the recommended sources for further reading.

COURSE OVERVIEW

This course is in four modules. Module 1 which is on the Diversity Management has five units. These units are on; concept of diversity, workplace diversity, managing cultural diversity, gender diversity

monetary et al, diversity management techniques. Module 2 is on Conflict Management and it also has five units. These units are on; the nature of conflict, conflict process and curves, sociological theories of conflict, conflict prevention, alternative management and resolution.

Module 3 is on Third Party Alternative Dispute Resolution Methods such as; Mediation and conciliation, minitrial and early neutral evaluation peer review etc. Module 4 is on the Ombudsman System which is another alternative dispute resolution method.

The course is designed to provide you with the basic foundation which helps learners to understand that diversity management is aimed at fostering and maintaining a positive and conducive environment that ensures respect for individual differences both at an organisational level which could also be applied to one's individual life. It is expected that the knowledge gained will be used in performing effective conflict and diversity management in the organizations which will in turn impact on the Nation as a whole.

THE COURSE MATERIAL

In this course, as in all other courses, the major components you will find are as follows:

- Course Guide
- Study Units
- Textbooks
- Assignments

As you can observe, the course begins with the basics and expands into a more elaborate, complex and detailed form. All you need to do is to follow the instructions as provided in each unit. In addition, some self-assessment exercises have been provided with which you can test your progress with the text and determine if your study is fulfilling the stated objectives. Tutor marked assignments have also been provided to aid your study. All these will assist you to be able to fully grasp knowledge of Diversity and Conflict Management.

TEXTBOOKS AND REFERENCES

At the end of each unit, you will find a list of relevant reference materials which you may yourself wish to consult as the need arises, even though I have made efforts to provide you with the most important information you need to pass this course. However, I would encourage you, as a fourth-year student to cultivate the habit of consulting as many relevant materials as you are able to within the time available to you. In

particular, be sure to consult whatever material you are advised to consult before attempting any exercise.

ASSESSMENT

Two types of assessment are involved in the course: The Self-Assessment Exercises (SAEs), and the Tutor-Marked Assessment (TMA) questions. Your answers to the SAEs are not meant to be submitted, but they are also important since they give you an opportunity to assess your own understanding of the course content. Tutor-Marked Assignments (TMAs) on the other hand are to be carefully answered and kept in your assignment file for submission and marking. This will count for 30% of your total score in the course.

TUTOR-MARKED ASSIGNMENT

At the end of each unit, you will find tutor-marked assignments. There is an average of two tutor-marked assignments per unit. This will allow you to engage the course as robustly as possible. You need to submit at least four assignments of which the three with the highest marks will be recorded as part of your total course grade. This will account for 10 percent each, making a total of 30 percent. When you complete your assignments, send them including your form to your tutor for formal assessment on or before the deadline.

Self-assessment exercises are also provided in each unit. The exercises should help you to evaluate your understanding of the material so far. These are not to be submitted. You will find all answers to these within the units they are intended for.

FINAL EXAMINATION AND GRADING

There will be a final examination at the end of the course. The examination carries a total of 70 percent of the total course grade. The examination will reflect the contents of what you have learnt and the self-assessments and tutor-marked assignments. You therefore need to revise your course materials before-hand.

COURSE MARKING SCHEME

The following table sets out how the actual course marking is broken down.

ASSESSMENT	MARKS
Four assignments (the best four of the assignments submitted for marking)	Four assignments, each mark out of 10%, but highest scoring three selected, then total of 30%
Final Examination	70% of overall course score
Total	100% course score

WHAT YOU WILL NEED FOR THE COURSE

This course builds on what you have learnt in the 100 Levels. It will be helpful if you try to review what you studied earlier. Second, you may need to purchase one or two texts recommended as important for your mastery of the course content. You need quality time in a study friendly environment every week. If you are computer-literate (which ideally you should be), you should be prepared to visit recommended websites. You should also cultivate the habit of visiting reputable physical libraries accessible to you.

TUTORS AND TUTORIALS

There are 15 hours of tutorials provided in support of the course. You will be notified of the dates and location of these tutorials, together with the name and phone number of your tutor as soon as you are allocated a tutorial group. Your tutor will mark and comment on your assignments, and keep a close watch on your progress. Be sure to send in your tutor marked assignments promptly, and feel free to contact your tutor in case of any difficulty with your self-assessment exercise, tutor-marked assignment or the grading of an assignment. In any case, you are advised to attend the tutorials regularly and punctually. Always take a list of such prepared questions to the tutorials and participate actively in the discussions.

TUTOR-MARKED ASSIGNMENTS (TMAs)

Usually, there are four online tutor-marked assignments in this course. Each assignment will be marked over ten percent. The best three (that is the highest three of the 10 marks) will be counted. This implies that the total mark for the best three assignments will constitute 30% of your total course work. You will be able to complete your online assignments successfully from the information and materials contained in your references, reading and study units.

FINAL EXAMINATION AND GRADING

The final examination for **INR481: International Economic Relations** will be of two hours' duration and have a value of 70% of

the total course grade. The examination will consist of multiple choices and fill in-the-gaps questions which will reflect the practice exercises and tutor-marked assignments you have previously encountered. All areas of the course will be assessed. It is important that you use adequate time to revise the entire course. You may find it useful to review your tutor-marked assignments before the examination. The final examination covers information from all aspects of the course.

HOW TO GET THE MOST FROM THIS COURSE?

- There are 17 units in this course. You are to spend one week in each unit. In distance learning, the study units replace the university lecture. This is one of the great advantages of distance learning; you can read and work through specially designed study materials at your own pace, and at a time and place that suites you best. Think of it as reading the lecture instead of listening to the lecturer. In the same way a lecturer might give you some reading to do. The study units tell you when to read and which are your text materials or recommended books. You are provided with exercises to do at appropriate points, just as a lecturer might give you in a class exercise.
- Each of the study units follows a common format. The first item is an introduction to the subject-matter of the unit, and how a particular unit is integrated with other units and the course as a whole. Next to this is a set of learning objectives. These objectives let you know what you should be able to do, by the time you have completed the unit. These learning objectives are meant to guide your study. The moment a unit is finished, you must go back and check whether you have achieved the objectives. If this is made a habit, then you will significantly improve your chance of passing the course.
- The main body of the unit guides you through the required reading from other sources. This will usually be either from your reference or from a reading section.
- The following is a practical strategy for working through the course. If you run into any trouble, then put a call through your tutor or visit the study centre nearest to you. Remember that your tutor's job is to help you. When you need assistance, do not hesitate to call and ask your tutor to provide you necessary assistance.
- Read this course guide thoroughly. It is your first assignment.

- Organise a study schedule - Design a 'Course Overview' to guide you through the course. Note the time you are expected to spend on each unit and how the assignments relate to the units.
- Important information; e.g. details of your tutorials and the date of the first day of the semester is available at the study centre.
- You need to gather all the information into one place, such as your diary or a wall calendar. Whatever method you choose to use, you should decide on and write in your own dates and schedule of work for each unit.
- Once you have created your own study schedule, do everything to stay faithful to it.
- The major reason that students fail is that they get behind in their coursework. If you get into difficulties with your schedule, please let your tutor or course coordinator know before it is too late for help.
- Turn to Unit 1, and read the introduction and the objectives for the unit.
- Assemble the study materials. You will need your references for the unit you are studying at any point in time.
- As you work through the unit, you will know what sources to consult for further information.
- Visit your study centre whenever you need up-to-date information.
- Well before the relevant online TMA due dates, visit your study centre for relevant information and updates. Keep in mind that you will learn a lot by doing the assignment carefully. They have been designed to help you meet the objectives of the course and, therefore, will help you pass the examination.
- Review the objectives for each study unit to confirm that you have achieved them. If you feel unsure about any of the objectives, review the study materials or consult your tutor. When you are confident that you have achieved a unit's objectives, you can start on the next unit. Proceed unit by unit through the course and try to space your study so that you can keep yourself on schedule.
- After completing the last unit, review the course and prepare yourself for the final examination. Check that you have achieved

the unit objectives (listed at the beginning of each unit) and the course objectives (listed in the course guide).

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MODULE 1 CONFLICT MANAGEMENT

Unit 1	Meaning of Conflict Management
Unit2	Approaches of Conflict Management
Unit3	Conflict Management Style
Unit4	Communication and Conflict Management
Unit5	Third Party Intervention

UNIT 1 MEANING OF CONFLICT MANAGEMENT

Unit Structure

1.0	Introduction
2.0	Learning outcomes
3.0	Main Content
3.1	Definition of Conflict Management
3.2	Conflict Prevention
3.3	Conflict Settlement
3.4	Conflict Management
3.5	Conflict Resolution
3.6	Conflict Management in a globalised World
4.0	Summary
5.0	Self-Assessment Exercise
6.0	References/Further Readings
7.1	Possible Answers to SAE



1.0 Introduction

This lesson delves into the meaning, principles, and goals of conflict resolution.



2.0 Learning outcomes

After finishing this chapter, you ought to be able to:

- Highlight the basic concepts associated with conflict management;
- Distinguish between conflict prevention, conflict settlement, conflict resolution, and conflict management;
- Identify the various approaches to conflict management; and
- Identify the various conflict management styles.



3.0 Main Content

1.3.1 Meaning of Conflict Management

Conflict should be channeled toward beneficial effects in every human community, and conflict management must be seen as a part of a bigger process to ensure that man lives in peace and order. In the view of Fisher et al. (2001:7) “bringing about peace in a conflict situation is a process, which involves different stages, the best and most crucial of which is conflict transformation”. The stages are:

1.3.2 Conflict Prevention

This seeks to stop the start of a bloody war.

1.3.3 Conflict Settlement

This seeks to achieve a peace accord to put a stop to violent behavior.

1.3.4 Conflict Management

Through encouraging constructive behavioral adjustments in the persons involved, this seeks to reduce and prevent violence in the future.

1.3.5 Conflict Resolution

By addressing the root causes of conflict, this works to forge enduring bonds between opposing parties.

SELF-ASSESSMENT EXERCISE 1

What is conflict management?

1.3.6 Conflict Management in a Globalized World

Conflict management is another strategy for preventing, resolving, and managing conflict. According to Onigu Otite and Albert (1999:11), “it is more elaborate and wider in conception and application, when necessitated; it involves conflict resolution and transformation”. It is more of a long-term partnership with institutionalized rules and protocols for handling disputes wherever they arise. This view of the comprehensiveness and institutionalization involved in conflict management is further stressed by Zartman (1989:8), when he wrote that “conflict management refers to the elimination, neutralization of conflict from erupting into crises or to cool a crisis in eruption”.

Tensions between conflict management and conflict resolution have been expressed in conflict literature over time. However, the universal acceptance that the conflict management process may be a useful step towards conflict resolution now seems to have brought the two concerns together. It has been proposed that various periods of conflict, such as the pre-crisis, conflict, and post-conflict stages, may call for various governance structures and systems. According to the scant amount of literature on conflict resolution and prevention in the context of governance, this survey has come to the conclusion that while the structures and systems of governance need not differ during various phases, the issues that these systems and structures must address undoubtedly will.

Future conflicts that could occur in what has been dubbed a fragmented global order and governance have received comparatively little attention to date. It is becoming more and more obvious that externalities are having an increasing impact on states' ability to govern. Even more crucially, how individual governments manage regime concerns, regional issues, and global governance challenges may be used to measure their governance. In that sense, how governments and governance systems respond to novel forms of conflict may depend on their capacity to address both "domestic factors" and externalities.

Four significant gaps in the literature have been found by this survey. There aren't many works, if any, that truly connect governance and conflict-related concerns with development-related issues. Second, despite the fact that there is a growing body of literature on governance structures and conflict resolution techniques, there is still a pressing need for a significant work that integrates the many takeaways from different examples into a broader body of knowledge. Thirdly, and linked to the first two deficiencies, there are very few publications that provide concrete advice on how governance systems and institutions might resolve asymmetries or power inequalities.

Last but not least, few, if any, publications have made an effort to place the big shifts that are so quickly changing the world community in the perspective of future governance. Furthermore, none of the few publications that provide a glimpse into the future provide any insight into how future government may interact with emerging causes of conflict.

Additionally, it appears that no attempt is being made to determine what kind of development could be necessary amid the turmoil of change—either as a component of governance or even as a way to lessen conflict. In the end, the study highlights how crucial it is to make sure that the concepts, theories, and analyses of academics are informed by the perceptions, knowledge, and experience of practitioners. Both

practitioners and researchers must contribute to one other's worlds.



4.0 Summary

We have looked at conflict management definitions and its distinguishing features in relation to conflict resolution, settlement, and prevention in this unit. The topic of conflict management was also covered from the standpoint of its causes.

SELF-ASSESSMENT EXERCISE 2

What is the emerging focus of the global discourse on conflict management from the perspectives of causes?



6.0 References/Further Readings

Otite, Onigu and O. Albert (eds) (1999) *Community conflicts in Nigeria: Management, Resolution and Transformation*. Ibadan: Spectrum Books.

Ross, M.H., (1993) *The Management of Conflict: Interpretations and Interests in Comparative Perspective*, Yale University Press, and New Haven.

Sandole, D. and Sandole-Staroste, (1987) [eds], *Conflict Management and Problem-Solving: Interpersonal to International Applications*, New York University Press, NY,



7.0 Possible Answers to SEA

Q1 Meaning of Conflict Management?

Conflict should be channeled toward beneficial effects in every human community, and conflict management must be seen as a part of a bigger process to ensure that man lives in peace and order. In the view of Fisher et al. (2001:7) “bringing about peace in a conflict situation is a process, which involves different stages, the best and most crucial of which is conflict transformation”.

Q2 What is the emerging focus of the global discourse on conflict management from the perspectives of causes?

Conflict management is another strategy for preventing, resolving, and managing conflict. According to Onigu Otite and Albert (1999:11), “it is more elaborate and wider in conception and application, when necessitated; it involves conflict resolution and transformation”. It is more of a long-term partnership with established rules and protocols for resolving disputes wherever they arise.

This view of the comprehensiveness and institutionalization involved in conflict management is further stressed by Zartman (1989:8), when he wrote that “conflict management refers to the elimination, neutralization of conflict from erupting into crises or to cool a crisis in eruption”.

Tensions between conflict management and conflict resolution have been expressed in conflict literature over time. However, the universal acceptance that the conflict management process may be a useful step towards conflict resolution now seems to have brought the two concerns together. It has been proposed that various periods of conflict, such as the pre-crisis, conflict, and post-conflict stages, may call for various governance structures and systems. This survey's findings are based on the limited amount of literature that is currently available on conflict resolution and prevention in the context of governance, and they suggest that while the structures and systems of governance need not differ at different stages, the issues that they must deal with undoubtedly will.

UNIT 2 APPROACHES TO CONFLICT MANAGEMENT

Unit Structure

- 2.0 Introduction
- 2.1 Learning outcomes
- 2.2 Main Content
 - 2.2.1 The Judicial Approach
 - 2.2.2 The power – Politics Approach
 - 2.2.3 The Conciliatory Approach
- 2.4 Summary
- 2.5 Self-Assessment Exercise
- 2.6 References/Further Readings
- 2.7 Possible Answers to SEA



2.0 Introduction

Students should familiarize themselves with the various conflict resolution strategies and understand their advantages and disadvantages in various conflict scenarios.



2.1 Learning outcomes

After reading this unit you should be able to:

1. List the approaches to conflict Management; and
2. Explain how they apply to various conflict situations



2.2 Main Content

2.2.1 The Judicial Approach

This relates to the management of conflicts within a legal framework in which a third party is granted a kind of "Power of attorney," based on the trust that the conflict parties have in the third party, to take on the responsibility of evolving an effective agreement regarding the resolution is hardly reached through this approach. This is entirely legalistic and is based on the procedures that can be taken in accordance with local legislation. As examples, consider how different courts apply municipal legislation or how the International Court of Justice (ICJ) applies

standards for international arbitration. This strategy results in a win-lose and zero-sum situation. Due of the uncertain nature of the legal process, disputing parties are always reluctant to use it. The judicial strategy fundamentally involves litigating an issue to a conclusion. In this instance, the opponents have no say in which the third party is. In order for an intervention to take place, only one party is required, and a court has the final say.

SELF-ASSESSMENT EXERCISE 1

The Judiciary approach is the most reliable approach to conflict management. Discuss.

2.2.2 The Power –Politics Approach

When a third-party steps in to handle a conflict, it is not in the interests of the parties to the conflict but rather out of concern (personal) that borders on satisfying its own larger strategic goals. The third party intervenes in the conflict to exert pressure on the parties and impose its leverage, weight, but not confidence. During the Cold War, superpowers generally used power politics to resolve disputes between states.

In this context, a variety of strategies are employed, including "light" strategies like ingratiation, gamesmanship, persuasion, and promises, as well as "heavy" strategies like threats and irreversible pledges. Although conflict escalation is characterized by progressively harsh contentious tactics, contentious techniques are not always harmful. In order to reduce the other party's opposition to caving, one side uses ingratiation to win over the other party's goodwill. Pleasing the other party, supporting their viewpoints, and giving them a tiny favor are some specific strategies. The use of "creating a condition of anger or unrest that has the consequence of diminishing the other resistance to conceding" is referred to as gamesmanship. Both gratification and game-playing are most effective when the target is unaware that these strategies are being used.

Arguments that try to persuade the opposing side to lower their goals are known as persuasive arguments. A side often makes the case that they have a right to the result they want or that it would be in the other party's best interests if they lowered their expectations. Threats and promises aim to persuade the other party to do a certain action by tying additional repercussions (either good or bad) to their choices. Promises have the benefits of being typically successful, somewhat "pleasant," and having the potential to make the recipient feel obligated. The disadvantages of promises include that they cost the promising party whatever benefit was provided, receivers may later demand more lavish incentives, or they may be seen as bribes. Threats are even more potent than violence.

Making a firm decision to follow through on a possibly hazardous course of action is another strategy. The decision to concede apparently shifts "the center of power over the result of the exchange from the shoulders of one Party to those of another, who is now the only one capable of avoiding mutual calamity" to the shoulders of the opposing party. This strategy has the advantages of being successful and requiring little relative power (unlike promising or threatening). The disadvantages include the potential for significant dangers, the need for proactive action, the requirement for clarity and credibility, and the potential for escalation.

2.2.3 The Conciliatory Approach

It entails a procedure where a neutral third party seeks to improve communication between the parties at odds, assist them in understanding the problems at stake, and look into options for a peaceful resolution. Deep-seated conflicts, especially those involving strong emotions, inevitably call for the systematic replacement of negative feelings and perceptions with positive ones. This aids the parties to the conflict in identifying some areas of shared interest that could be used to advance the conflict resolution process.



2.4 Summary

We have studied the many conflict management strategies in this section. The judicial, power-political, and conciliatory methods are among them.

SELF-ASSESSMENT EXERCISE 2

How desirable is the use of the power-politics approach to conflict resolution in a world of nuclear arms.



2.5 References/Further Readings

Albert, I.O (1999). 'New Directions in the Management of Community Conflicts in Nigeria: Insights from the Activities of AAPW' in

pp. 34-63, Onigu Otite and O. Albert (eds) *Community conflicts in Nigeria: Management, Resolution and Transformation*. Ibadan: Spectrum books.

Imobighe, T. A. (2003). *The OAU (AU) and OAS in Regional Conflict Management: A Comparative Assessment*. Ibadan: Spectrum Books.

Otite, Onigu and O. Albert (eds) (1999) *Community conflicts in Nigeria: Management, Resolution and Transformation*. Ibadan: Spectrum books.

Rapaport, A., (1989). *The Origins of Violence: Approaches to the Study of Conflict*, New York: Paragon House,

Vayrynen, R., (1991). *New Directions in Conflict Theory: Conflict*

Resolution and Conflict Transformation, London:
Sage

Publications.



2.6 Possible Answers to SAE

Q1.

This is entirely legalistic and is based on accessible legal procedures that fall within the bounds of the applicable local laws. As examples, consider how different courts apply municipal legislation or how the International Court of Justice (ICJ) applies standards for international arbitration. This strategy results in a win-lose and zero-sum situation. Due of the uncertain nature of the legal process, disputing parties are always reluctant to use it. The judicial strategy mainly settles disputes through litigation.

Q2.

It entails a procedure where a neutral third party seeks to improve communication between the parties at odds, assist them in understanding the problems at stake, and look into options for a peaceful resolution. Deep-seated conflicts, especially those involving strong emotions, inevitably call for the systematic replacement of negative feelings and perceptions with positive ones. This aids the parties to the conflict in identifying some areas of shared interest that could be used to advance the conflict resolution process.

UNIT 3 CONFLICT MANAGEMENT STYLES

Unit Structure

- 3.1 Introduction
- 3.2 Learning outcome
- 3.3 Main Content
 - 3.3.1 Avoidance
 - 3.3.2 Confrontation
 - 3.3.3 Problem-solving
- 3.4 Summary
- 3.5 Self-Assessment Exercise
- 3.6 References/Further Readings
- 3.7 Possible Answers to SAE



3.1 Introduction

The varied ways that people, especially leaders, handle issues in a relationship are referred to as conflict management styles. According to Albert (1999:34), “response to conflicts can come in three major ways: by avoidance, confrontation and problem solving”.



3.2 Learning outcomes

After reading this unit you should be able to:

1. Identify various conflict management styles;
2. Explain the implications for peace and achievement of collective goals; and
3. Highlight the strengths, weaknesses and possibilities in various styles of conflict management.



3.3 Main Content

3.3.1 Avoidance

This refers to “a situation where a group alleging injustice or discrimination is literally ignored or denied recognition by those being accused and those who have the capacity for helping to redress the injustices done to the group”.

3.3.2 Confrontation

This involves threats, verbal aggression, litigation or physical violence from the “avoided”, ignored or “denied” party with the ultimate aim of getting a win-lose outcome.

SELF-ASSESSMENT EXERCISE 1

What do you understand by conflict management styles of avoidance?
--

3.3.3 Problem – Solving

This refers to “the situation in which the parties to a conflict, either by themselves or through the assistance of a third party, find solutions to their problems in a cordial environment”. The process of solving problems is non-judgmental and heavily interactive. It encourages cooperation between the parties to the dispute so that they may carefully plan out options for resolving their differences and analyze the conflict's structure together. Since problem solving often has positive effects for all parties involved in the dispute, peace and conflict academics and practitioners view it as the greatest way to resolve conflicts.

However, it is important to note that no matter how effective and promising a problem-solving method to conflict resolution may be, it is never easy for the parties to a disagreement to meet up for negotiations or for a third party to arrange for mediation procedures. The conflict's divisiveness is primarily to blame for this. A good mediation activity requires a lot of time, resources (both human and material), and strategy.

It is also important to highlight that most escalating wars in Africa, including the Liberian Civil War, included direct confrontation.

From a different angle, it can be claimed that the conflict management approach that should be used in a particular conflict situation is first defined by the degree of escalation that the conflict in question is being managed at. If an intervener or peacemaker is there to create peace, preserve peace, or enforce peace, it depends on the degree of escalation. Second, the position of the parties participating in the negotiation process can also influence conflict management. A disagreement may be handled by "negation," in which case the parties to the conflict participate in direct bargaining in an effort to resolve the issue, or "mediation." This involves resolving disputes with the aid of a (neutral) third party.



3.4 Summary

Imobighe (2003:4-12) states that “Mediation can involve a wide range of activities, including fact finding, message carrying, providing good officers, and serving as an honest broker”. He also states that mediation may be used broadly to refer to almost any type of outside party engagement in dispute resolution. The third party engagement is then divided into three categories by him: the legal or judicial approach; the power-politics approach; and the conciliatory approach.

SELF-ASSESSMENT EXERCISE 2

What is your understanding of problemsolving mechanism



3.5 References/Further Readings

Albert, I.O (1999). ‘New Directions in the Management of Community Conflicts in Nigeria: Insights from the Activities of AAPW’ in 34-63, Onigu Otite and O. Albert (eds) (1999) *Community Conflicts in Nigeria: Management, Resolution and Transformation*. Ibadan: Spectrum Books.

Imobighe, T. A. (2003). *The OAU (AU) and OAS in Regional Conflict Management: A Comparative Assessment*. Ibadan: Spectrum Books.



3.6 Possible Answers to SAE

Q1. Avoidance

This refers to “a situation where a group alleging injustice or discrimination is literally ignored or denied recognition by those being accused and those who have the capacity for helping to redress the injustices done to the group”.

Q2. Problem – Solving

This refers to “the situation in which the parties to a conflict, either by themselves or through the assistance of a third party, find solutions to their problems in a cordial environment”. Problem-solving procedure is non-judgmental and highly participatory in character. It promotes cooperation between conflict parties who jointly analyse the structure of the conflict and carefully work out strategies for reconciling with each other. Peace and conflict scholars and practitioners consider problem solving the best method of dealing with conflict as its outcomes are usually self-supporting in the sense that it is advantageous to all parties in the conflict. However, it is important to note that no matter how effective and promising a problem-solving method to conflict resolution may be, it is never easy for the parties to a disagreement to meet up for negotiations or for a third party to arrange for mediation procedures. The conflict's divisiveness is primarily to blame for this. Consequently, much organization, effort, and resources (both human and material) are required for a mediation action to be successful.

UNIT 4 COMMUNICATION AND CONFLICT

Unit Structure

MANAGEMENT

- 4.1 Introduction
- 4.2 Learning outcomes
- 4.3 Main Content
 - 4.3.1 What is Communication?
 - 4.3.2 Communication and Problem solving
 - 4.3.3 Cooperative Communication
- 4.4 Summary
- 4.5 Self-Assessment Exercise
- 4.6 References/Further Readings



4.1 INTRODUCTION

In this chapter, the importance of communication in the onset and resolution of conflict is discussed.



4.2 Learning outcomes

At the end of the unit, you should be able to

- Explain the meaning of communication and its centrality to conflict management.
- Highlight the importance of cooperative communication as it relates to various ways and stages of conflict management.



4.3 Main Content

4.3.1 What is Communication?

Communication is very important to conflict management. According to Wilmot and Hocker (1998) conflict management “starts from clarification of communication and checking of perception” which involves the

following:

- speaking out what is on one's mind;
- listening carefully;
- expressing strong feelings appropriately;
- asking questions;

- asking directly what is going on;
- telling others, one's opinion;
- looking for flexible 'shades of grey solutions';
- recognizing the power of initiating a cooperative move;
- identifying conflict patterns; and lastly,
- Engaging in negotiations of agreements and settlements.

The argument is that effective conflict management calls for strong communication abilities, especially when cross-cultural situations are involved.

4.3.2 Communication and Problem Solving

The goal of problem-solving is to find a compromise between the parties that will end the dispute "Talk between the parties or their representatives is unrestricted. They share information about their objectives and interests, collaborate to uncover the real challenges separating them, develop solutions to reconcile their divergent interests, and then jointly assess these solutions from the perspective of their mutual welfare." The parties may reach a compromise, decide on a method for deciding the winner, or create an integrated solution. The best solutions are those that maximize benefits for both parties and reduce the sense of competing interests by the persons involved.

For generating integrative possibilities, Pruitt and Rubin recommend five methods. By expanding the pool of resources available, parties may "expand the pie." In non-specific compensation, one party receives what they desire while the other is compensated with an unrelated kind of currency. Parties exchange concessions on low priority matters when they logroll. Finding strategies to achieve a party's objectives at little or no expense to the other party is known as cost reduction. Bridging can be used by the parties to create new possibilities that substantially serve their shared fundamental interests.

The parties must have a basic grasp of the interests that underpin their stances and the deeper interests that underlie those interests in order to successfully bridge or minimize costs. Even when surface-level interests clash, underlying interests can sometimes be resolved. "One frequently

finds that the issue under consideration has a different meaning to each of the two parties when one seeks the interests underpinning divergent positions." For instance, one party may be more focused on substance than the other, or one party may be more concerned with the short term than the other.

The authors propose a four-step approach to issue resolution. To ascertain if a conflict of interest actually exists, parties must first make the issue clear and understandable. Second, each participant must carefully consider their own interests and establish goals that are at least somewhat ambitious. Third, the parties should work together to find solutions to issues using the methods mentioned above, striving to develop an integrative solution that serves both sides' needs. Finally, if an integrative solution cannot be reached, one or both sides may need to decrease their goals and try again.

The parties must maintain responsiveness to the interests of the other party while being solid about their fundamental interests and flexible about how those interests may be achieved. The parties will need to create an agenda if there are multiple topics at stake. It is typically advisable to prioritize the simplest concerns first, deciding that no deal is final until everyone is given permission to logroll on the latter problems. When topics are extremely complicated, parties may start by first deciding on a general framework for how negotiations will continue. The interests of two parties are frequently psychologically (although not always practically) connected. In order to maximize the parties' flexibility and the likelihood of an integrative solution, such psychological attachments must be dissolved.

When one side is fighting hard, transitioning to a problem-solving tactic has dangers. The strategy adjustment may be interpreted as a show of weakness, prompting the other side to step up their efforts. Raising integrative choices might be viewed as retreating from a viewpoint. Discussing one's interests may provide the other party an edge. To mitigate these hazards, parties sometimes employ hidden measures to gauge the other's desire in transitioning toward a collaborative problem-solving strategy. Back-channel connections, meeting in informal, private, or even secret locations to discuss issue solutions, is one such covert approach. "Because it is even less evident whether they exist, intermediaries give better protection against image and information loss than back-channel encounters."

In order to engage the opposing party in issue solutions, a party may also use overt persuasion techniques. A tough but accommodative posture toward the other candidates is essential for successful recruiting. Parties demonstrate their firmness by asserting their interests vehemently,

encouraging constituents to do the same, refusing to agree to compromises on their own, and building a limited capability to threaten. Use of controversial techniques with caution can convey toughness while preventing escalation. Keeping the lines of communication open, displaying care for the other party, indicating a readiness to accept integrative solutions, and praising the other party's cooperative actions are all ways that parties may demonstrate their conciliatory purpose. Parties may also take unilateral actions to foster confidence.

SELF-ASSESSMENT EXERCISE 1

How do you use communication to solve problem?

4.3.3 Cooperative Communication

Some communication methods exacerbate conflict and rage. When we communicate in different ways, individuals are more likely to cooperate with us rather than against us. While it is obvious that overt accusations, slurs, and personal assaults are confrontational (the antithesis of cooperative), there are other more covert methods to sabotage dialogue. Let's look at the following statements to demonstrate some cooperative communication techniques:

"You never finish the work on time."

"It seems like you are having some difficulty with the timelines. What can I do to help?"

Which of these phrases do you think is more likely to elicit a productive dialogue? Clearly the first at least "sounds" antagonistic", while the second doesn't. Another example: *"If you had bothered to read the report, you would know...." It might be that the report wasn't clear on those points. Would you like me to explain?*

What are the ground norms for cooperation here? The opening remark in our first set of instances utilizes the absolute term "never," which tends to make the other person debate. The wording also suggests blame. The substitute statement is less aggressive, offers to cooperate, and utilizes the word "seems." The important word in the second phrase set is "bothered," which implies that the speaker is uninterested or sluggish, and that is what listeners would see. It is also an accusatory remark. In the substitution, we add another qualifier, "may," and then provide a suggestion for a fix.

The initial phrases in both sets are more likely to result in disagreement and interpersonal conflict, but the replacement phrases are more likely to lead to actual issue solutions.

SELF-ASSESSMENT EXERCISE 2

What is cooperative communication?

**4.4 Summary**

We defined communication, communication and problem-solving, and cooperative communication in this unit. We also emphasized how these ideas affect methods for managing conflicts.

**4.5 References/Further Readings**

Pruitt, Dean G. and Jeffrey Z. Rubin. (1986). *Social Conflict:*

Escalation, Stalemate and Settlement New York: Random House.

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4.6 Possible Answers to SEA

Q1.

Communication and Problem Solving

The goal of problem-solving is to find a compromise between the parties that will end the dispute "Talk between the parties or their representatives is unrestricted. They share information about their objectives and interests, collaborate to uncover the real challenges separating them, develop solutions to reconcile their divergent interests, and then jointly assess these solutions from the perspective of their mutual welfare." The parties may reach a compromise, decide on a method for deciding the winner, or create an integrated solution. The best solutions are those that maximize benefits for both parties and reduce the sense of competing interests by the persons involved.

For generating integrative possibilities, Pruitt and Rubin recommend five methods. By expanding the pool of resources available, parties may "expand the pie." In non-specific compensation, one party receives what they desire while the other is compensated with an unrelated kind of currency. Parties exchange concessions on low priority matters when they logroll. Finding strategies to achieve a party's objectives at little or no expense to the other party is known as cost reduction. Bridging allows the parties to create new possibilities that essentially fulfill both of their fundamental interests.

The parties must have a basic grasp of the interests that underpin their stances and the deeper interests that underlie those interests in order to successfully bridge or minimize costs. Even when surface-level interests clash, underlying interests can sometimes be resolved. "One frequently finds that the subject under examination has a distinct interpretation to each of the two parties when one explores the interests underpinning opposing perspectives." For instance, one side may be more focused on content than the other, or one party may be more concerned with the near term than the other.

Q2.

Cooperative Communication

Some communication methods exacerbate conflict and rage. When we communicate in different ways, individuals are more likely to cooperate with us rather than against us. While it is obvious that overt accusations,

slurs, and personal assaults are confrontational (the antithesis of cooperative), there are other more covert methods to sabotage dialogue. Let's look at the following statements to demonstrate some cooperative communication techniques:

"You never finish the work on time."

"It seems like you are having some difficulty with the timelines. What can I do to help?"

Which of these phrases do you think is more likely to elicit a productive dialogue? Clearly the first at least "sounds" antagonistic", while the second doesn't. Another example: ***"If you had bothered to read the report, you would know...." It might be that the report wasn't clear on those points. Would you like me to explain?***

What are the cooperative rules here? The opening remark in our first set of instances utilizes the absolute term "never," which tends to make the other person debate. The wording also suggests blame. The substitute statement is less aggressive, offers to cooperate, and utilizes the word "seems." The important word in the second phrase set is "bothered," which implies that the speaker is uninterested or sluggish, and that is what listeners would see. It is also an accusatory remark. In the substitute sentence, we add another qualifier, "may," then make a suggestion for a solution.

UNIT 5 THIRD-PARTY INTERVENTIONS

Unit Structure

- 5.1 Introduction
- 5.2 Learning outcomes
- 5.3 Main Content
 - 5.3.1 Definition of Third-party Interventions
 - 5.3.2 Role of Third Parties
 - 5.3.3 Forms of Third Parties Intervention
 - 5.3.4 Intervention Types
 - 5.3.5 Factors that influence Intervention Decision
 - 5.3.6 Achieving successful interventions
- 5.4 Summary
- 5.5 Self-Assessment Exercise
- 5.6 References/Further Readings
- 5.7 Possible Answers to SAE



5.1 Introduction

This unit exposes you to third party intervention as encapsulating broad elements of conflict management.



5.2 Learning outcomes.

At the end of the unit, you should be able to:

- Identify the basic elements of third-party intervention;
- Explain how third-party intervention works;
- Highlight the challenges and ethics of third-party intervention;
- List the factors that affect the success of third-party intervention.



5.3 Main Content

5.3.1 Definition of Third Party

Both "third party" and "intermediary" are phrases that are used to describe a person or group of persons who enter into a dispute to assist the disputing parties in managing or resolving it. Third parties may serve as

advisers, assisting one or both sides in understanding the situation and formulating a suitable course of action. As an alternative, they may take on the role of facilitators, setting up meetings, creating agendas, and facilitating fruitful talks. Additionally, facilitators frequently take notes during meetings and may create a brief report summarizing the talks and any agreements achieved.

A more active and powerful third-party role is that of mediator. Mediators, not only facilitate discussions, but they usually impose a structure and process on the discussions that is designed to move the parties towards mutual understanding and win-win agreements. While many different styles of mediations are common, most mediators have the conflicting parties sit down together to explain to each other their views about the nature of the problem and how they think it might best be solved. The mediator often tries to get the disputants to focus on underlying interests (the things they really need or want) more than their initial opening positions (what they initially say they need or want). By clarifying the divergent views and reasons for those views, mediators can usually get the parties to develop a common understanding of the situation, which often yields a solution which satisfies the interests of all parties. While some mediators take a stronger role in option identification and selection than others, mediators do not have the power to impose a solution. At most, they can suggest a solution, which the disputants may or may not accept.

The most powerful third-party role is that of an arbitrator. An arbitrator listens to presentations made by both sides, examines written materials and other evidence relating to a case, and then makes a determination of who is right and who is wrong, or how a conflict should be settled. Usually, the arbitrator's decision is binding and cannot be appealed. Thus, the arbitrator is the most powerful type of intermediary. Arbitration works well when the parties simply want a settlement, and do not worry about losing control of the process or the outcome. For parties that want to maintain control, however, the other forms of intervention (mediation or facilitation) are often preferred.

5.3.2 Role of Third Parties

To intervene means “to enter into an ongoing system of relationships, to come between or among persons, groups, or objects for the purpose of helping them...” Agyris (1970:15). Stanley Hoffman describes intervention as “a move by state or an international organization to involve itself in the domestic affair of another state, whether the state consents or not” (Hoffman, 1993:88).

The idea of intervention is that it is generally done by a third party. By

just being there, third people may alter confrontations, generally for the better. Third parties can play a variety of roles. They can act either formally or informally. They might be acting as individuals or as representatives of a bigger organization. They may be requested to join by the opposing parties or may act spontaneously. A successful third party will usually be unbiased; nevertheless, there are times when a partial involvement might be beneficial. Third parties may be restricted to advising the parties or may have the authority to make binding decisions on their behalf. They may step in to mediate disagreements between people or organizations. Some third parties will concentrate on the substance of the disagreement, whilst others will concentrate on the procedure.

5.3.3 Forms of Third-Party Intervention

Pruitt and Rubin identify three types of effective third-party intervention. First, third parties may interfere to alter the conflict's physical or social framework. They can encourage dialogue, provide a neutral or private setting for discussions, establish a timeframe and deadlines, provide resources, and mobilize public pressure. Second, third parties in a disagreement might alter the structure of the problem. They may assist parties in identifying concerns and interests, as well as breaking down psychological bonds. They can assist the parties in organizing and addressing the concerns. They can also bring new difficulties, alternate solutions, and higher-level ambitions. As a result, such involvement might encourage the disputing parties to achieve an agreement. Third parties save face for participants by bearing responsibility for compromises.

SELF-ASSESSMENT EXERCISE 1

What is the role of third party in the intervention process?
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5.3.4 Intervention Types

Nations often determine how to interfere depending on three reasons. The first factor to evaluate is the intervening nation's own capabilities and relationship to the war. Second, they examine the conflict's state and readiness for resolution. Third, the personalities of the parties and their decision-making systems impact involvement.

Crocker contends that a fourth issue should be given more consideration: nations should weigh the cost of intervention against the cost of doing nothing.

Military or diplomatic intervention is possible. Military intervention is not now the most common kind of intervention; however, it is done on

occasion. Diplomatic intervention can be long-term and purposeful, or it can be brief and sporadic. In the Middle East, the United States has undertaken long-term strategic diplomatic involvement. Strategic diplomatic intervention, on the other hand, is still quite unusual. The most prevalent type of diplomatic intervention is episodic, crisis-driven intervention. Such interventions can be useful in containing violence, but they do not yield settlements or agreements on their own.

Non-governmental organization interventions are new and growing. NGO initiatives are likely more effective than governments give them credit for, but they are also less effective than they claim.

Types of intervention include:

- (2) **Preventive Intervention** prior to the start of a dispute.
- (3) **Pre-emptive Intervention** Crocker argues that the “most effective way of dealing with violent internal conflicts is pre-emptively by acting early, before the violence becomes severe”. Nations experiencing repression or violent upheaval should be pushed to seek out diplomatic solutions. Arranging a public exit for soon-to-be overthrown leaders can also be an effective means of averting additional violence.
- (4) In general, pre-emptive action should target the factors that form and ignite ethnic conflicts. Crocker contends that knowing "the process by which politicized disputes become militarized" is critical to identifying and comprehending those circumstances. Militarized disputes are more difficult and expensive to manage. The idea is therefore to act ahead of time to avoid political confrontations from turning militaristic.

Crocker gives three examples of proactive action. To begin, countries may attempt to prevent early and potentially polarized elections. Second, states should step up efforts to disarm and reintegrate former fighters into civil life. Third, Crocker contends that mere secession is unlikely to resolve internal issues. If a country breaks up, the international community must demand.

- **Curative intervention** that aims at the solution, limitation, control or regulation of an existing conflict;
- **De-escalating intervention** that aims at reducing tension and must be based on insight into the factors and mechanisms that led to escalation in the first place; and
- **Escalating intervention**, it can be in the interest of a permanent conflict resolution to escalate a “cold” conflict (one in which the

parties avoid both contact and confrontation).

5.3.5 Factors that influence the Intervention Decision

Opponents of intervention typically raise two points. First, they argue that ethnic conflicts are often too intense for effective intervention. The combatants should be allowed to exhaust each other, and also their desire for peace to grow, before intervention is attempted. Secondly, intervention in internal conflicts violates the target nation's sovereignty. Outsiders lack a clear mandate to justify their intervention. They often lack the skills and knowledge to intervene effectively.

Still, there have been some significant and successful interventions into internal conflicts. The UN oversight of the decolonization of Namibia, and the Cambodian elections are two notable examples. Crocker asks, when then should intervention be attempted or avoided?

He suggests that in general "we probably should avoid military entanglement in nationalist revolutions and civil wars pitting whole groups and classes against one another." Crocker notes two exceptions to this generalization. First, we may intervene militarily if there are overarching strategic reasons to do so. Secondly, we may intervene if the issue is important, and success at a reasonable cost seems likely.

5.3.6 Achieving successful Interventions

What defines an effective intervention is a point of contention. For certain battles, even avoiding even worse tragedy may be considered a victory. In terms of defining success, Crocker argues that "the important point is that those who decide to intervene...have an obligation to develop their own definition of success, and to keep it firmly in mind while laboring to avoid becoming part of the problem and making things worse.

Certain general considerations apply regardless of the success criteria used. The intervention operation must have an effective and timely decision-making mechanism. Decision-makers must accept responsibility for their actions. The mission must take precautions to ensure that its soldiers are neither held prisoner or directly targeted by militants. The intervening group must keep and consistently exert control over the type and timing of the intervention. When the intervening group loses the initiative, interventions tend to fail. The action must be accompanied by sufficient information about the problem. Often, the personalities of the major actors make a significant difference in the result of an intervention. These characteristics are common in successful UN missions.



5.4 Summary

In terms of strategy, the international community must be willing to back involvement in some domestic disputes. However, we should avoid involving the UN or the US in any internal crisis. Engaging in initiatives that are unlikely to be successful and are ultimately counter-productive. Interventions must prepare for success as well. They must carry out preparations to execute any peace deal that is established. Successful interventions will recognize and capitalize on the relationship between diplomacy and armed power. Diplomatic interventions typically receive military support; armed power requires diplomacy to justify its aims and interests. As a result, military intervention is most successful when used in conjunction with an ongoing political peace process.

SELF-ASSESSMENT EXERCISE 2

When is it reasonable to intervene in a conflict as a third party?



5.6 References/Further Readings

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5.7 Possible Answers to SAE

Q1.

Role of Third Parties

To intervene means “to enter into an ongoing system of relationships, to come between or among persons, groups, or objects for the purpose of helping them...” Agyris (1970:15). Stanley Hoffman describes intervention as “a move by state or an international organization to involve itself in the domestic affair of another state, whether the state consents or not” (Hoffman, 1993:88).

The idea of intervention is that it is generally done by a third party. By just being there, third people may alter confrontations, generally for the better. Third parties can play a variety of roles. They can act either formally or informally. They might be acting as individuals or as representatives of a bigger organization. They may be requested to join by the opposing parties or may act spontaneously. An successful third party will usually be unbiased; nevertheless, there are times when a partial involvement might be beneficial. Third parties may be restricted to advising the parties or may have the authority to make binding decisions on their behalf. They may step in to mediate disagreements between people or organizations. Some third parties will concentrate on the substance of the disagreement, whilst others will concentrate on the procedure.

Q2

What defines an effective intervention is a point of contention. For certain battles, even avoiding even worse tragedy may be considered a victory. Crocker says that when it comes to defining success, "the crucial issue is that individuals who decide to intervene...have a duty to define their own definition of success, and to keep it firmly in mind while trying to avoid becoming part of the problem and making things worse." Certain general considerations apply regardless of the success criteria used. The intervention operation must have an effective and timely decision-making mechanism. Decision-makers must accept responsibility for their actions. The mission must take precautions to ensure that its soldiers are neither held prisoner or directly targeted by militants. The intervening group must continue to exist.

MODULE 2 DIVERSITY MANAGEMENT

Unit 1	Concept of Diversity
Unit 2	Diversity Related Issues
Unit 3	Managing Workplace Diversity
Unit 4	Managing Cultural Diversity
Unit 5	Managing Gender Diversity

UNIT 1 CONCEPT OF DIVERSITY

Unit Structure

- 1.1 Introduction
- 1.2 Learning Outcomes
- 1.3 Main Content
 - 1.3.1 Definition of Diversity
 - 1.3.2 Diversions of Diversity
- 1.4 Self-Assessment Exercises (SAEs)
- 1.5 Summary
- 1.6 References/Further Readings
- 1.7 Possible Answers to SEAs



1.1 Introduction

In all facets of life, including physical, economic, and social existence, homogeneity is extremely unusual. Species of animals and plants differ depending on their surroundings. The many languages we speak and the various ways we dress reflect the diversity of our existence. As a result, diversity is a widespread phenomenon in the family workplace, society, and globally. This unit teaches the notion of variety to you. What exactly does diversity imply? What are the different aspects of diversity? What additional ideas are associated with the diversity discourse? The unit contains the answers to these questions.



1.2 Intended Learning Outcomes (Ilos)

By the end of this unit, you will be able to:

- Define Diversity
- Examine Diversion in Diversity.



1.3 Main Content.

1.3.1 Definition of Diversity

The definition of diversity differs from author to author (Wellner, 2000; Cardens, Wartz and Rowe, 1994). Wellner (2000), “conceptualized diversity as a multitude of individual differences and similarities including race, age, creed, nationality religion, ethnicity and sexual orientation”. Cardens, Wartz and Rowe, (1994) “likens diversity to an onion with many layers. Organizations see diversity as differences in race, sex, religion and physical features. In some other organizations the definition includes sexual orientation and socio – economic status”. Race, ethnicity, gender, socioeconomic class, physical characteristics, religious views, marital systems, and political philosophies are all examples of diversity. Understanding, acceptance, and respect for each other's views and conduct are required to handle such difference.

SELF-ASSESSMENT EXERCISE 1

What do you understand by the diversity?

1.3.2 Dimensions of Diversity.

“At the organizational level, diversity has been compared to an onion, which has layers that once peeled away reveals the core by Cardens, Wartz and Rowe (1994)”. According to these writers, these levels are: organizational dimensions External dimensions, interior dimensions, and personality are all factors to consider. The organizational dimensional is the outermost layer of an onion, and it includes features like as management position, union affiliation, work location, seniority, divisions, departments, job content, and functional level categorization. Management and workers of a business can have an impact on these tiers. The external dimension represents qualities related to an individual's decisions. An individual has more influence over his or her own faith, educational background, employment experience, marital status, economic position, culture, and geographic location. Carden, Wartz and Rowe (1994), refer to these “personal control dimensions as the sources of prejudice and discrimination”.

“The internal dimensions refer to characteristics that are God given or come at birth. These are: age, race, ethnicity, sex and physical features. Personality is the inner content of diversity. Personality refers to the traits and stable characteristics of an individual which are consistent in the behavior of an individual in a given situation over time (Winstanley, (2006)”. Sullivan (2004), defines “personality as an important aspect of

our identity which is a constellation of attitudes, needs traits, feelings and ways of behaving”. A person's personality develops gradually, but once created, it typically remains steadfast throughout a person's life.

SELF-ASSESSMENT EXERCISE 2

How can you examine the diversification of diversity?



1.5 Summary

You learned in this lesson that diversity refers to variation along many dimensions, including race, ethnicity, gender, socioeconomic position, physical characteristics, religion, views, marital systems, and political ideas. Acceptance and understanding are two critical pillars for managing diversity. These two characteristics influence tolerance. Four dimensions of diversity as proposed by Cardens, Wartz and Rowe (1994), were also discussed. These are the organizational, external, psychological, and personality elements of diversity. The core of these factors is personality, which may be described as an individual's qualities and stable features that are constant in their conduct. The unit thoroughly explains a variety of terminology related to diversity.



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1.7 ANSWERS TO Saes 1-3

Q1. The definition of diversity differs from author to author (Wellner, 2000; Cardens, Wartz and Rowe, 1994). Wellner (2000), “conceptualized diversity as a multitude of individual differences and similarities including race, age, creed, nationality religion, ethnicity and sexual orientation”. Cardens, Wartz and Rowe, (1994) “likens diversity to an onion with many layers. Organizations see diversity as differences in race, sex, religion and physical features”. Other organizations incorporate sexual orientation and socioeconomic position in their definition. Race, ethnicity, gender, socioeconomic class, physical characteristics, religious views, marital systems, and political philosophies are all examples of diversity. Understanding, acceptance, and respect for each other's views and conduct are required to handle such difference.

Q2. “At the organizational level, diversity has been compared to an onion, which has layers that once peeled away reveals the core by Cardens, Wartz and Rowe (1994)”. According to these writers, these levels are: organizational dimensions External dimensions, interior dimensions, and personality are all factors to consider. The organizational dimensional is the outermost layer of an onion, and it includes features like as management position, union affiliation, work location, seniority, divisions, departments, job content, and functional level categorization. Management and workers of a business can have an impact on these tiers.

The external dimension represents qualities related to an individual's decisions. An individual has more influence over his or her own faith, educational background, employment experience, marital status, economic position, culture, and geographic location. Carden, Wartz and Rowe (1994), refer to these “personal control dimensions as the sources of prejudice and discrimination”.

UNIT 2 DIVERSITY RELATED ISSUES

Unit Structure

- 2.1 Introduction
- 2.2 Learning Outcomes
- 2.3 Main Content
 - 1.3.1 Diversity Related Issues
- 2.4 Self-Assessment Exercises (SAEs)
- 2.5 Summary
- 2.6 References/Further Readings
- 2.7 Possible Answers to SEAs



2.1 Introduction

As a result, diversity is a widespread phenomenon in the family workplace, society, and globally. This unit teaches the notion of variety to you. What exactly does diversity imply? What are the different aspects of diversity? What additional ideas are associated with the diversity discourse? The unit contains the answers to these questions.



2.2 Intended Learning Outcomes (Ilos)

By the end of this unit, you will be able to:

- Define some selected concepts related to Diversity
- Examine the nature of Diversity from Various angle.



2.3 Main Content.

2.3.1 Diversity Related Issues

In order to enhance your understanding of the diversity concept, a list of related terms is given. The following list provides definitions for words relating to diversity (Center for the Study of Religious Life, 2002).

- **“Ableism** - Discrimination against the physically or mentally disabled.
- **Ageism** - Negative beliefs, attitudes, and stereotypes about elderly

persons (such as wise, demented, kind, grouchy, experienced, incompetent).

- **Ageist Behavior** - behavior that discriminate on the basis of chronological age
- **Bias** - Any attitudes, belief, or feeling that results in, and helps to justify, unfair treatment of an individual because of his or her identity
- **Collectivistic culture** - A culture group that focus on interdependence, being in a group, and social cohesion
- **Culture** - The ideas, customs, skills arts, etc. of a given people in a given period
- **Culture Group** - An affiliation of people who collectively share certain norms, values, or traditions that are different from those of other groups
- **Disability** - covers a wide range of physical and mental conditions, including alcoholism, cancer, drug addiction, emotional illness, HIV, learning deficits, congenital abnormalities, speech problem, back problems, and facial disfigurement
- **Discrimination** - Unjustifiable negative behavior toward a group or its members
- **Ethnic Group** - A segment of a larger society whose members are thought, by themselves and/or others, to have a common origin and to share important segments of a common culture and who, in addition, participate in shared activities in which the common origin and culture are significant ingredients
- **Ethnocentrism** - The tendency to accept other groups, societies, or cultures by the standards of one's own culture
- **Ethnic relativism** - The tendency to accept other groups, societies and cultures without judgment
- **Heterogeneous** - Composed of unrelated or unlike elements or parts.... Different group members
- **Heterosexism** - The belief that heterosexuality is superior to homosexuality; the presumption that everyone is straight, and if not, they should be
- **Homogenous** - Composed of similar or identical elements or parts... same group members

- **Homophobia** - The irrational fear of homosexuals and homosexuality, in the form of harassment, discrimination, and discomfort in developing trust
- **Identity groups** - The physical appearance of an individual and the groups with whom an individual identifies personally
- **Individualistic culture** - A culture group that focuses on rights and independent action of the individual
- **In – Group** - Any group of people with common interests that give them a sense of solidarity and exclusivity as regards to all nonmembers
- **Majority Group** - The largest group
- **Minority Group** - A group with fewer members represented in the social system compared to the majority group
- **Out – Group** - All the people not belonging to a specific in-group
- **Prejudice** - An unjustifiable negative attitude toward a group and its individual members characterized by cognitive, affective, and behavioral components (prejudice can also be a positive attitude; however, it is the unjustifiable negative attitudes that impacts our acceptance of others)
- **Racism** - An institutionalized system of economic, political, social, and cultural relations that ensures that one racial group has and maintains power and privilege over all others in all aspects of life. Individual participation in racism occurs when the objective outcome of behavior reinforces these relations, regardless of the subjective intent. Consequently, an individual may act in a racist manner unintentionally (Derman – Sparks and Phillips, 1997).

Racism results from the transformation of racial prejudice and / or ethnocentrism through the exercise of power against a racial group defined as inferior by individuals and institutions with the intentional or unintentional supports of the entire culture. Stated simply, preferences for (or belief in the superiority of) one's own racial group might be called racism; while preference for (or belief in the superiority of) one's own ethnic group might be called ethnocentrism. Aversive (Modern) Racism - Indirect and subtle racism; pro-group rather than anti-group attitudes

- **Old-Fashioned Racism** - Blatant behaviors; out-group derogation

- **Sexism** - An individual's prejudicial attitudes toward people of a given sex
- **Stereotype** - A belief about the personal attributes of a group of people (positive or negative) that can form the basis for prejudice
- **Xenophobia** - A fear and / or hatred of strangers, foreigners, or anything that appears strange or foreign".

SELF-ASSESSMENT EXERCISE 3

How Can you explain any three related concepts of diversity?



2.5 Summary

You learned in this lesson that diversity refers to variation along many dimensions, including race, ethnicity, gender, socioeconomic position, physical characteristics, religion, views, marital systems, and political ideas. Acceptance and understanding are two critical pillars for managing diversity. These two characteristics influence tolerance. Four dimensions of diversity as proposed by Cardens, Wartz and Rowe (1994), were also discussed. These are the organizational, external, psychological, and personality elements of diversity. The core of these factors is personality, which may be described as an individual's qualities and stable features that are constant in their conduct. The unit thoroughly explains a variety of terminology related to diversity.



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2.7 Answers To Saes 1-3

Q1. Related Terms in Diversity.

Ableism - Discrimination against the physically or mentally disabled.

Ageism - Negative beliefs, attitudes, and stereotypes about elderly persons (such as wise, demented, kind, grouchy, experienced, incompetent).

Ageist Behavior - behavior that discriminate on the basis of chronological age

Bias - Any attitudes, belief, or feeling that results in, and helps to justify, unfair treatment of an individual because of his or her identity

Collectivistic culture - A culture group that focus on interdependence, being in a group, and social cohesion

UNIT 3 MANAGING WORKPLACE DIVERSITY

Unit Structure

- 3.1 Introduction
- 3.2 Intended Learning Outcomes (ILOs)
- 3.3 Main Content.
 - 2.3.1. The role of leadership in diversity management.
 - 2.3.2. Equal Employment Opportunity and Affirmative Action
 - 2.3.3 Approaches to Managing Diversity
 - 2.3.4 National approaches to diversity management
 - 2.3.5. Challenges to Managing Diversity
 - 2.3.6 Benefits of diversity in the workplace
- 3.4 Self-Assessment Exercises (SAEs)
- 3.5 Summary
- 3.6 References/Further Readings
- 3.7 Answers to SAEs



2.1 Introduction

You learned about the definition of variety, its dimensions, and related words in the previous unit. You will study more about diversity in the workplace in this unit. Workplace diversity is concerned with the distinctions that individuals offer to a company. Diversity encompasses the impact and opinions that human sources contribute to an organization. Human resources are made up of people from various educational backgrounds, cultures, sexes, and norms, among other things. Diversity, as exemplified by this example, is about learning from people who are not the same as you and may not share your viewpoints. Respect for everyone's fundamental human rights, decency, and a desire to learn from varied viewpoints are all required in this sort of circumstance.



3.2 Intended Learning Outcomes (Ilos)

By the end of this unit, you will be able to:

- Identify workplace
- Explain the role of leadership in diversity management
- Define equal employment opportunity/affirmative action.

- Enumerate the approaches to diversity in the workplace
- Identify challenges to managing diversity
- List the benefits of diversity in the workplace



3.3 Main Content

3.3.1 Classification of workplace

To improve your grasp of workplace diversity, you must first understand what a workplace is and how it is classified. A workplace is an organization in which two or more individuals routinely collaborate to achieve the same goals. Culture plays an important role in diversity (Cox, 1991), posits that there are three “organizational types that focus on the development of cultural diversity”. The three types are: the monolithic organization, the pluralistic organization and the multicultural organization. The presence of people from different cultural groups (structural integration) is minimal in a monolithic organization/workplace, and male dominance is very visible. Women are typically visible at lower levels of the organization in this sort of employment. Other members of the minority or marginalized groups are also not in positions of leadership or power.

A pluralistic organization has a more diverse membership. Members come from distinct cultural origins that differ from those of the dominant group. Cox (1991), explains that “workplaces these, seek to empower those from a marginalized standpoint, encourage opportunities for promotion and position of leadership Cox (1991)”.

The multicultural organization, the third group, not only has diverse cultural groupings, but it also values this variety. Harvey (2012), asserts that such “organizations encourage healthy conflict as a source of avoiding group think. Groupthink is a phenomenon that occurs when a group of people decides to agree to incorrect or deviant of decision outcome s mainly because of desire for harmony or to confirm”. Diverse opinion should not be subjugated to social pressure.

SELF-ASSESSMENT 1

- | |
|--|
| 1. Examine the action and in action of work place diversity? |
|--|

2.3.2 Managing diversity in the workplace.

Diversity management is a method for creating and sustaining a pleasant and supportive workplace climate. As previously stated, the goals are to build unity in diversity by assuring tolerance for individual differences

among employees. Leadership is critical in unifying diverse groups with disparate perspectives and interests in the workplace. The following section focuses on the role of leadership in managing workplace diversity.

3.3.3 The Role of leadership in diversity management

Eisenberg (2010), states that a “study of success in a multicultural organization can be understood by applying theories of leadership which have evolved overtime”. Among these views are trait leadership theories, which contend that leadership is determined by an individual's physical and social characteristics. The Great Man leadership philosophy was prominent in the nineteenth century. The myth was that some famous world leaders such as Julius Caesar, Mahatma Ghandi, Abraham Lincoln and Alexander the Great were born leaders and not made. This theory is largely related to the personality dimension which is core to diversity. Other leadership theorists posit that leaders are made and not born, and may therefore come from diverse origin. Kotter (1990), states that “successful organizations, seek out people with leadership potential, and then expose them to developmental experiences to bring out their potential”.

Styles of leadership that deal with power and authority include the autocratic, democratic, and laissez- fair. These styles focus on the distribution and sharing of power between the manager and the subordinate managers also use the situational style of Hersey and Blanchard(1977), in managing diverse employees, these styles are exhibited by managers based on their own personality experience and education among others. Eisenberg (2010), explains that the “transformational and discursive leadership are very relevant to multicultural organizations. Transformational leadership focuses on making changes using available human resources”. Discursive leadership focuses on a leader's capacity to alter organizational communication in order to accomplish outcomes. Effective communication cannot be done without a complete grasp of employees' cultural values, languages, perceptions, and other essential bio-data.

Diversity needs to be considered in effective communication. This agrees with Walck (1995)'s, definition of “diversity as negotiating interaction across culturally diverse groups and contriving to get along in an environment characterized by cultural diversity”. Transformational and discursive leadership styles foster an organizational culture that permits and encourages managers to leverage diversity as a resource for organizational performance.

3.3.4 Equal Employment Opportunity and Affirmative action

The notion of Equal Employment Opportunity arose from the efforts of minority organizations, particularly African Americans in the United States, to campaign for employment practices free of racial, ethnic, gender, and color discrimination. Kincaid (2013), reports that the “anti-discrimination movement began in the early 20th century with a period of interracial lobbying, litigation and public advocacy”. The first move towards Equal Opportunity Policy was the passage and enactment of the Civil Rights Act of 1964. Kincaid (2013), also reports that to “avert large scale protests by African American workers during a labor shortage amidst the World War II”. “President Roosevelt signed Executive Order 1880z creating Fair Employment Practices Committee (FEPC). The order banned racial discrimination in any defense industry receiving federal contracts. Affirmative action, also known as positive discrimination in the United Kingdom, refers to policies that prohibit the use of factors such as race, color, religion, sex, sexual orientation or national origin in employment, education and business (Executive Orders, 11246)”. In the U.S.A. the term affirmative action was first used in Executive Order 10925 and was signed by President John f. Kennedy on March 6 1961.

President John F. Johnson enacted Executive Order 11246 which required government employers to take “affirmative action” to hire without regard to race, religion, and national origin. In 1967, gender was added to the anti-discrimination list.

The goal of Equal Employment Opportunity and Affirmative Action is to increase opportunities for marginalized/minority groups in society. According to the argument, affirmative action serves to compensate for previous discrimination, persecution, or exploitation by a society's ruling class. At the international level, the International Treaty on the Elimination of All Forms of Racial Discrimination (United Nations Committee on Human Rights) states that nations that have signed the convention may be obliged to implement affirmative action programs. According to the United Nations Human/Animal Rights Committee, the concept of equality sometimes necessitates governments or organizations taking affirmative action to eliminate/minimize situations that cause or contribute to the perpetuation of discrimination forbidden by the Convention.

SELF-ASSESSMENT 2

Discuss the role of leadership in diversity management?

Opposition to Equal Employment Opportunity (EEO)/Affirmative Action.

As previously stated, Equal Employment Opportunity (EEO) promotes

equality via preferential treatment of socioeconomically disadvantaged groups. There are some adversaries among the numerous protagonists. Sher (1983), believes that “affirmative action devalues the accomplishments of people who are chosen based on the social group to which they belong rather than their qualifications. Another argument is that affirmative action has undesirable side effects as it hinders reconciliation, replaces old wrongs with new wrongs and encourages individuals to identify themselves as disadvantaged, even if they are not”. Gary (2006), argues that “EEO increases racial tension and benefits the more privileged people within minority groups at the expense of the least fortunate within majority group”.

Sowell (2004), writes that “affirmative action’s/ policies encourage non – preferred groups to designate themselves as members of preferred groups to take advantage of group preference policies. This tends to reduce the incentives of both the preferred and non-preferred to perform at their best”.

Another opposition to the EEO and affirmative theory is that of mismatch. According to the theory, a student can be placed in a school/college that is too difficult for him or her. “Whereas in the absence of affirmative action, a student will be admitted to a college that matches his or her academic ability and have a good chance of graduating. Hence affirmative action can hurt its beneficiaries (Heriot, 2007)”. Heriot, a professor of law at the University of San Diego And a member of the U.S. Commission on Civil Rights, reports a 2004 study that was conducted by UCLA law professor, Richard Sander. The study concluded that there were 7.9% fewer black attorneys than there would have been if there was no affirmative action due to mismatch.

2.3.5 Approaches to Managing Workplace Diversity

Tatlic and Ozibilgion (2002), propose three approaches “towards corporate diversity management, which transformational changes. They proposed a liberal change model. These approaches emanated from the belief that managing diversity goes to the belief that managing diversity goes far beyond equal Employment Opportunity and affirmative action”. Other management practices must be utilized in conjunction with diversity management. The liberal change model's goal is to create a fair labor market in which the best worker is picked based on performance.

The human resources department and top management should approve rules and regulations that promote fairness and nondiscrimination. The liberal change strategy focuses on the rule of law, compliance, and legal penalties for noncompliance. However, Jewson et al (1980), point out that “formal rules cannot cover every aspect of work life as there are informal

aspects to work such as affinity groups and alternative informal communication channels”.

Radical Changes

In contrast to the liberal approach, radical modifications strive to engage actively in workplace practices in order to promote a balanced workplace (across all diversity dimensions) and a fair allocation of incentives among employees. Thus, the radical approach is more concerned with the outcome than with the formulation of norms to assure equitable treatment. Quotas, which are created by firms or national agencies with the goal of controlling diversity in the workplace, are a crucial weapon for radical change. Quota systems are debated in terms of their usefulness.

“Arguments for and against quotas system in companies or public institutions include contrasting ideas such as: quota compensate for actual barriers that prevent marginalized members from attaining their fair share of managerial positions to quotas are against equal opportunity for all and imply that a marginalized members only got the position to fill the quota (Allen, 19950)”. Sweden's quota system for parliamentary seats is an example of drastic transformation through quota setting. In the Swedish parliament, a quota system was implemented with the goal of guaranteeing that women comprise at least a 'critical minority' of 30 or 40% of all parliament seats. Since the system's implementation, women's representation in parliament has increased considerably, exceeding the quota. Today, 47.3 percent of parliamentary representatives are women, which is higher than the global average of 19%.

Transformational change

“Transformational change covers an equal opportunity agenda for both the immediate need as well as long-term solutions (Cockbun 1989)”, In the medium term, additional steps are being implemented to reduce prejudice in operations such as recruiting and promotion. The long term, on the other hand, is considered as a company-wide transformative endeavor. This strategy acknowledges the presence of power structures and tries to destabilize current hegemony through the adoption of equality principles.

“One illustrative case for transformation change is ageing management; younger employees are seen as more innovative and flexible, while older employees are associated with higher costs of salary, benefits, and healthcare needs. Therefore, companies may refer young workers to older staff. Though application of the transformational concept an immediate intervention provides need relief while a long-term culture shift occurs (Brooke 260-283)”.

In the near term, an organization can enact legislation prohibiting age

discrimination. However, for a long-term solution, negative stereotypes of older employees must be replaced with the positive realization that older employees can add values to the workplace. To balance this idea with the benefits of innovation and flexibility that come with youth, a mix of ages in the workforce is ideal. The short-term approach, via transformational change, allows the business the time it needs to implement deep-rooted culture changes that lead to a more inclusive atmosphere.

2.3.6 National approaches to managing diversity

Three country cases are discussed here to give you further insight into the practice of diversity management. These countries are: France and United States of America

France

The 1958 French Constitution (<http://thisnation.com/library/france.html>) prohibits discrimination based on race, religion, or gender. A French variant of affirmative action based on locality has been in effect for elementary and secondary education since the 1980s. Some schools in communities designated as "Priority Education Zones" receive more funding than others. Students from these schools are also given preferential treatment at specific institutions. Affirmative action is used at high-ranking French schools, which are required to admit a specific percentage of pupils from low-income homes. Furthermore, following the lead of Norway, women must constitute at least 20% of board members in any publicly traded or state-owned enterprises from January 27, 2014. "After 27 January 2017, the proportion will increase to 40%. All male director nominations will be invalid as long as the condition is not met, and financial penalties may apply for other directors. (Vie Publique,2002)".

United States

Executive Order 10925, signed by President John F. Kennedy on March 6, 1961, established affirmative action by requiring government employers to "not discriminate against any employee or applicant for employment because of race, creed, color, or national origin" and to "take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin." 2010 Executive Order. President Lyndon B. Johnson signed Executive Order 11246, replacing Executive Order 10925 and reaffirming the Federal Government's commitment "to promote the full realization of equal employment opportunity through a positive, continuing program in each executive department and agency" on September 24, 1965. (Executive Order 11246, 2010). Executive Order 11375, which revised Executive Order 11246 on October 13, 1967, added

"sex" to the list of protected groups, expanded affirmative action to women. The initial objective of affirmative action in the United States was to coerce institutions into complying with the Civil Rights Act of 1964's nondiscrimination provision. Affirmative Action (Affirmative Action, 2009) Veterans, individuals with disabilities, and those over the age of 40 are not covered under the Civil Rights Acts. Different laws protect these populations against prejudice.

2.3.7 Challenges to Diversity Management

Assimilation for any member outside of the majority group is one of the most difficult problems an organization has when attempting to embrace a more inclusive atmosphere. A number of researchers have investigated the interaction between power, ideology, and discursive actions that help to perpetuate an organization's hegemonic structure. Everything from organizational symbols to rituals and legends serves to keep the dominant group in power.

When organizations aim to employ or promote persons who are not members of the dominant group into management positions, a significant tension emerges between the socially created organizational norm and acceptance of cultural diversity. Rather than being accepted for their peculiarities, these individuals are frequently taught and coached to develop the appropriate attributes for admission into the privileged group. Assimilates are frequently denied the opportunity to be themselves. This may potentially have a negative impact on organizational performance.

Another problem that organizations attempting to promote a more diverse workforce encounter is managing a varied population. Managing diversity entails more than merely recognizing individual differences. A number of organizational theorists have proposed that highly diverse work terms can be difficult to motivate and manage for a variety of reasons.

Miscommunication inside a corporation is a significant concern.

However, there are competencies that can aid in the development of effective communication in a variety of organizational settings. "These skills include self-monitoring, empathy, and strategy decision-making. Self-monitoring refers to a communication awareness of how his/her behavior affects another person along with his/her willingness to modify this behavior based on knowledge of its impact (Brownell, 2003)".

Strategic decision-making entails carefully selecting the communication sources and channels utilized to reach out to organization members, as well as the content of the messages sent. Judi Brownell notes in her essay "Developing Receiver-Centered Communication in Diverse

Organizations" that when people receive a message, they may interpret it differently. Each interprets messages and discerns meaning based on their own unique perspective, and without a willingness to accept differing perspectives, an environment is created in which marginalized groups have no voice. Maintaining a culture that promotes the notion of employee voice, particularly for members of underrepresented groups, is an extra issue that diverse organizations face. "When the organizational environment is not supportive of dissenting viewpoints, employees may choose remain silent for fear of repercussions, or they may seek alternative safe avenues to express their concerns and frustrations such as on-line forums and affinity group meetings. By finding opportunities such as these to express dissent, individuals can begin to gather collective support and generate collective sense-making which create a voice for the marginalized members so they can have a collective to trigger changes (Milliken et al, 2003)".

2.3.8 Benefits of Diversity Management

"Diversity is beneficial to both the organization and the members as noted above. Diversity brings substantial potential benefits such as better decision making and improve problem solving, greater creativity and innovation, which leads to enhanced product development, and more successful marketing to different types of customers (Cox, 1991)".

Organizations may compete in global marketplaces because they are diverse. Simply acknowledging variety encourages workers with various abilities to feel valued and belong, which boosts their commitment to the firm and allows each of them to contribute in their own unique manner.

According to standpoint theory, disadvantaged groups provide a new viewpoint to an organization that challenges the status quo since their socially constructed world view differs from the dominant group's.

Although the dominant group's viewpoint often has greater weight, a transformational leader would promote different viewpoints to coexist inside an organization, creating a platform for sanctioned conflict to occur. Conflict arises when people challenge the way things have always been done, and/or when ideas and problems are not investigated from many angles. Standpoint theory offers people in a position to identify patterns of behavior that those steeped in the culture find difficult to recognize a voice. These diverse viewpoints help to eliminate groupthink, which can develop within a homogeneous group. Page's (2007) mathematical modeling research of team work reflects this view. His models demonstrated that "heterogeneous teams consistently outperformed homogeneous teams on a variety of tasks". Page (2007), points out, however, that "diversity in teamwork is not always simple and that

there are many challenges to fostering an inclusive environment in the workplace for diversity and thought and ideas”.

SELF-ASSESSMENT EXERCISES 2

3. What are the challenges of diversity management.



2.5 Summary

This unit focuses on workplace diversity management. You learned in the unit that the presence of people from diverse cultural groups is limited in a monolithic organization, with male dominance prevailing. Most organizations, on the other hand, are pluralistic/ heterogeneous/ multicultural, having individuals from various cultural origins that differ from the dominant group. Diversity management is to create and sustain a good and welcoming atmosphere that values individual diversity.

Leadership is critical in implementing diversity management techniques.

Because the myth of the great man hypothesis has been exposed, a good leader may be created, and non-racial or cultural leadership techniques have been proven to be highly beneficial in diversity management. There are two common approaches to workplace management. These have been employed in the United States, the United Kingdom, and many other nations to minimize discrimination based on race, gender, sexual orientation, and color, among other distinctions. However, as you have read in the course, Equal Employment Opportunity and Affirmative Action are insufficient to provide successful diversity management; additional techniques such as liberal change, radical change, and transformative change should be used in addition to these two. Diversity management presents several obstacles. One of these is that very varied work teams can be challenging to inspire and manage for a variety of reasons. Diversity has many advantages. Some of these benefits include enhanced decision making and problem solving, as well as increased creativity and innovation.



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2.7 Possible Answers To Saes

Q1. “In order to enhance your understanding of workplace diversity, you need to know about what workplace is and its various classifications. A workplace is an organization where two or more people regularly come together to achieve the same objectives. Culture plays an important role in diversity (Cox, 1991)”, posits that there are three organizational types that focus on the development of cultural diversity. There are three sorts of organizations: monolithic organizations, pluralistic organizations, and multicultural organizations. The presence of people from diverse cultural groups (structural integration) is low in a monolithic organization/workplace, and male dominance is clearly visible. Women are typically visible at lower levels of the organization in this sort of employment. Other minority or marginalized members are not in positions of power or leadership.

Q2. The Role of leadership in diversity management

Eisenberg (2010), states that “a study of success in a multicultural organization can be understood by applying theories of leadership which have evolved overtime. Among these theories are the trait leadership theories which suggest that leadership is dependent on physical and social attributes of the individual”. The Great Man leadership philosophy was prominent in the nineteenth century. The idea was that legendary international leaders like Julius Caesar, Mahatma Ghandi, Abraham Lincoln, and Alexander the Great were born leaders rather than manufactured leaders. This hypothesis is heavily influenced by the personality component, which is central to variety. Other leadership theorists believe that leaders are created rather than born, and that they can come from a variety of backgrounds. Kotter (1990), states that “successful organizations, seek out people with leadership potential, and then expose them to developmental experiences to bring out their potential. Styles of leadership that deal with power and authority include the autocratic, democratic, and laissez- fair”. “These styles focus on the distribution and sharing of power between the manager and the subordinate managers also use the situational style of Hersey and Blanchard (1977)”, Managers display these approaches in managing varied personnel based on their own personality, experience, and education, among other things. Eisenberg (2010), explains that the “transformational and discursive leadership are very relevant to multicultural organizations. Transformational leadership focuses on making changes using available human resources”. Discursive leadership focuses on a leader's capacity to alter organizational communication in order to accomplish outcomes. Effective communication cannot be done without a complete grasp of employees' cultural values, languages,

perceptions, and other essential bio-data.

Q3. Challenges of Diversity Management

Assimilation for any member outside of the majority group is one of the most difficult problems an organization has when attempting to embrace a more inclusive atmosphere. A number of researchers have investigated the interaction between power, ideology, and discursive actions that help to perpetuate an organization's hegemonic structure. Everything from organizational symbols to rituals and legends serves to keep the dominant group in power.

When organizations aim to employ or promote persons who are not members of the dominant group into management positions, a significant tension emerges between the socially created organizational norm and acceptance of cultural diversity. Rather than being accepted for their peculiarities, these individuals are frequently taught and coached to develop the appropriate attributes for admission into the privileged group. Assimilates are frequently denied the opportunity to be themselves. This may potentially have a negative impact on organizational performance.

Another problem that organizations attempting to promote a more diverse workforce encounter is managing a varied population. Managing diversity entails more than merely recognizing individual differences. A number of organizational theorists have proposed that significantly different work periods can be difficult to motivate and manage for a variety of reasons.

A major challenge is miscommunication within an organization. There are competencies, however, which help to develop effective communication in diverse organizational environments. These “skills include self-monitoring, empathy, and strategy decision-making. Self-monitoring refers to a communication awareness of how his/her behavior affects s another person along with his/her willingness to modify this behavior based on knowledge of its impact (Brownell, 2003)”.

UNIT 3 MANAGING CULTURAL DIVERSITY

Unit Structure

- 3.1 Introduction
- 3.2 Intended Learning Outcomes (ILOs)
- 3.3 Main Content
 - 3.3.1 Concept of Culture
 - 3.3.2 Elements of Culture
 - 3.3.3 Cultural Diversity in Nigeria
- 3.4 Self-Assessment Exercises (SAEs) 3
- 3.5 Summary
- 3.6 References/Further Readings
- 3.7 Answers to SAEs 3



3.1 Introduction

You learned about workplace diversity in the previous unit. It was said that culture plays an essential role in workplace diversity. This course will provide you with a more in-depth understanding of cultures and ethnic groupings. Because of the numerous states of origin of personnel in your firms and the various languages spoken, you are already aware of Nigeria's multiethnic nature. Employees and members of society in general are more tolerant when they are aware of cultural variety. There is no such thing as a good or bad culture; it is simply a matter of acceptable behavior at a certain period.



3.2 Intended Learning Outcomes (Ilos)

By the end of this unit, you will be able to:

- Define race, culture and ethnicity
- Examine the role of culture, race and ethnicity in the society
- Examine the effects of cultural diversity on human resource management in Nigeria.



3.3 Main Content

3.3.1. Concept of Culture

“Culture is the way of thinking and acting as well as material objects that

together form a people’s way of life (Macionis 2011)”. Culture may be thought of as both nonmaterial and material. Non-Material Culture is made up of ideas developed by members of a society, such as music. Material Culture refers to the physical items that are unique to a certain group of people. Material cultural components (artefacts) include items that can be touched with the five senses, such as cooking utensils, wedding rings, and earrings, among others. Nonmaterial culture or mentifacts include all elements visible only to the mind, such as norms, belief systems, social institutions, and political order.

“Culture is often associated with a society and ethnicity. Society refers to people who interact in a defined territory and share a culture. Hence, there is no society without a culture and there is no culture without society (Marcolnis, 2011)”. In this sense, culture and society are fluid rather than static. For example, clothing styles in civilizations vary with time. Culture is made up of common ideas, values, and attitudes that govern group members' behavior. Ethnicity is more complicated since it is linked to common ancestry or intermarrying, as well as shared culture or history. The growth of mixed cultures and communities has been affected by the advancement of information and communication technology and globalization. The marriage system in Nigeria is a hybrid of foreign and indigenous customs. The qualities, origin, and associated perceptions of race, culture, and ethnicity are shown in Table 1.

Table 1: **Concept of Race, Culture and Ethnicity**

Concept	Primary characteristics	Origin	Associated perception
Race	Inherent, Biological, physical, Natural	Genetic – descent From a n ancestors	Permanent
Culture	Behavioral expression of preferred lifestyle	Upbringing – learned	Capable of being changed optional

Ethnicity	Ethnic	Multifaceted definite	Socially constructed	Negotiate especially through intermarriage
Group		identity		

Sources: The University of Warwick (2001) modified.

A racial group can be defined as a group of persons defined by color, race, nationality, ethnic or national origins (The UK Race Relations Act, 1976). Culture influences not just what we do, but also how people perceive and accept or reject specific actions. Employees' behavior in the workplace is frequently impacted by their culture. Culture impacts the languages spoken, which determines how words and symbols are interpreted. It has been stated that there are around 7000 languages in the world. "These languages are disappearing due to interaction and adoption of foreign tribes, migration and adoption of foreign language as the lingua franca of foreign languages (Lewis, 2009)". A language is a system of symbols that allows people to communicate with one another. Some societies write from left to right (Northern African Countries and Asia). Some write from right to left (Northern Southern, Eastern Africans). Some write from top to bottom (Eastern Asia). "There is no right or wrong way to write. Language is the tool for cultural transmission and this is a source of diversity (Marclonis, 2011)".

SELF-ASSESSMENT EXERCISE

What is culture.

3.3.2. Elements of Culture

"The concept of culture cannot be clear to you without understanding its elements. In this unit, the elements discussed are: symbols, language, values and norms (Marcionis, 2011)". A symbol is something that has a specific significance that individuals who share a culture recognize. Tubers of yam are regarded an essential present from the groom's family to the bride's family in South West Nigeria. The inability to recognize the significance associated to such symbols in a foreign context is known as culture shock. The most basic example of culture shock is food. Some Nigerian tribes consume dogs, which are reviled in other areas of the country. Language is a set of symbols that people use to communicate with one another. Each has a basis in reality. Sapir (1949) and Whorf (1956) posits that people see and understand the world through the cultural lens of language "Values and beliefs are also elements of culture, that underline diversity. Values are culturally defined standards that people use to decide what is desirable, good and beautiful and that serve

as broad guidelines for social living (Macionis 2011)". Macionis (2011) further defines beliefs as "specific ideas that people hold to be true. Nigerian tribes have much folklore that demonstrates their beliefs; Many Nigeria tribes' belief in being their brother's keeper. In an extended family system".

"Williams (1970), identify ten values of the U. S. A. culture are:

- Equal Opportunity
- Individual achievement and personal success
- Material comfort
- Activity and work by taking action and being proactive
- Practicability and efficiency
- Process
- Science
- Democracy and free enterprise
- Freedom
- Racism and group superiority – this implies that the U S culture judges others on the basis of gender, race, ethnicity and social class".

Norms are defined by Macionis (2011), as "rules and expectations by which a society guides the behavior of its members. These norms are widely observed and have great moral significance. Among the Yorubas in Nigeria, kneeling for an elderly person can be considered as a norm".

Non conformists are usually not considered as good examples.

Schaefer (2008), identifies "sanctions as an element of culture. Sanctions are penalties or rewards for behaving according to the norms of the society. Conforming to a norm can lead to positive sanctions such as pay raise, a medal, and a word of gratitude or a pat on the back. Negative sanctions included fines, threats, imprisonment and stares of concept". Culture has been categorized into Ideal and Real Culture. Schusky and Culbert (1967), defines culture as the "beliefs, values, and norms that people claim to follow. Real culture on the other hand, refers to actual behavior in relation to these professed beliefs, values and norms".

"It is well known that most Nigerians believe in God and are good at attending their places of worship but this has not translated into godly behavior of honesty, equality and equity". Sullivan Commission (2003) reports that in the "USA people place value on such ideals as equity, honesty and obeying the law, but lying, cheating and stealing are common occurrences. This situation tends to indicate that many factors influence people behavior". When confronted with depleting situations, corrupt leaders may have a detrimental impact on the conduct of others. There is also the idea of subculture to consider. A subculture is a group within a

culture that shares some of the wider culture's ideas, values, and conventions but also has those that are clearly its own. Fine According to & Kleinman (1979), membership in a subculture is based on adopting the subculture's views, values, and conventions and identifying with other members of the subculture. Subcultures emerge when members of a group become conscious of their shared interests, beliefs, and behaviors. **3.3.**

Cultural Diversity in Nigeria

You learned about the notion of culture and its aspects in sections 3.1 and

3.2. This part teaches you more about cultural variety. Cultural diversity is the presence of several cultures in an organization or community. It is also interpreted as the diversity of human communities or cultures inside a given nation or around the world. This diversity is reflected in many languages, dress styles, art, and traditional activities. While many civilizations are multicultural, Japan is widely seen as a monoculture.

“The United States of America is considered to be the most multicultural country in all the high-income countries (Macionics 2011)”. “Cultural diversity opens people to other cultural patterns. This led to typology of culture as high and popular culture. High culture refers to cultural patterns that distinguish society’s elite from others popular culture describes the cultural patterns that are widespread among a society’s population (Macionis 2011)”. Understanding the many types/patterns of culture is required for diversity management.

3.3 Cultural diversity in Nigeria

“Nigeria is well known for her cultural diversity. Otite (1990)”, reports that Nigeria has about 374 (three hundred and seventy-four) cultural grouping. Nzemeke and Erchagbe (1997) wrote extensively on the Nigerian cultures. According to the authors, the Niger – Delta region has a lot of minorities. Examples of three are the ijo, the Ndoki, Odual, Isoko, Urchobo, Abual and Hsekiri. The mode of dressing among these groups is the wrapper usually with a broad shirt or jumper for men and blouse for the women. Apart from the Itsekiri, the political organization of the tribes is established on the basis of village groups or clans. Alongside the Christian and Muslim religion, most of the people also believe in goddesses of the waters. The general ones are the Olokun/, the Olokun/many the water Benevolent; the bride of the seas.

“The cultures of the rain forest region can be categorized into four namely: the Yoruba group, the Igbo group, the Edoid group and some other minority tribes (Nzemeke and Erhagbe 1997)”. With enclaves in Togo, the Yoruba tribe spreads into neighboring Benin Republic. The

Edoid civilizations are located between the Igbo and Yoruba cultures.

Monarchical states exist in Yoruba culture. “The basic political unit in the Yoruba culture is the town which is composed of lineages organized in order of seniority determined by the order of settlement (Nzemeke and Erhagbe, 1997)”. Each lineage has a hereditary title assumed by theist leader. The leader of the lineage assumes the headship the founder lineage assumes the headship of the town. The head of the town is called a Baale or Oba (in case of a crown King). The cultures of the forest regions are known for their sophisticated artistic traditions and skills. Examples are the iron melting and black smithing in Ife, Nkwere, Awka, Abiriba and Oyo. This region believes in the existence of a supreme God called Olodumare (Yoruba), Osanobua (Benin) Oghena (Etsako), Chukwu/Obasi (Igbo) and Abasi (Ibibio).

Cultures of the Guinea Savanna Region

Guinea savanna nations are those in Nigeria's Middle Belt, which encompasses more than half of the country. According to Nzemeke and Erhagbe (1997), Adamawa, Nassarawa, Plateau, and Taraba account for over half of Nigeria's nations. The Tiv, Gwari, and Nupe are among the tribes who live in these territories. The locals claimed to be of Hausa or Jukun descent. There is widespread belief in the existence of a supreme God known as Ashili/Bakashili, among other names. These tribes respect both the Christian and Islamic faiths.

Cultures of Sudan Savanna.

The Guinea savanna nations are those found in Nigeria's Middle Belt, which covers more than half of the country. Nzemeke and Erhagbe (1997) estimate that Adamawa, Nassarawa, Plateau, and Taraba account for more than half of Nigeria's countries. These lands are home to tribes such as the Tiv, Gwari, and Nupe. The residents claimed to be of Hausa or Jukun ancestry. There is widespread belief in the existence of a supreme God called variously as Ashili/Bakashili. Both the Christian and Islamic faiths are respected by these tribes.

Conflicts from ethnic/culture diversity in Nigeria

Given the ethnic variety, it is not surprising that disputes may arise. Some of these conflicts are described by Mvendiga et al. (2001). Inter-ethnic cultural competition in Kogi State has resulted in violent events that have resulted in the loss of life and property. Chieftaincy disputes have caused significant societal upheaval, resulting in homicides.

and destruction of properties. Religious conflicts also existed in the middle belt. “In the Benue State, Christianity and traditional religious are dominant while the Muslims are in the minority. Mvendiga et al (2001)”, report that religions conflict has occurred over shrines.

Jibo (1993) reports the “religious upheavals in Bauchi, Kaduna, Zaria and Kano. There were also the Warri ethnic war of 1997 and the Ife – Modakeke. war of 1997 (Jekayinfa 2002)”.

Federal Character Policy

Prior to independence, many Nigerians wished for a society free of injustice, where all individuals (regardless of ethnic origin, cultural affiliation, class, religion, or gender) may enjoy the rights, benefits, and opportunities that the government provided. However, as the calls for independence grew louder, expectations of a more equal Nigeria were not met federal Character Commission 2013). To begin with, Nigeria has cultural diversity, phases of social and economic development, and levels of political awareness among its inhabitants. Second, differences in educational progress were noticed in different areas of the nation, resulting in some sections of the country having an advantage in the hiring of their indigenes into public services. As a result, in 1984, With the achievement of independence, the necessity to determine the criterion for fair development distribution became even more pressing. As a result, since 1 October 1960, when Nigeria gained independence, and since 1954, when she adopted the federal form of government, the country has attempted to practice the "Quota System" in one for another, understandable, the goal of adopting a federal form of government was to foster understanding and cooperation among the nation's distinct. It was intended that this type of government would strengthen the union of the federating units, while the federal government would have central authority over critical issues such as defense, security, and foreign policy. This style of administration was also supposed to offer the federating units significant influence and authority. However, while Nigeria's government and populace recognize the need of equality, there are no explicit norms in place to maintain justice. The sharing and distribution of resources, as well as the provision of infrastructure amenities, occurred freely, arbitrarily, and mandatorily. Furthermore, there was no established system for pooling central government resources and labor. As a result, there were disparities in the federating units' degrees of social, economic, and political development.

Given the complexities of Nigeria's political formation and federal character (i.e. the nation's heterogeneity), as well as its chequered history before and after independence, Nigerians found it increasingly necessary to define the processes that would ensure the corporate existence, the nation-state, and the peaceful existence of its people. As a result, the quota system was accepted as a national policy in 1967 and used for filling vacancies in federally controlled school institutions. Ironically, the program was implemented without a legally mandated authority charged with carrying it out.

The problem of "federal character" has become a significant concern by 1975. The formation of a constitutional Drafting Committee during the late General Murtala Ramat Muhammad's administration was part of efforts to address the issue of inequality. Despite efforts to correct the disparities in development in different parts of the country, the "Federal Character" notion was still unjustifiable to some individuals and thus not strictly adhered to. Against this backdrop, General Sanni Abacha's government endeavored, among other things, to remedy the majority of the issue. As a result, the 1995 Constitutional Conference aimed to address the knotty problems that tended to separate rather than unify Nigeria's many peoples. The Constitutional Conference's recommendations include the following:

- Political power sharing
- Addressing the marginalization of vulnerable groups
- Economic wealth distribution.
- The provisions for achieving such recommendations comprised the following:
 - The nation is divided into six geopolitical zones.
 - Rotating of certain political offices
 - Provision of new revenue sharing formulae and;
 - The establishment of a Federal Character Commission

SELF-ASSESSMENT EXERCISE 2

What are feature of cultural diversity in Nigeria?



3.5 Summary

You learned about the notion of cultural variety in this unit. Culture is the style of thinking, doing, and material artifacts that make up a people's way of life. Culture may be both tangible and non-material. In civilizations and ethnic groupings, both sorts of culture are abundant. Languages, values and ideas, value, conventions, and penalties are all components of culture. Cultural sanctions might be positive or bad, as you would have noticed. The quality of various or different cultures in an organization or community is referred to as cultural diversity. Languages, dress, art, and other traditional traditions all reflect this variety. Many cultures are multicultural in nature. Nigeria is famous for its cultural richness. These grouping have had occasions of conflicts of the middle belt, religious upheavals in Bauchi, Kaduna, Zaria and Kano, as well as the Ife-Modakeke fratricidal war.

The federal government took a bold step to manage cultural diversity

which had resulted in uneven economic development by including the principle of federal character in the 1999 constitution.



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3.7 Answers To Saes

Q1. “Culture is often associated with a society and ethnicity. Society refers to people who interact in a defined territory and share a culture. Hence, there is no society without a culture and there is no culture without society (Marcolnis, 2011)”. In this sense, culture and society are fluid rather than static. For example, clothing styles in civilizations vary with time. Culture is made up of common ideas, values, and attitudes that govern group members' behavior. Ethnicity is more complicated since it is linked to common ancestry or intermarrying, as well as shared culture or history. The growth of mixed cultures and communities has been affected by the advancement of information and communication technology and globalization. The marriage system in Nigeria is a hybrid of foreign and indigenous customs. The qualities, origin, and associated perceptions of race, culture, and ethnicity.

Q2. Cultural diversity in Nigeria

Nigeria is well known for her cultural diversity. Otite (1990), reports that Nigeria has about 374 (three hundred and seventy-four) cultural grouping. Nzemeke and Erchagbe (1997) wrote extensively on the Nigerian cultures. According to the authors, the Niger– Delta region has a lot of minorities. Examples of three are the ijo, the Ndoki, Odual, Isoko, Urchobo, Abual and Hsekiri. The mode of dressing among these groups is the wrapper usually with a broad shirt or jumper for men and blouse for the women. Apart from the Itsekiri, the political organization of the tribes is established on the basis of village groups or clans. Alongside the Christian and Muslim religion, most of the people also behave in goddesses of the waters. The general ones are the Olokun/, the Olokun/many the water Benevolent; the bride of the seas.

“The cultures of the rain forest region can be categorized into four namely: the Yoruba group, the Igbo group, the Edoid group and some other minority tribes (Nzemeke and Erhagbe 1997)”. The Yoruba group spills over into neighboring Benin Republic with enclaves in Togo. The Edoid cultures are sandwiched between the Igbo and Yoruba. The Yoruba culture culture has monarchical states. “The basic political unit in the Yoruba culture is the town which is composed of lineages organized in order of seniority determined by the order of settlement (Nzemeke and Erhagbe, 1997)”. Each lineage has a hereditary title taken by the head of theists. The pioneer lineage's headship is assumed by the leader of the lineage. The town's ruler is known as a Baale or Oba (in case of a crown King). Forest civilizations are noted for their profound creative traditions and talents. Iron melting and black smithing are examples at Ife, Nkwere, Awka, Abiriba, and Oyo. This area worships a supreme God known as

Olodumare (Yoruba), Osanobua (Benin), Oghena (Etsako), Chukwu/Obasi (Igbo), and Abasi (Ibibio).

Cultures of the Guinea Savanna Region

“Guinea savanna countries are those in the Nigerian Middle Belt, which covers more than 50% of the Nigerian Territory. Nzemeke and Erhagbe (1997)”, reports that Adamawa, Nassarawa, Plateau and Taraba account for about 50 % of the Nigerian countries. Among the tribes in these areas are the Tiv, the Gwari and the Nupe. The people here claimed to be from Hausa or Jukun ancestors. Like the other cultures, there is a general belief in the existence of a supreme God known as Ashili/Bakashili among others. These tribes tolerate both the Christian and Islamic religions.

Cultures of Sudan Savanna.

The Kanuri, Hausas, and Fulani are the most populous cultural groups in the Sudan Savanna area. The Hausa are Nigeria's most populous ethnic group. Currently, they are concentrated in Kano, Jigawa, Kaduna, Kastina, Sokoto, Kebbi, and Zamfara. Status is the primary basis for social and political organizations. The Sarakuna (chiefs) and the Masu Sarauta are at the pinnacle of the hierarchy (holders of offices). The third class, known as the talakawas, is at the lowest; Islam is the prevalent religion here. The purdah system, which guarantees economic independence for women despite seclusion and attire that covers practically the entire physical body, is notable among the culture.

UNIT 4 GENDER DIVERSITY

Unit Structure

- 4.1 Introduction
- 4.2 Intended Learning Outcomes (ILOs)
- 4.3 Main Content
 - 4.3.1 Social construction of gender
 - 4.3.2 Gender Diversity Concept
 - 4.3.3 Sociological perspectives of gender
 - 4.3.4 Feminism Concept
- 4.4 Self-Assessment Exercises (SAEs)
- 4.5 Summary
- 4.6 References/Further Readings
- 4.7 Answers to SAEs



4.1 Introduction

You learned about cultural variety in the previous unit. This subject will teach you about gender variety, which has its origins in human civilization. Gender diversity is based on the assumption that men and women have fundamental behavioral, intellectual, and psychological differences, and that these differences indicate men's superiority over women. Gender variety frequently leads to discrimination and prejudice against women at all levels, including the household, the institution, society, and the nation. Over the previous five decades, experience has demonstrated that a fundamental positive change of the relationship between men and women to equal partnership is a critical requirement for national growth.



4.2 Intended Learning Outcomes (Ilos)

By the end of this unit, you will be able to:

- Explain the social construction of gender and gender diversity
- Enumerate the gender diversity concepts
- Describe the sociological perspective of gender
- Evaluate the Feminism principles
- Assess gender diversity in the workplace



4.3 Main Content

4.3.1. Social construction of Gender

My heart skipped a beat when I first heard the voice of a female captain on an Arik aircraft from Lagos to Port Harcourt, Nigeria. Even though I thought myself to be gender sensitive, I struggled to accept a woman in the cockpit. I've subsequently traveled on an international trip by a woman, and the flight is identical as when the plane is piloted by a guy. My response to a woman in the cockpit is an illustration of how gender roles are socially constructed.

4.1.1. Definition of Gender

“Gender is the social attributes and opportunity associated with being female and male; and the relationships between women and men/girls and boys, as well as relations between women and girls; and men / boys (Olowe, 2012)”. Gender comprises of socially ascribed roles for the sexes that vary by civilization. Sex is a notion connected to gender. It is not rare to see self-completion forms that ask for the respondent's gender rather than sex. Sex is the biological categorization of human beings into females and men based on reproductive system differences. “(Olowe, 2012) Sex, is usually determined at birth although some people have chosen to undergo transsexual operations”. “Sex change is an operation with accompanying harmony treatment that changes the physical characteristics from one sex to another. Gender roles is a set of behaviors, that indicates whether a person’s identity is male or female. Schaefer (2008)”, Moreover, gender roles are expectations on suitable male and female behavior, attitudes, and activities. Both sexes can learn to cook and sew, fly airplanes, and repair automobiles, for example, yet most societies allocate cooking and sewing to women and flying airplanes and vehicle maintenance to men. Another good example given by Scharfer (2012), is that “traditional norms regarding marriage, expects the man should be older, taller and wiser than the women. These gender roles form the bedrock of gender diversity”.

SELF-ASSESSMENT EXERCISE 1

What do you understand by the concept of Gender.
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4.3.2. Gender Diversity

Gender diversity is founded on the difference between sex and gender. Gender varied persons describe themselves and behave in ways that people of their biological sex do not. They are frequently referred to as

transgender. These individuals might be heterosexual, bisexual, or gay. The principles that follow describe the many types of gender diversity.

4.3.2.1. Physical sex

Physical sex is frequently defined in terms of the genitals we have, but physical sex is much more than that. Humans exist in a variety of forms, sizes, and colors, and we also have a variety of physical sex depending on our own unique combination of chromosomes, hormones, and physical traits. Inspecting the genitals of a newborn to establish whether the infant is a male or a girl might be inconclusive or deceptive. Experts estimate that one percent of kids (at least 40, 000 each year in the United States alone) are born with bodies that vary in some manner from what is considered normal for men or females.

Some newborns have physical traits that make it difficult to determine whether they are male or female.

“My wife and I just had our first baby. People keep asking, is it a girl or a boy?” and I don’t know what to say because the baby has what the doctors call ambiguous genitals. The doctors are recommending a series of surgeries to “correct” the problem. I’ve never heard of this. I usually follow doctors’ recommendations, but I don’t know what to do. I feel so alone (Cook and Volman, 2013)”.

Other common elements of physical, genetic, and brain sex remain imperceptible to the naked eye, but may become obvious later, maybe during puberty, or only if genetic testing are undertaken.

4.2.2. Assigned sex

At birth, individuals proclaim a baby's assigned sex. The answer to the query "Is it a girl or a boy?" is assignment. Most of us are unaware that we have been assigned a sex, and we assume that we are the male or female that we were initially allocated.

“However, sex is sometimes ambiguous, as in the preceding example, and even when a baby's genitals look the way we expect them to, sex assignment on that basis alone isn't always correct.

our child was born with a girl’s body, externally, but when she was about four, our doctor noticed a slight bulge in her groin. After blood work and ultrasound. We learned that she had male chromosomes (XY) and testes rather than ovaries (Cook and Volman, 2013)”.

Others have unambiguous genitals but have a strong feeling that their assignment was incorrect, and they are deeply troubled by the situation

they find themselves in.

4.2.3. Gender Identity

Gender identity refers to an individual's internal view of their real gender. Most people never doubt or dispute their gender identity. They were born knowing whether they were a boy or a girl, which suited them well.

Some youngsters, on the other hand, realize from a very young age that their assigned gender and apparent physical sex are incorrect for them, that they are the opposite gender.

“My nephew is four years old. He’s been telling his parents for two years that he’s a girl and wants to wear dresses. My brother is beside himself. He keeps pointing to the child’s penis and saying, “You’re a boy, just like Daddy. “But the kid won’t buy it and is getting sullen by the day (Cook and Volman, 2013)”

Some people believe that neither male nor female are accurate representations of themselves.

“...I’m 24 years old and look androgynous. People don’t know what I am. I don’t feel that either label – male – or female – fits me. I’ve been trying to explain this to my mom, but she doesn’t get it. She keeps saying that I have to decide whether I’m a boy or a girl. I’m so frustrated (Cook and Volman, 2013)”

4.3.2.4 Gender role

Gender role refers to what society considers suitable for males and females in terms of attire, conduct, and other activities such as utilizing a certain toilet. When children meet gender role limits that make no sense to them, they frequently assume that they have a problem and begin monitoring themselves to ensure that they do not go beyond the gender role regarded proper for their assigned sex.

An intelligent girl who played dumb to try to become more popular, or
A boy who held back tears at his grandfather’s funeral because boys aren’t supposed to cry (Cook and Volman, 2013)”

We frequently overlook how culturally distinct gender roles are, and how what is accepted in one society is absolutely repugnant in another. Adult women in the United States, for example, are permitted to drive; in certain nations, this is prohibited. In certain nations, males openly express their feelings for each other; in the United States, this may be perilous.

4.3.2.5 Gender Presentation

Gender presentation refers to how people show their gender or gender role in public, including

- Clothing and jewelry they choose Their mannerisms.
- The way they talk and use their hands Their hairstyle.
- The interests they express, and Their speech.

I'm a 34 – years – old woman. When I was a kid, I felt comfortable only in boys' clothes. I was so relieved when I grew up and no longer had to fight with my parents over dresses. I wear men's clothes all the time, and people are fine with it. The only exception is the choir I sing in, which requires women to wear long skirts and men to wear tuxes. It's not that I want to wear a tux, but I find wearing that skirt incredibly stressful. (Cook and Volman, 2013)

SELF-ASSESSMENT EXERCISE 2

What do you understand by the Gender role?
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4.3.2.6 Perceived Gender

The perceived gender of someone is how they look to others. Consider how you "determine if someone is male or female." We generally judge people based on their clothing or appearance to determine whether they are male or female. This might be incorrect. Some men appear to be ladies when dressed as such, and vice versa.

4.3.3. Sociological Perspective of Gender

“Sociologists have proposed four perspectives towards understanding how and why there are social distinctions of men and women roles in societies (Parsons and Bales, 1955)”.

The four perspectives are:

4.3.1 The Functionalist View

“Prominent theorists of this view are Parsons and Bales (1955)”. They say that for the family to function well, people must specialize in certain duties. According to them, women play the expressive, emotional, and supporting role, while males play the instrumental, practical function, with the two complementing each other. In this situation, instrumentality refers to a focus on task, longer-term objectives, and care for the outward interaction between a family and other societal institution of harmony, as

well as the family's internal emotional issues. "The flaws in this categorization of women and men are well articulated by Schaefer (2008)": In today's environment, particularly in the United States, there are women who opt not to have children and hence may not be expected to be babysitters. Similarly, some guys like spending time with youngsters.

4.3.2 The Conflict Response Perspective

The conflict response viewpoint focuses on the underlying power dynamics between men and women. According to conflict theories, the relationship between men and women has traditionally been uneven, with males being the dominant group in many communities. Cultural attitudes regarding men's superiority over women are so entrenched in most nations that the Beijing Platform for Action (UNDP, 1985), adopted over 28 years ago, cannot erase them. Males are in charge, with the exception of rare matrilineal civilizations such as Ghana.

Conflict theorists also contend that male dominance requires a belief system that supports gender inequity. "Money et al (2002), listed two such beliefs. The first is that women are inferior outside the home (they are less intelligent, less reliable and less rational). The second is that women are more valuable in the concluded that the subordinate position of women in society is a consequence of social inducement rather than biological differences".

4.3.3 The feminist perspective

"Feminist's theorists believes that the subordination of women to men, is associated with injustice inherent in capitalist societies (Tuchman and Levine 1992), the theorists argue that until recently, the discussion of women and society, was distorted by the exclusion of women from academics thought, contributions of women to academic discourses were not published (Tuchman and Levine 1992)".

3.3.4 The Interactionist Approach

Gender stratification was studied at the micro level of everyday behavior by interactionist researchers. This method focuses on men's and women's gender-oriented behavior. Men, for example, are more prone than women to shift the subject of a discussion while ignoring themes proposed by women. "Men minimize the contributions and ideas of women (West and Zummarmen 1983)": These findings regarding cross-sex conversations have been frequently replicated. They have striking implications for the struggle for gender equality.

4.3.4. Feminism Concept

Feminism is the advocacy of social equality for men and women, as opposed to patriarchy and sexism, which hold that one gender is fundamentally superior to the other. Macionis (2011), reports that “the first wave of feminism in the United States of America (USA) began in the 1840s, when women opposed to slavery rose up against the suppression of African American women in particular and the oppression of women in general”. Notable women leaders in this effort were Elizabeth Cady Stanton and Lucretia Mott. The main purpose was to obtain the right for women to vote, which was achieved in 1920 (Macionis 2011).

4.4.1. Principles of Feminism

“Feminism is based on five general principles, which are explained as follows (Macionis 2011)”.

- Working to increase equality – This is about equal treatment. This principle aims to have social equality for women and men.
- “Expanding human choice – the principle aims at a gender lens that reintegrate humanity through the development of emotion, cooperation, rationality and competition traits in both sexes (French, 1985)”.
- “Eliminating gender stratification – This principle is aimed at ensuring equality of rights under the law. Feminism opposes laws and cultural norms that limit the education, income and job opportunities for women. The Equal Rights Amendment Law has not yet been passed as at 2011 (Macinois, 2011)”.
- “Ending sexual violence – The aim is to eliminate sexual violence. Existing patriarchal beliefs encourage violence against women in various forms such as battering, rape, sexual harassment and even pornography (Freedman, 2002)”.
- Feminism promotes sexual freedom by ensuring women's sovereignty over their sexuality and reproduction. Feminism advocates for the open access of birth control knowledge and the right to use or not use it, as well as the freedom to have or not have children, to stop or retain a pregnancy, and to be homosexual.

4.4.2 Types of Feminism

Feminism cannot be forced on both men and women. Women and men must not only be able to engage equally, but they must also want to. Stacey (1983), states that although “feminism agree on the importance of gender equality, they disagree on how to achieve it”. Liberal feminism,

socialist feminism, and radical feminism are used to clarify the various perspectives. Individuals should be allowed to develop their own skills and follow their own interests, according to liberal feminism. “This group of theorist accepts the basic organization of our society but seeks an expansion of women’s rights and privileges Socialist feminism believes that capitalism must change in order to replace “domestic slavery” of women’ The theorists propose collective means of carrying out housework and childcare (Macionis 2011)”. “Radical Feminism in the other hand, believes that patriarchy is so firmly entrenched that even a socialist revolution would not end it. Instead the theory suggests that society must eliminate gender itself (Macionis 2011)”.

4.5 Gender diversity in the workplace

Previously, all employees were automatically allocated to temporary, part-time, or low-skilled occupations since it was assumed that their main concern was to care for their families. Unmarried women were more likely to resign when they married (typically to an up-and-coming CEO in the organization), while married women quit when they became pregnant. Women with children were thought to be more concerned with their children than with their jobs. Furthermore, it was widely held that women were not as capable as males, either physically, cognitively, or emotionally. Women are no longer typically regarded as inferior to males (in fact, it is common to hear that men are inferior to women). And those ladies who wish to prioritize career over family. Organizations have gradually adapted to these changes, learning to see women as equals to men rather than as a pool of possible dates. Discriminating against female workers (in terms of employment and progress) as well as treating them sexually (sexual harassment) are now illegal. However, there are those women in the workforce who prioritize their families, and they are concerned that women (and likely men!) should be permitted to have flexible work schedules and remain on the fast track. Many managers, however, would argue that companies are commodities that give services in exchange for money. Their stockholders expect them to make items and deliver services for a profit. Others perceive the difficulties purely from a strategic standpoint. Firms compete for human resources, and as the workforce gets increasingly diverse, organizations must meet the different requirements of this workforce or risk losing them to competitors. Organizations that discriminate against women are compelled to hire from a narrower pool of candidates, limiting their potential to discover high performers. At the same time, some managers argue that growing diversity might lead to management issues. For example, having more women has resulted in an increase in sexual harassment (even if it is the men's responsibility). Increased diversity results in **Self-**

ASSESSMENT EXERCISE 3

Examine Gender Diversity in work place?

**4.5 Summary**

You learned about gender in society and the workplace in this unit. Gender refers to the social characteristics and possibilities associated with being female or male, as well as the connections between women and men/girls and boys/men/boy. Gender roles for all sexes are socially assigned and fluctuate over time and from civilization to society. Gender diversity is founded on the difference between sex and gender. Gender varied persons describe themselves and behave in ways that people of their biological sex do not. These individuals might be heterosexual, bisexual, or gay. Physical sex, assigned sex, gender identity, gender role, gender presentation, and perceived gender are all topics in gender diversity. These are the functionalist point of view, the conflict response point of view, the feminist point of view, and the interactionist approach. In the early 1900s, the term "feminist" was bandied around. It is the support for gender equality as opposed to patriarchy and sexism, which hold that one sex is fundamentally superior to the other. You also learned about the five feminist principles and the many varieties of feminism. Gender diversity in the workplace also emphasizes equitable and fair treatment of men and women. Homosexuals, single women, unmarried moms, and nursing mothers should all be treated equally. Gender equality at work improves organizational effectiveness. A mixed-gender workplace is preferable to either all males or all women.

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FGM



4.7 Possible Answers To Sae 4

Q1. Meaning of Gender

“Gender is the social attributes and opportunity associated with being female and male; and the relationships between women and men/girls and boys, as well as relations between women and girls; and men / boys (Olowe, 2012)”. Gender comprises of socially ascribed roles for the sexes that vary by civilization. Sex is a notion connected to gender. It is not rare to see self-completion forms that ask for the respondent's gender rather than sex. Sex is the biological categorization of human beings into females and men based on reproductive system differences. “(Olowe, 2012) Sex, is usually determined at birth although some people have chosen to undergo transsexual operations”. Sex change is a procedure that, in conjunction with harmonizing therapy, converts the physical traits of one sex to another. Gender roles are a collection of actions that show if a person's gender identity is male or female. Schaefer (2008), further explains that “gender roles are expectations regarding the proper behavior, attitudes and activities of males and females”. For example, both sexes are capable of learning to cook and sew, fly airplanes or repair vehicles but most societies assign cooking and sewing to women, and flying airplanes and vehicle repair to men.

Q2. Gender role

Gender role refers to what society considers suitable for males and females in terms of attire, conduct, and other activities such as utilizing a certain toilet. When children meet gender role limits that make no sense to them, they frequently assume that they have a problem and begin monitoring themselves to ensure that they do not go beyond the gender role regarded proper for their assigned sex.

An intelligent girl who played dumb to try to become more popular, or
A boy who held back tears at his grandfather’s funeral because boys aren’t supposed to cry.

We often forget how culturally specific gender roles are, that what is acceptable in one culture is completely unacceptable in another. For example,

Adult women are permitted to drive in the United States, although it is prohibited in several nations.

In certain nations, males openly express their feelings for each other; in the United States, this may be perilous.

Q3. Gender diversity in the workplace

Because it was believed that taking care of their families came first, all employees were automatically allocated to temporary, part-time, or low responsibility employment in the past. Women who were single and got married (typically to a rising executive in the firm) were more likely to leave their jobs than those who were married and became pregnant. It was assumed that women who had children would prioritize their children over their careers. In addition, it was widely believed that women lacked the cerebral, emotional, and physical strength of males. Nowadays, the perception of women's inferiority to males has changed (in fact, it is common to hear that men are inferior to women).

MODULE 3 CONFLICT MANAGEMENT

Unit 1	The Nature of Conflict
Unit 2	Conflict Prevention, Management and Resolution
Unit 3	Conflict Process and Curves
Unit 4	Responses of People in Conflict
Unit 5	Sociological Theories of Conflict

UNIT 1 NATURE OF CONFLICT

Unit Structure

- 1.1 Introduction
- 1.2 Intended Learning Outcomes (ILOs)
- 1.3 Main Content
 - 1.3.1 Definition of conflict
 - 1.3.2 The life cycle of conflict
 - 1.3.3 Organizational Effects of Conflict
 - 1.3.4 Role Conflict Concept
- 1.4 Self-Assessment Exercises SAEs 1
- 1.5 Summary
- 1.6 References/Further Readings
- 1.7 Answers to SAEs 1



1.1 Introduction

You learned about managing diversity in the previous unit. Conflicts frequently occur while managing variety and groupings of individuals. Organizations, families, and society will inevitably have conflicts of some kind. This is due to a variety of factors, including, but not limited to, disparities in perception, divergent goals, resource sharing, and disparate values. There is no perfect environment where individuals working for organizations, families, communities, or even entire countries, live in constant peace. The responsibility of the leader is to know how to avoid conflict and handle it when it arises at the world, national, community, organizational, and family levels. You will study more about the definition of conflict, the conflict life cycle, and other conflict-related topics in this unit.



1.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- Define conflict in your own words
- Explain the life cycle of conflict
- Enumerate the elements of role conflict
- Understand the features of organizational conflict



1.3 Main Content

1.3.1 Definition of Conflict

Conflict is typically described as a conflict or competition between individuals who have divergent wants, views, values, or ambitions. Erast-Orto (1981), points out the fact that “conflicts should not be defined simply in term of violence (behavior) or hostility, (attitudes), but also in terms of incompatibility or differences in issue position”. The behavioral component of conflict is highlighted in this definition. Conflict arises in companies when employees have opposing positions on operational and policy problems.

Wallenstee (2002), “Defines conflict as a situation in which two or more parties strive to acquire the same scarce resources at the same time”. With an extended definition of conflict causes that now includes factors like human security, the environment, and economic orientation, among others, this definition emphasizes the significance of the time component. Because various groups see these extra territories differently, conflicts frequently arise in these locations. In defining and managing conflicts, perception is a key topic. Perception is challenging to handle because it entails disagreements about religious principles and belief systems that cannot be resolved with straightforward legislation or even through military action. People integrate sensory inputs into a coherent and comprehensive perspective of their environment through the process of perception. A person equates perception with reality. For instance, the acceptance of clothing regulations depends on perceptions of what is seen appropriate together with

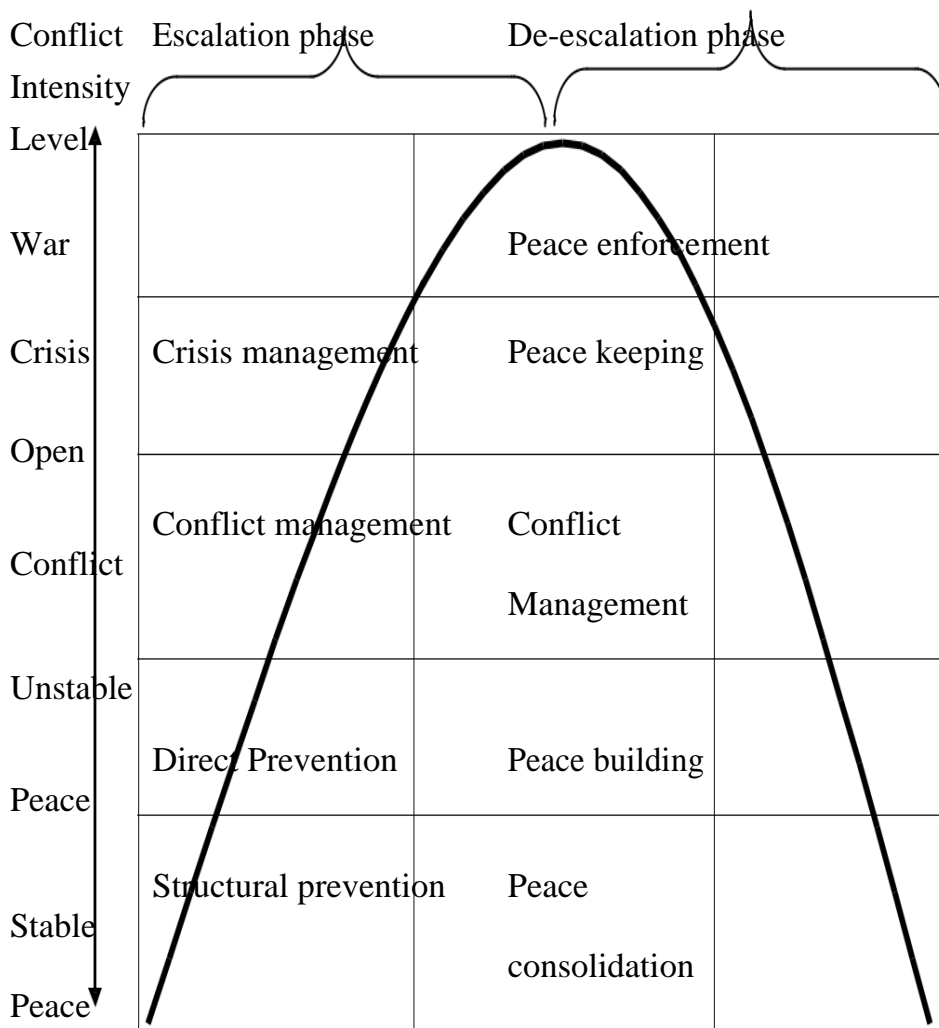
1.3.2 The Life Cycle of Conflict

Swanstrom and Wessman (2005), state “that a conflict is not a static situation but a dynamic one. Conflict has a life cycle like that of a human being”. There are typically three stages: the beginning, the middle, and the end. Conflict frequently cycles. Regarding intensity levels, conflicts must be characterized as cyclical, that is, increasing from (relative) stability and peace into crisis and war, then deescalating into relative calm. The majority of academics also concur that these cycles are cyclical.

Research on conflict patterns conducted empirically provides considerable support for this claim. It should be emphasized that many academics consider stable peace—also referred to as permanent peace—to be a separate phase. In this stage, the conflict is said to be over, meaning that its pattern of recurrence has been broken. Additionally, most models separate the phases of the conflict cycle's escalation and de-escalation.

Figure 1

The Conflict Cycle



Early-stage Mid-stage Late-stage Source: Swanstrom and Weissman (2005) p.11

The curve is split into nine historical stages and five levels of conflict severity (stable peace, unstable peace, open conflict, crisis, and war). Low tension between the parties and many types of linkages and collaboration between them, frequently involving economic and environmental cooperation as well as cooperation within other non-sensitive issues-

areas, are characteristics of a stable peace. Tension has risen during a time of shaky peace. Although there is currently a bad peace, the level of tension between the parties is so high that it does not appear that it will last. Even though militaristic solutions are the preferred or most likely, the dispute is still considered open when it has been characterized and the parties have taken action to resolve it.

The relationship between conflict prevention and conflict and crisis management has to be strengthened, just as the stages of the conflict cycle are crucial. By concentrating on the time element, it is simplest to differentiate between the notions. As for conflict prevention, it is by definition used before a disagreement becomes public and violent, i.e., to stop a conflict from arising in the first place (or to prevent a conflict from re-escalating in a post-conflict phase). At stable and insecure levels of peace before a conflict manifests, conflict prevention methods are successful. Here, it's crucial to distinguish between structural policies that frequently target certain groups or problems like cultural autonomy, political involvement, or economic growth.

Direct preventative efforts are targeted at problems with a shorter time horizon in mind in the unstable peace phase, i.e. to ease tension and build trust between the parties. The struggle also gets more issue-specific and more expensive from a financial and political standpoint as the window of opportunity for long-term efforts, including the creation of institutions, steadily closes. Direct preventative measures might include official or informal seminars addressing potential conflict concerns, as well as initiatives to promote transparency in the military, cut back on military budget, or increase collaboration in rescue efforts. Sanctions, coercive diplomacy, the appointment of special envoys, and problem-solving sessions are more examples.

On the other hand, conflict management and crisis management do entail strategies that are put into action before a situation degenerates into war but when a violent conflict is thought to be likely or imminent. As soon as the dispute has been detected by the parties involved, conflict management may be put into action in an effort to defuse the situation and stop it from getting worse.

Before a war breaks out, when there is little time to control the situation and it is fast escalating, crisis management is used. There is a lack of time and other resources to resolve the disagreement at this time, as well as insufficient knowledge. Conflict management involves less harsh tactics than crisis management, which tries to use every tool at our disposal to prevent the escalation of military conflict. Examples of such actions include the intervention of third parties, including stakeholders, foreign presidents, and the United Nations. Neither management nor prevention

are feasible when a conflict is in progress. Even while political, economic, and social tactics are utilized simultaneously to lessen the opponent's advantages, military weapons remain the principal instrument.

Later phases of peacebuilding and peace recognition are sometimes expensive monetarily and demand a significant political and economic commitment from the international community and the players involved. Not included here are the negative effects on the economy and society as a whole, but particularly on the weaker segments of society. Generally speaking, the de-escalation phases' employment of measures is significantly more expensive and politically difficult than the escalation phase's use of proactive measures.

SELF-ASSESSMENT EXERCISE 1

What do you understand by the concept of Conflict?
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3.3. Organizational Conflict

Conflict may arise in a variety of organizational domains. Structure, staffing, role relationships, and resource allocation are the most important ones. As organizational subunits compete for control of resources, conflict arises as a result of each unit pursuing and defending its own interests. Conflict occurs not only between different groups or organizational units but also between individuals. Conflicts may take numerous forms and levels. (Pondy1967) such as:

“Latent conflict: antecedent conditions of conflictful behavior (scarcity of resources, different opinions etc.)

Perceived conflict: the way people feel (hostile, anxious, or whatever)

Manifest conflict: the way people behave (verbally attacking another's position withholding information from another group or person needing it, or physically fighting it out – although this is frowned upon in most organizations)

The most useful definition seems to be that conflict is a dynamic process involving all of these things. It is, of course, a social process, in that it involves the relationship between two or more persons or groups. Although it is possible to observe or imagine a great number of conditions leading to conflict, much conflict in organizations appears to arise from one of three sources: (1) competition over scarce resources, (2) drives for autonomy, and (3) bifurcation of subunit interests (Bobbitt et al,1978)”.

Competition for scarce resources: a source of organizational conflict

Naturally, competition for scarce resources is ongoing within organizations. In large decentralized organizations, quasi-markets are frequently established, whereby subunits bid for resources and negotiate for the exchange of goods, services, and money. Scarcity is a basic economic reality that ensures competition for scarce resources is orderly on a macroeconomic level. However, even while it may be orderly, unconstrained bargaining by sub-units within an organization does not guarantee that the agreements reached will be in the best interests of the organization as a whole. Agreements might not be the best. As a result, management usually creates complex administrative processes to address internal rivalry for limited resources. Planning a budget is one such process.

At various levels of the organization, the competition takes many different forms both inside and between submissions. Role diversification among groups is one instance of this mechanism in action. The background of a person, particularly his ingrained behaviors (such as his talking, for example), and personal characteristics like age, IQ, and reputation all have a role in determining that person's function. His function is also influenced by the nature of the group project and the externally imposed structure, such as a communications network.

However, it would be oversimplifying to suggest that these variables determine role difference. Such a defense ignores the real procedure used to determine group responsibilities. The conditions of a member's membership or employment are first discussed. The company provides him with specific incentives, such as financial or emotional benefits or payoffs. It requires specific contributions from him in return—behavior that helps the organization succeed or reach its objectives. You would expect that after an inducement-contributions agreement has been reached and the member has joined the organization, such conversations will essentially come to an end. However, the negotiation process does not end with the recruitment of new individuals to the organizational process; rather, connections, demands, and expectations that eventually come to define the role structure evolve.

Drive for autonomy

If we assume that when a person enters an organization, a certain degree of indifference is formed, then we may propose that superior-subordinate conflict is most likely when the two sides do not agree on the boundaries of this zone. What happens if a subordinate refuses to follow orders from a superior or otherwise displays his or her independence? In attempt to reclaim control over the subordinate's actions, the superior would

frequently reply by bringing up rules and regulations. Although it could guarantee a minimum of uniformity, this could have negative effects. The subordinate's conduct is likely to become very firmly fixed at the level of minimal acceptability. (Bobbitt et al, 1978)

“Autonomy is important for an organization’s members. because a person must retain a degree of autonomy in order to look after his/her own interests, as he does in the outside world. The relationships and some of the external are shown in the model”.

We must remember that conflict may have both functional and dysfunctional components. When we evaluate the outcome of a conflict episode, however, we judge it as good or bad according to some value system. Thus, some particular manifest conflict may result in

personal costs (anxiety or frustration) organization’s functioning and be judges favorably by someone with a different value system. In evaluating the results of conflict then, we must be explicit in stating the value system that is out frame of reference.

Aftermath of

episode

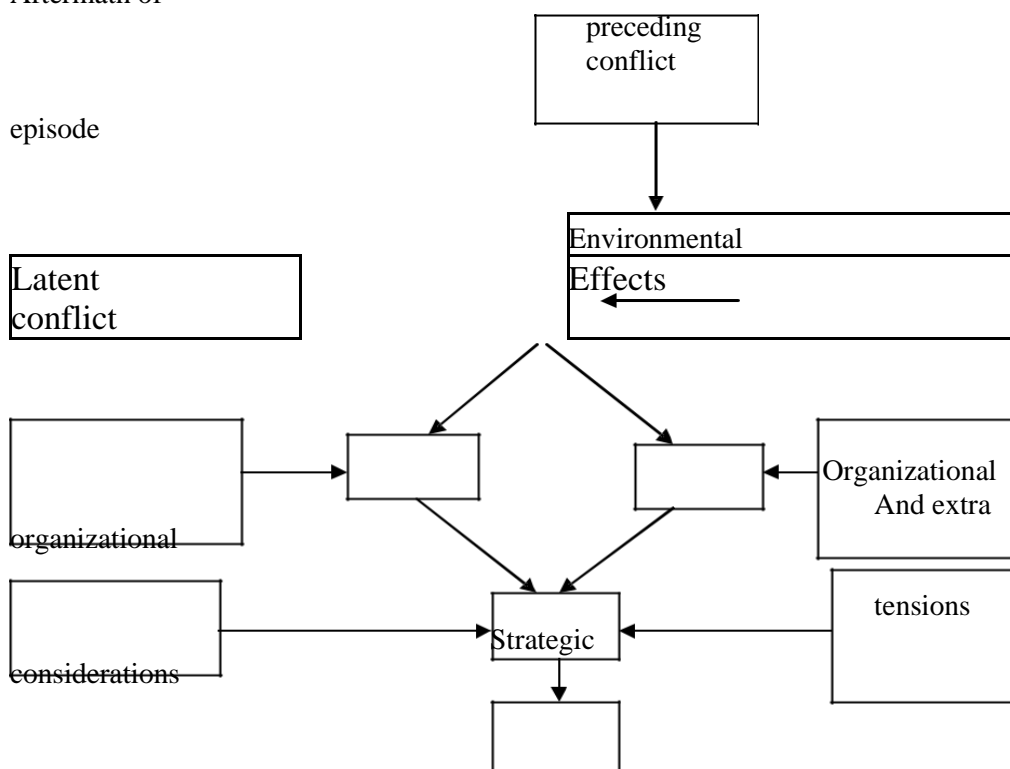


Figure 1. Stages of Conflict Sources: Pondy, L. R. 1967

Felt
conflict
Perceived
conflict
Manifest
aftermath
Conflict
aftermath
Suppression
and attention
focus
mechanisms
Availability of
conflict
resolution
mechanisms

The virtually traditional dispute between the sales and production divisions of a manufacturing firm may be the most vivid example of this sort of conflict. The purpose of the production department may be to produce a given range of items in compliance with cost and quality restrictions. The objective of the sales department is to advertise and sell the items while adhering to specified cost, profit, and customer satisfaction restrictions. Of course, in order for the sales department to succeed, the manufacturing department is necessary. Orders may need to be filled promptly and items may need to be created by the client. These requirements might be both financially and in terms of productivity for the production department if planning and coordination are not done on time. Conflicts resulting from divergent subunit aims may occur, similar to how competition for limited resources might.

Another problem is role conflict that arises mostly inside the individual. It commonly happens in the field of superior-subordinate relationships, especially at the level of the first-line-middle supervisor. Due to the fact that both his superior and his superior's superior want him to represent management to the employees, the first-line foreman is sometimes referred to as a "man-in-the-middle." He serves as their point of contact with the staff. At the same time, his subordinates look to him to represent them to management. If he can't rely on their interests, he risks losing their goodwill, which could make it very difficult for him to run an efficient department. He consequently finds himself in a situation of role conflict.

1.3.4. Organizational effects of Conflict

Most organizations live with considerable latent conflict unperceived and

unresolved. Cyert and March (1963), also argue that “some of this latent conflict may remain unperceived because certain of this coalition’s demands are *nonoperational*; that is their fulfillment cannot be verified – hence neither can their non fulfillment. More important, organization seem to attend to goals sequentially rather than simultaneously, so that they tradeoffs between incompatible goals may not be apparent, and conflicts potential, therefore, remain unperceived”.

The dispute has reached its third level. It is possible to identify potential conflict situations without feeling impact or emotion. However, conflict frequently arises when it is both felt and perceived. Pondy(1967), has defined the “manifest phase when one person knowingly

(Through not necessary deliberately) frustrates the goals of another. Because human beings

are problem solvers they will try to resolve conflict that may be perceived and felt. It is

only when these mechanisms fail to resolve conflict that it will become manifested in

conflictful behavior Pondy(1967) ”.

3.5 Role Conflict Concept

The roles that people play in organizations are a key idea that is crucial to understanding the nature of conflict. The way roles are understood and performed frequently affects how conflict is expressed. A role is the prescribed conduct expected of a post holder.

People frequently hold many positions simultaneously, such as being the CEO of a corporation, the traditional chief of their town, and a father. “Women also perform multiple roles as managers, chief executives of organization, mother and community leaders. Situation like this often led to role in congruency (Bobbitt et al, 1978)”. When this occurs, the person is likely to experience intra role conflict or inter role conflict.

When multiple expectations make it challenging for the incumbent to meet them all, there is an intra-role conflict. Intra role conflict can also arise from the incumbent of a post not understanding what is expected of them. A young lecturer who finds himself suddenly in charge of a department may treat senior colleagues disrespectfully because he doesn't understand his responsibilities and the appointment is only temporary.

“Inter role conflict takes place when someone occupies many roles

simultaneously (Bobbit et al, 1978)". Women in top management positions often have conflict with their husband or family due to inter role demands.

SELF-ASSESSMENT EXERCISE 2

What is the effect of conflict in an organization?



1.5 Summary

You have learned about the concept of conflict, the stages of conflict, its components, and the characteristics of organizational conflict in this unit. Conflict is typically understood to be a conflict or competition between individuals who have divergent demands, opinions, views, values, or objectives. You are aware of the conflict cycle, which depicts the transition from a state of steady peace to war. Competition for limited resources and role differentiation are two factors that can lead to conflict in an organization.



1.6 References/Further Readings

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1.7 POSSIBLE ANSWERS TO Saes

Q1. Meaning of Conflict

Conflict is typically described as a conflict or competition between individuals who have divergent wants, views, values, or ambitions. Erast-Orto (1981), points out the fact that conflicts should not be defined “simply in term of violence (behavior) or hostility, (attitudes), but also in

terms of incompatibility or differences in issue position. This definition focuses on the behavioral aspect of conflict. In organizations, different stands on issues of policy and operational matters lead to conflict Erast-Orto (1981)".

Wallenstee (2002), Defines conflict as a "situation in which two or more parties strive to acquire the same scarce resources at the same time. This definition stresses that time factor is important especially with an expanded definition of causes of conflict which include, human security, environment, and economic orientation among others. These additional areas often lead to conflict through differences in perception by different groups. Perception is a central concept in conflict definition and management".

Q2. Organizational effects of Conflict

A significant amount of latent conflict goes unnoticed and unsolved in the majority of companies. A portion of this latent conflict, according to Cyert and March (1963), may go unnoticed since parts of this coalition's demands are nonoperational, meaning that neither their fulfillment nor non-fulfilling can be confirmed. More importantly, organizations appear to prioritize goals sequentially rather than concurrently, making tradeoffs between incompatible aims less likely to be obvious and possible conflicts less likely to be noticed.

The dispute has reached its third level. It is possible to identify potential conflict situations without feeling impact or emotion. However, conflict frequently arises when it is both felt and perceived. Pondy(1967), has defined the "manifest phase when one person knowingly (Through not necessary deliberately) frustrates the goals of another. Because human beings are problem solvers, they will try to resolve conflict that may be perceived and felt. It is only when these mechanisms fail to resolve conflict that it will become manifested in conflictful behavior".

UNIT 2 CONFLICT PREVENTION, MANAGEMENT AND RESOLUTION

Unit Structure

- 2.1 Introduction
- 2.2 Intended Learning Outcomes (ILOs)
- 2.3 Main Content
 - 2.3.1 Positivism
 - 2.3.1.1 Conflict Prevention
 - 2.3.1.2 Conflict Management
 - 2.3.1.3 Conflict Resolution
- 2.4 Self-Assessment Exercises SAEs 2
- 2.5 Summary
- 2.6 References/Further Reading
- 2.7 Answers to SAEs 2



2.1 Introduction

You studied the nature of disputes and conflict in organizations in unit 1. You will study more about conflict management, prevention, and resolution in this unit. You must be aware of the variations between these three ideas since they frequently have varied meanings to other individuals. Each of the ideas has several meanings, yet they are all connected.



2.2 Intending Learning Outcomes (Ilos)

By the end of this unit, you will be able to:

- Define conflict prevention management and resolution Apply the terms to Conflict situations
- Explain the characteristics of conflict prevention, management and resolution



2.3 Main Content

2.3.1 Conflict Prevention

Direct prevention and structural prevention are frequently used as

categories for conflict prevention. Direct conflict prevention refers to actions taken to stop a prospective dispute from short-term, frequently imminent, escalating. The focus of structural prevention is on longer-term strategies that address the root causes of prospective conflicts as well as their escalating and triggering elements. The sending of a mediator or the removal of armed personnel are instances of direct prevention, whereas economic development aid or enhanced political engagement are examples of structural prevention. Although many policies, like military disarmament, can have both direct and structural impacts, it is crucial to distinguish between structural and direct prevention.

Conflict Prevention

“The next concept that needs to be explained is conflict prevention. Despite the wide array of writings on conflict prevention, there is a lack of consensus regarding its definition (Ackerman, 2003)”. Thus, there is a wide range of definitions, ranging more narrow ones focusing on limited ways of preventing conflict. Lund (1996), defines “preventive diplomacy as actions taken in vulnerable places and times to avoid the threat or use of armed force and related forms of coercion by states or groups to settle the political disputes that can arise from destabilizing effects of economic, social, political, and international changes”. Boutros-Ghali (1996), defines “preventive diplomacy as the use of diplomatic techniques to prevent disputes arising, prevent them from escalating into armed conflict and prevent the armed conflict from spreading”. These categories are exclusive to diplomatic actions and do not include non-diplomatic actions like military or economic growth. Preventive diplomacy is a difficult word, it should be underlined. In contrast to conflict prevention, which encompasses a broader range of preventative measures of which diplomacy is simply one, the word emphasizes diplomatic efforts of conflict prevention during the early phases of a conflict.

Among the more inclusive definitions is that of in Carment and Schnabel’s (2003), which defines “conflict prevention as “a medium and long-term proactive operational or structural strategy undertaken by a variety of actors, intended to identify and create the enabling conditions for a stable and more predictable international security environment”. “Lund (2002), suggests a wider definition which defines it as any “structural or intercessory means to keep intrastate or interstate tension and disputes from escalating into significant violence and use of armed forces, to strengthen the capabilities of potential parties to violent conflict for resolving such disputes peacefully, and to progressively reduce the underlying problems that produce these issues and disputes”. This definition takes into account all actions that deter violent conflicts and improve the ability of the parties involved to act structurally to lessen the likelihood of conflict.

2.3.2. Conflict Management

Tanner (2000), defines “conflict management as the limitation, mitigation and/or containment of a conflict without necessarily solving it”. Wallenstein (1994) and Swanstrom (2002) have added to this definition and argued that the “conflict management should imply a change, from destructive to constructive, modes of interaction”. Zartman (1987), argues that “conflict management refers to eliminating violent and violence-related actions and leaving the conflict to be dealt with on the political level. Zartman’s argument has been somewhat criticized as NGOs, and academic institutions have emerged as important actors and now influence the conflict management process”.

SELF-ASSESSMENT EXERCISES 1

In your own words define conflict prevention and conflict management.

2.3.3. Conflict Resolution

The cornerstone for more efficient conflict resolution is the conflict management process. But as a first step, it's important to distinguish between conflict management and conflict resolution because these ideas are frequently mixed up or improperly combined. Resolution of fundamental incompatibility in a disagreement and acknowledgment of each party's presence are two key components of conflict resolution.

Zartman (2000), points out that both the “conflict resolution aspect (negotiation) and the management aspect are needed to arrive at a peaceful result. He argues that they are both ends of the same continuum. One end aims at resolving the current conflict so that business or peace can move on while the other aims at resolving the deeper underlying conflict over time”.

There are formal and informal methods of resolving conflicts. It can either be intended to end or resolve disputes through a transparent and foreseeable legal process. In conclusion, while conflict management and conflict resolution are distinct ideas, they are also intimately connected. They are two conflict resolution strategies that are employed at various phases of the same dispute and on separate sides of a continuum. Similar arguments have been made that conflict management and conflict avoidance are two sides of the same coin. It has also been argued that conflict management is required in order to enable the initiation of preventing measures aimed at resolving the dispute. Zartman (1997), argues that the “difference merely exists in theory and that both concepts are still problematic”.

SELF-ASSESSMENT EXERCISES 2

What do you understand by conflict Resolution.

**2.5 Summary**

You gained knowledge about conflict management and resolution in this unit. Direct and structural conflict prevention are the two categories. Direct prevention refers to actions taken to stop a possible conflict's short-term, immediate escalation. The primary focus of structural prevention is on simple, long-term solutions that deal with the root causes of a potential conflict. The prevention, reduction, and/or containment of a possible conflict without necessarily resolving it is known as conflict management. It is frequently used in connection with violent conflict. Conflict resolution is the process of resolving the underlying issues that led to the conflict; it can be formal or informal.

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2.7 Possible Answers To Saes

Q1. Conflict Prevention

“The next concept that needs to be explained is conflict prevention. Despite the wide array of writings on conflict prevention, there is a lack of consensus regarding its definition. (Ackerman, 2003)”. There are also many different definitions, ranging from more specific ones that concentrate on a few different approaches to avert conflict. Lund (1996), defines “preventive diplomacy as actions taken in vulnerable places and times to avoid the threat or use of armed force and related forms of coercion by states or groups to settle the political disputes that can arise from destabilizing effects of economic, social, political, and international changes”. Boutros-Ghali (1996), defines “preventive diplomacy as the use of diplomatic techniques to prevent disputes arising, prevent them from escalating into armed conflict and prevent the armed conflict from spreading”. These categories are exclusive to diplomatic actions and do not include non-diplomatic actions like military or economic growth. Preventive diplomacy is a difficult word, it should be underlined. As was already said, the word emphasizes diplomatic attempts to avert conflicts during the early phases of a conflict, whereas conflict prevention refers to a broader range of preventative measures, of which diplomacy is simply one component.

Q2. Conflict Resolution

The cornerstone for more efficient conflict resolution is the conflict management process. But as a first step, it's important to distinguish between conflict management and conflict resolution because these ideas are frequently mixed up or improperly combined. Resolution of fundamental incompatibility in a disagreement and mutual acceptance of each party's presence are terms used to describe conflict resolution.

Zartman (2000), points out that both the “conflict resolution aspect (negotiation) and the management aspect are needed to arrive at a peaceful result. He argues that they are both ends of the same continuum”. The goal of one end is to end the current conflict so that things can get back to business as usual or peace, whereas the goal of the other end is to eventually end the deeper underlying conflict. There are formal and informal methods of resolving conflicts. It can either be intended to end or resolve disputes through a transparent and foreseeable legal process. In conclusion, while conflict management and conflict resolution are distinct ideas, they are also intimately connected.

UNIT 3 THE CONFLICT PROCESS

Unit Structure

- 3.1 Introduction
- 3.2 Intended Learning Outcomes (ILOs)
- 3.3 Main Content
 - 3.3.1 Stage1: Potential Opposition or Incompatibility
 - 3.3.2 Stage 2: Cognition and Personalization
 - 3.3.3 Stage 3: Intention
 - 3.3.4 Stage 4: Behavior
 - 3.3.5 Stage 5: Outcomes
 - 3.3.6 Stage 6: Conflict Curves.
- 3.4 Self-Assessment Exercises (SAEs)
- 3.5 Summary
- 3.6 References/Further Readings
- 3.7 Answers to SAEs



3.1 Introduction

You studied conflict prevention, management, and resolution in the previous unit. You will study more about the conflict process and conflict curves in this unit. The many stages, from pre-conflict through conflict outcomes, are explained by the conflict process. Your grasp of conflict-related topics will be further improved by the information.



3.2 INTENDED LEARNING OUTCOMES

By the end of this unit, you will be able to:

- Enumerate the stages in a conflict process
- Identify the stage of conflict and understand in which stage it will be fit in a conflict process



3.3 Main Content

Every conflict process has four stages (Robbins and Judge 2007). We'll talk about these phases so you can better understand dispute resolution.

3.3.1. Stage 1: Potential opposition and incompatibility.

The first phase of a conflict process involves potential antagonism and incompatibility. Potential origins of conflict in an organization include perceptions of unfair treatment, injustice, or exclusion from the overall plan of things. Conflict can start when an individual or group of individuals is unhappy with the state of affairs. Although not all instances of discontent result in conflict, the factors stated above must exist for conflict to arise. Three kinds of probable origins of conflict are put out by Robbins (1974). These are the elements of communication, structure, and personality.

For instance, if Mr. Dauda had a major argument with his wife, he would invariably arrive at the office in a foul attitude. When in this frame of mind, he typically listens poorly and is critical of his secretary and other office personnel. The secretary frequently leaves in tears and decides to petition staff for a change of assignment. Conflict may result from communication breakdown brought on by misunderstanding, semantic challenges, and other "noise." Robbins (1974), reports that a review of "research suggests that differing word connotations, jargon, insufficient exchange of information are all potential antecedent conditions to conflict". When there is either too little or too much communication, potential conflict is more likely. Information overload brought on by excessive communication can cause confusion and the forgetting of extremely critical activities that need to be performed. Oral communication frequently results in distortion and rationalization when it is passed from one person to another, which may cause disagreement.

Structure

The relational pattern inside an organization is referred to as its structure. Coworkers and friends, Mrs. Adebowle and Mrs. Boyo. While Mrs. Boyo is in charge of credit control, Mrs. Adebowale is in charge of sales. Adebowale wants to make the most sales possible, but Mrs. Boyo wants to limit transactions made on credit. Such transactions demand significant credit. This necessary connection turned into a point of contention between two friends. Structure encompasses an organization's size, the level of task specialization, and the clarity of authority. Duty overlapping and underlapping are possible grounds of conflict. Goal variety is a significant source of conflict. Conflict is possible when individuals, groups, or those in high positions pursue opposing goals.

Personal variables

Strong feelings for or against a person might lead to conflict. Some of their subordinates seem to attract bosses more than others. Such

preference raises the possibility of conflict. Personal characteristics may include values, feelings, and personality. People with a strong sense of authority and dogmatism paved the way for conflict. Potential sources of conflict include beliefs about work-related attributes including integrity, corruption, and discrimination.

3.3.2. Stage II: Cognition and Personalization

The second stage of accepting that there is indeed a conflict scenario occurs if the circumstances stated in stage 1 are not resolved quickly. At this point, the affected individual felt compelled to describe or discuss the unpleasant circumstance. The parties involved acknowledged that there was a reason for the quarrel at this point. The initial step in resolving the disagreement is determined by the two parties at this point. If negative emotions are swiftly under control, the disagreement could terminate at this point.

3.3.3. Stage III: Intentions

Thomas (1992), states that “intentions between people’s perceptions, emotions and their overt behavior. Intentions are decisions to act in a given way, either to end the conflicts or take it further. A lot of conflicts are escalated due to one party attributing the wrong intentions to the other party. Additionally, behavior does not accurately reflect a person’s intentions. Thomas (1992), demonstrates this in figure 1, which shows the dimensions of conflict handling intentions”.

Dimensions of Conflict Handling Intentions

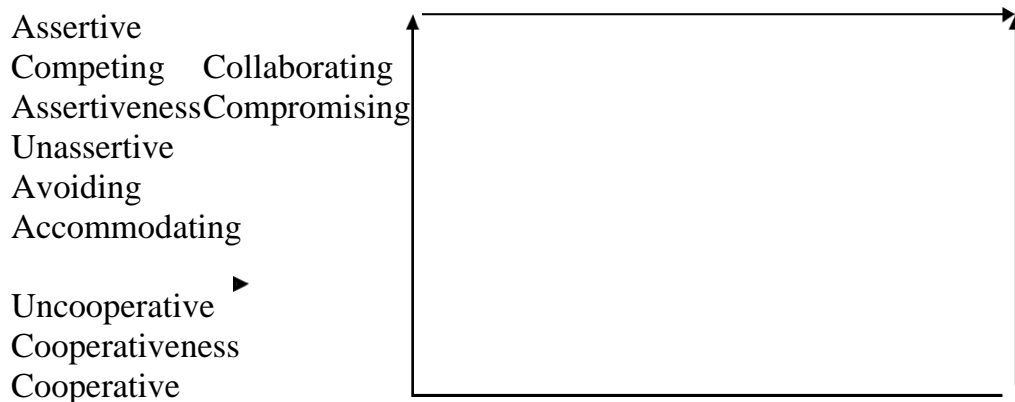


Figure 2 Dimensions of Conflict Handling Situations Source: Thomas (1992:608)

Figure 2 depicts four main conflict resolution intentions along the cooperativeness and assertiveness dimensions. Cooperativeness is the

extent to which one side makes an effort to address the concerns of the other party. There are five ways to handle conflict: competing (aggressive and uncooperative), cooperating (aggressive and cooperative), avoiding (unaggressive and cooperative), accommodating (unaggressive and cooperative), and compromise (midrange on both assertiveness and cooperativeness).

3.3.4. Stage IV: Behavior

At this point, disagreement is most obvious. Conflicting parties' statements, deeds, and emotions are included in the conduct stage. These actions are typically transparent attempts by both parties to carry out their aims. When contending parties' intentions are miscalculated or misinterpreted, conflict is frequently exacerbated. The actions of opposing parties might range from subtle disagreement to overt activity intended to harm one another. Subtle, indirect, and tightly regulated types of stress define minor conflicts. A student disputing their grade or graduating class is one example. Conflict gets worse as it progresses along the continuum to overt attempts to kill each other. Organizational functional conflicts are frequently limited to little disputes and difficulties.

3.3.5. Stage V: Outcomes

Every phase of the conflict-intensity continuum has repercussions. These results might be beneficial or harmful.

Functional outcomes

“Conflict outcomes are functional when they improve the quality of decisions, stimulate creativity and innovation, encourages interest and curiosity among group members (Robbins, and Judge, 2007)”. In this situation, disputes lead to more innovative ideas and a reevaluation of the objectives and activities of the group, which enhances decision-making quality. Conflict between government training and development groups might result in institution mergers, which could produce greater results.

Dysfunctional outcomes

Conflicts are frequently quite dysfunctional. Settling conflict takes up a lot of useful time. Unchecked opposition fuels unhappiness, which causes the group's demise. Robbins and Judge (2007), state that the more “undesirable consequences are reduction in group cohesiveness, and subordination of group goals to the infighting among members. At the extreme, conflict can bring group functioning to a halt and potentially threaten the group’s survival. When unions go on strike, they paralyze the

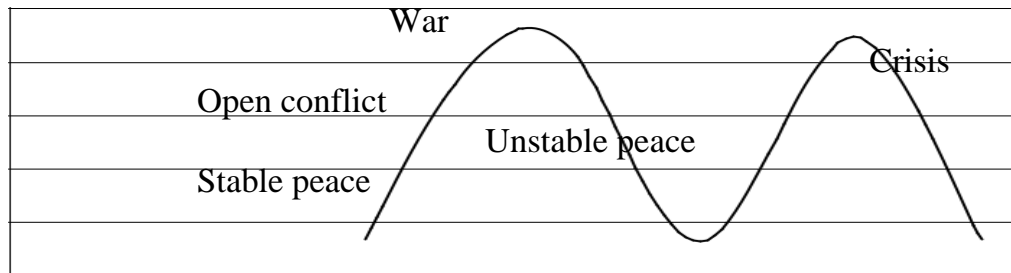
workings of an organization Robbins and Judge (2007)”.

SELF-ASSESSMENT EXERCISES 1

State the five dimensions of handling conflict as proposed by Thomas (1992).

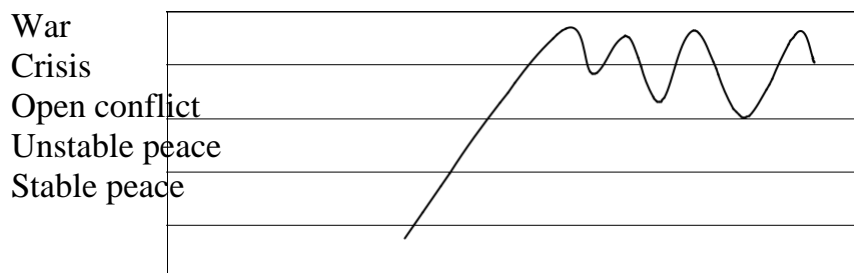
3.3.6. Conflict curves

The process of conflict was covered in the last five parts. This section explains how this process is represented diagrammatically as curves or waves. The conflict cycle repeatedly goes through the various stages as it develops over time. In a perfect representation of the conflict curve, a conflict progresses through every phase of every cycle until it is finally resolved. In this instance, the disagreement escalates to the point of war before de-escalating to the point of stable peace and continuing until it is prematurely ended (if ever).



Model 1

The conflict's several waves do not actually all appear the same. Despite having a more flexible curve, the conflict cycle in model 1 simply does not match the patterns of genuine disputes. Conflicts can re-escalate at any time while they are in the de-escalation phase, and they don't always do so in accordance with the standardized ideal curve. In fact, the higher the intensity level between the higher levels of the conflict cycle, the greater the likelihood that a conflict will escalate again.



Model 2

It can be challenging or perhaps impossible to lessen the severity of conflict and boost long-term trust when it "bounces" between higher phases of the conflict cycle. In lengthy conflicts like the Israel/Palestine conflict, these tendencies are frequently seen. It's also crucial to understand that not all conflicts escalate to the point of becoming war (model). It's possible that the parties won't be able to end the dispute or even enter an uneasy peace. The intensity of the struggle may, however, never approach that of a war. This tendency is particularly obvious in conflicts that the international community ignores and prolongs. The wave pattern should get even more intricate by doing this.

The multi-curve models

The wave pattern is actually far more intricate than has been previously suggested. In reality, it's arguable that there are many sub-conflicts involving a variety of different topics inside each conflict. At any one time, each of these sub-conflicts has its own conflict cycle. Thus, the sub-conflict will be in a distinct stage of its own cycle. As a result, there will be different conflict phases that do not always coincide with the existing conflict phases. Consequently, structural prevention, direct prevention, conflict management, crisis management and resolution strategies, peacebuilding and peace consolidation may all be necessary.

SELF-ASSESSMENT EXERCISES 2

What do you understand by multi curve model?
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3.5 Summary

You have gained knowledge about the conflict process in this unit. The process of a dispute has five stages. Potential resistance or incompatibility is the initial stage, which may or may not be relevant for any future action. In stage II, the person who feels partially offended expresses or makes clear to the other party or other group members his or her dissatisfaction. In Stage III, the conflicting parties make an overt or covert decision over how to resolve the problem. The third stage is where the conflict's outward manifestations take place. Conflict resolution results can have both good (functional) and negative effects (dysfunctional outcome).



3.6 References/Further Readings

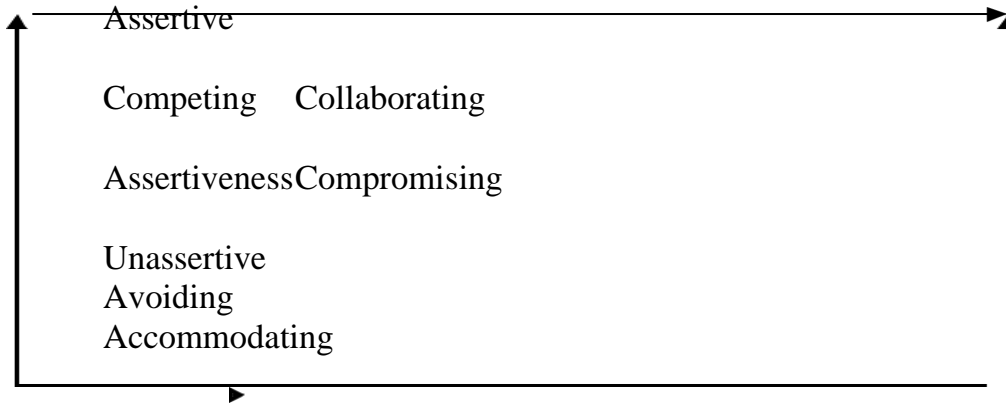
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3.7 ANSWERS TO SAEs 3

Q1. Dimensions of Conflict Handling Intentions



Q2. The multi-curve models

The wave pattern is actually far more intricate than has been previously suggested. In reality, it's arguable that there are many sub-conflicts involving a variety of different topics inside each conflict. At any one time, each of these sub-conflicts has its own conflict cycle. Thus, the sub-conflict will be in a distinct stage of its own cycle. As a result, there will be different conflict phases that do not always coincide with the existing conflict phases. Consequently, structural prevention, direct prevention, conflict management, crisis management and resolution strategies, peace building, and peace consolidation may all be necessary at any one moment.

UNIT 4 RESPONSE OF PEOPLES IN CONFLICT

Unit Structure

- 4.1 Introduction
- 4.2 Intended Learning Outcomes (ILOs)
- 4.3 Main Content
 - 4.3.1 Competing
 - 4.3.2 Avoiding
 - 4.3.3 Accommodating
 - 4.3.4 Compromising
 - 4.3.5 Collaborating.
- 4.4 Self-Assessment Exercises (SAEs) 4
- 4.5 Summary
- 4.6 References/Further Reading
- 4.7 Answers to SAEs 4



4.1 Introduction

In the last unit you learnt about the conflict processes and curves. In this unit, you will learn more about people's "responses to conflict situations and the various models of managing conflict have been established by management experts (Algert 1996, Algert and Watson 2002)". Conflict is a natural part of every group's evolution as they join forces to accomplish a common objective, from the initial meeting to a highly effective unit. But by being aware of and avoiding their sources, such confrontations can be reduced.



4.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- Explain the modes of responses to conflict management
- Enumerate the factors that influence the modes of responses to conflict
- Understand and Select an appropriate conflict management style during conflict



4.3 Main Content

4.3.0 Modes of Responses to Conflict

According to our physiology, when faced with conflict, we either desire to "run away from the battle" or are prepared to "take on anybody who comes our way." Consider a time when you have experienced disagreement. When a disagreement arises, do you want to flee or do you want to fight? The physiological reaction is a personal response and neither good nor negative. Regardless of our first physiological reactions to conflict, it's crucial to understand that we should consciously select how we react.

We may consciously pick a conflict mode when a dispute develops, regardless of whether we feel like we want to fight or run away. We are more likely to resolve conflicts when we intentionally choose to engage in confrontation as opposed to:

Competing Avoiding
 Accommodating Compromising Collaborating

Assertiveness and collaboration are two measures that may be used to describe each of these styles. Although using any of these modalities is acceptable, there are appropriate and inappropriate occasions to do so. The five modes are described in the sections that follow. Each team member might use the material to describe their preferred methods of handling conflicts. Figure 4.1 depicts the modes diagrammatically.

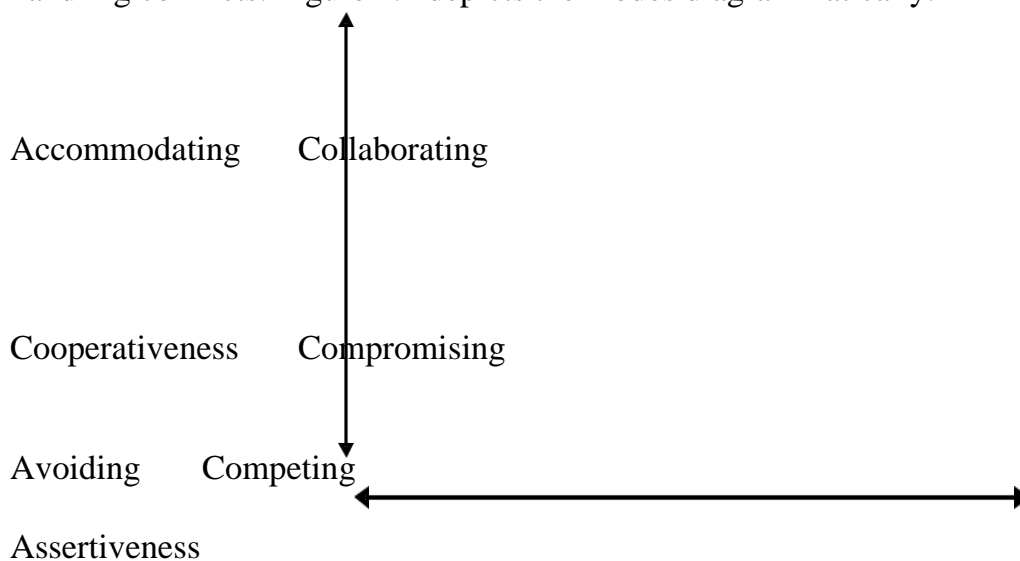


Figure 4.1: Five Modes of Conflict Management

Source: Froyd (2013) <http://www.foundationcoalition.org/teams>

4.3.1. Competing

High aggressiveness and limited collaboration characterize the competitive mode. When immediate action is required, when difficult judgments must be made, when pressing matters must be resolved, or when advancing one's own interests, this mode should be used.

Competing skills required to achieve this are:

- Arguing or debating
- Using rank or influence
- Asserting your opinion and feelings Standing your ground
- Starting your position clearly

4.3.2. Avoiding

Low assertiveness and low collaboration characterize the avoidance mode. Many times, individuals may want to avoid conflict out of either fear of getting into one or lack of confidence in their ability to handle one. When you have minor concerns, need to defuse a situation, buy some time, or are in a weaker position, using the avoidance method is ideal.

- The skills for using the avoiding mode are:
- Ability to withdraw
- Ability to sidestep issues
- Ability to leave things unresolved Sense of timing

SELF-ASSESSMENT EXERCISE 1

- | |
|--|
| 1. What are the necessary steps for competing in Solving Conflict. |
|--|

4.3.4 Accommodating

Low aggressiveness and considerable collaboration characterize the accommodating style. This method is useful when it's necessary to show common sense, improve performance, foster goodwill, or maintain peace.

When the topic or results are unimportant to them, some people employ the accommodation mode. The talents needed to pull this off include:

- Forgetting desires

- Forgetting selfishness
- Ability to yield Obeying orders

4.3.4 Compromising

Moderate assertiveness and moderate collaboration are characteristics of the compromise style.

Some people view compromise as a win-win situation.

When dealing with matters of moderate concern, it is advisable to use the compromise method. when you both have equal authority or when you are firmly committed to finding a solution.

When there are time restrictions, compromising mode can also be employed as a temporary solution.

Compromising skills are:

- Negotiating
- Finding a middle ground
- Assessing value
- Making concessions

4.3.5 Collaborating

High assertiveness and high collaboration characterize the cooperating style. Collaboration entails working together to find a solution to a dilemma. Given that it entails exchanging ideas to address a challenge or solve a problem, this seems to be the ideal strategy. However, working together requires a lot of time and effort. Therefore, when the disagreement justifies the time and effort, the collaborative mode should be adopted. When a disagreement is significant to the individuals who require an integrative solution and when the concerns are too serious to compromise, the cooperation method is acceptable. Coordination abilities include:

Active listening

- Nonthreatening confrontation Identifying concerns
- Analysis inputs

SELF-ASSESSMENT EXERCISE 2

Describe the skills necessary for using collaborative perspective.

4.2 Factors influencing the Modes of Response to Conflict

“Some factors that can impact on how we respond to conflict are listed below with explanations of how these factors might affect (Froyd,2013)”.

- **Gender** Due to our gender, some of us were taught to utilize specific conflict resolution techniques. For instance, some men were trained to "always stand up to someone, and, if you have to fight, then fight" because they are men. When compared to cooperative modes, assertive conflict modes are more likely to be used by someone who has been socialized in a certain way.
- **Self-concept** Our self-perception and self-esteem have an impact on how we handle conflict. Do we believe the person we are at odds with would find our thoughts, feelings, and views valuable?
- **Expectations** Do we think the opposing party or our group wants to settle the dispute?
- **Situation** Where is the issue happening, do we know the other party, and is it a personal or professional dispute?
- **Position** What is our power standing in regard to the other party with whom we are at odds? Do we have an equal, superior, or inferior level of power?
- **Practice:** requires being able to employ all five conflict modes productively, choosing the conflict mode that will help to resolve the disagreement, and switching between conflict modes as appropriate.
- **Determine the best mode** We get "conflict management awareness" via knowledge of conflict and practice, which enables us to decide what conflict mode to utilize with the specific person we are in conflict with with little effort.
- **Communication skills:** The capacity for good communication is essential to both conflict management and resolution. Conflict may be resolved more successfully and with less difficulty when there is efficient communication between the parties.
- **Life experience:** Unless we have made a deliberate decision as adults to modify or adapt our conflict styles, we frequently utilize the conflict modes that we seen our main caregiver(s) use. Some of us had excellent role models who taught us how to handle disagreements, while others had role models who weren't so wonderful. We have learned to frame conflicts as either something

positive that can be resolved, something positive that can be resolved, or something negative that should be avoided and ignored at all costs due to our conflicts and those of others who had less than stellar professional roles.

Understanding our conflict management style, the reasons behind it, and the benefits of participating in conflict with others are crucial. We may choose how we participate in conflict and when we will engage in conflict with more knowledge. The factors we should take into account when deciding whether or not to engage in conflict are presented in the following section.

4.3. Selection of Conflict Management Style.

“There are times when we have a choice to engage in or avoid a conflict. The following six variables should be considered when you are deciding whether or not to engage in a conflict. Froyd. (2013)”.

- ***How invested in the relationship are you?***

The value of the professional or interpersonal connection frequently determines whether you will participate in dispute. Going through the process of dispute resolution is crucial if you respect the other person or your connection.

- ***How important is the issue to you?***

One must frequently participate in conflict if the matter is essential to them, even if they do not place much importance on the connection. For instance, it is vital to engage in the disagreement if it concerns a principle, rule, or belief that you uphold or are employed to enforce. There is an even stronger motivation to get into the argument if you value both the relationship and the subject equally.

- ***Do you have the energy for the conflict?***

There is not enough time in a day, a common refrain among us. The problem frequently isn't how much time we have, but rather how much energy we have to achieve what has to be done. Even in a track meet, competitors are allowed a break before the next event. In these circumstances, energy is managed rather than time.

- ***Are you aware of the potential consequences***

It's a good idea to consider the potential effects of a quarrel before

becoming involved. There can be a risk to your safety, a risk to your employment, or a chance for a better working relationship, for instance. People frequently engage in confrontation only to be astonished by the result or effect of their actions. It is essential to ponder carefully before choosing to enter or stay out of a dispute.

- ***Are you ready for the consequences?***

Determine if you are ready for the implications of participating in the dispute after considering various outcomes. One employee, for instance, worried that she might lose her job if she persisted in arguing with her employer over a particular matter. After giving the matter significant thought, the employee decided to argue with her supervisor since she felt passionately enough about it. Her yearly agreement was not extended for the next year. This person was prepared to lose her work for a period because she had considered the effects of participating in the fight and was ready to make financial and emotional preparations for this eventuality.

- ***What are the consequences if you do not engage in the conflict?***

There are moments when you must participate in confrontation to keep your sense of self. Most people have fundamental principles, beliefs, ideals, or morals. Losing personal respect must be taken into account if someone decides to compromise one of their main principles in order to avoid a disagreement. Even if one is not enthusiastic about facing the dispute in these situations, one must carefully examine the negative effects of avoiding the confrontation. A person must typically engage in the conflict when the personal repercussions of abstaining outweigh all other considerations.



4.5 Summary

You have learned about possible reactions of people to conflict situations in this unit. There were five conflict response modalities covered.

Competing and avoiding are these. collaborating, compromise, and being tolerant. These modes can be used to a specific circumstance. There isn't a proper or improper manner. Additionally, you gained knowledge of the variables that affect your choice of mode. This has major significance.

These elements should be taken into consideration when choosing a conflict resolution strategy. The final section of the unit discusses the

variables to take into account when deciding whether or not to start a conflict in the first place.



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4.7 POSSIBLE ANSWERS TO SAEs

Q1. High aggressiveness and limited collaboration characterize the competitive mode. When immediate action is required, when difficult judgments must be made, when pressing matters must be resolved, or when advancing one's own interests, this mode should be used.

Competing skills required to achieve this are:

- Arguing or debating
- Using rank or influence
- Asserting your opinion and feelings Standing your ground
- Starting your position clearly

Q2. Collaborating

High assertiveness and high collaboration characterize the cooperating style. Collaboration entails working together to find a solution to a dilemma. Given that it entails exchanging ideas to address a challenge or solve a problem, this seems to be the ideal strategy. However, working together requires a lot of time and effort. Therefore, when the disagreement justifies the time and effort, the collaborative mode should be adopted. When a disagreement is significant to the individuals who require an integrative solution and when the concerns are too serious to compromise, the cooperation method is acceptable. Coordination abilities include:

Active listening

- Nonthreatening confrontation Identifying concerns
- Analysis inputs

UNIT 5 SOCIOLOGICAL THEORIES OF CONFLICT

Unit Structure

- 5.1 Introduction
- 5.2 Intended Learning Outcomes (ILOs)
- 5.3 Main Content
 - 5.3.1 History of Conflict Theories
 - 5.3.2 Key Terms and assumptions modern conflict theories
 - 5.3.3. Issues in Conflict Theories
 - 5.3.4 Modern Approaches to conflict theories
- 5.4 Self-Assessment Exercises (SAEs)
- 5.5 Summary
- 5.6 References/Further Readings
- 5.7 Answers to SAEs 5



5.1 Introduction

You learned about how individuals react in conflict situations in the previous unit. Conflict comes from the interaction of people in society; hence this is required. Structures of the society are official and informal groups through which people interact. Conflict theories place a strong emphasis on the basic causes of conflict, which include social, political, and material inequality. From a broad perspective, conflict is examined in this unit. Karl Marx is one of the theorists you will study in this chapter (1818 – 1883). Additionally, you will study contemporary applications of conflict theory as well as the presuppositions of sociological conflict theorists.



5.2 Intended Learning Outcomes

By the end of this unit, you should be able to:

- Explain the conflict theories
- Enumerate the key assumptions of sociological conflict theories
- Apply the theories to the prevention and management of conflict in organizations



5.3 Main Content

5.3.1. History of Conflict Theory

You can now comprehend the ideas that underlie the processes and phases of conflict since you have a better understanding of them. Conflict theories are focused on the varied power dynamics that exist within communities and within organizations. In Nigerian Yoruba history during the beginning of the 19th century, power dynamics were the main source of conflict. Yoruba rulers acquired authority over all of their subjects and had complete freedom to select any woman—married or not—as their wife. Conflict resulted from this, and finally certain practices were eliminated. Karl Marx is considered, the “father of social conflict theory (Baird, 2008)”. Martindale (2010), explains that “conflict theory can be traced back to early philosophy of Han Fei Tzu (280 – 233. BC) and other ancient Chinese philosophers who taught that men are weak and lazy. They also assume that such weak and lazy people have to be controlled through punishment leading to a reign of fear and terror. This inevitably will lead to a revolt. Conflict, as a sociological theory was formalized in the 19th and 20th centuries by Karl Marx, Max Gluckman, John Rex and Vilfredo Pareto, among others (Wolff, 2011). However, Karl Marx is regarded as the father of conflict theory”.

“Karl Heinrich Marx (1818 – 1883) was a German philosopher, sociologist, historian, political economist, political theorist and revolutionary socialist, who developed the socio - political theory of Marxism. His ideas have since played a significant role in both development of social science and also in the socialist political movement. He published various book during his lifetime, with the most notable being *The Communist Manifesto* (1848) and *Capital* (1867 – 1894), many of which were co-written with his friend, the fellow German revolutionary socialist Friedrich Engels”. Marx’s dedication to social change led him to focus his work on “revolutionary class conflicts in industrial societies (Roberto, 2007)”.

Marx’s theories about society, “economics and politics state that human societies progress through class struggle. In his time, this was the struggle between an ownership class that controls production and a proletariat that provides labour for production. Marx did not like capitalism. He called capitalism the “dictatorship of the bourgeoisie”. “He believed in socialism and argued that under socialism society would be governed by the working class in what he called the “dictatorship of the proletariat” or workers democracy (Craig, 2002)”.

According to Marx, societal conflict is primarily caused by class struggles

in business and the economic sector of society. Max Weber proposed that social conflict was present in all facets of society and that it was fueled by power, prestige, and property. (e.g., politics, gender, and religion) (Livesay, 2010).

Mills (1916-1962) also contributed to “modern conflict theory. According to Mills, one of the results of conflict between people with competing interests and resources is the creation of a social structure. Social structure refers to the relatively fixed institutions and norms of society that heavily influence, consciously or not, peoples’ everyday behavior. For example, getting your licenses at a department of motor vehicles reflects the fact that social structure is largely in the hand of the elite (wealthy), who generally oppose the interests of the non-elite”.

Conflict theory's fundamental tenet is that people compete with one another and with society to get the most out of the few resources that are available and that people want. Due to the scarcity of resources, the battle eventually results in rivalry and conflict. As various factions gain power as a result of these conflicts, institutions and civilizations may alter.

5.3.2. Key Terms and Assumptions of Modern Conflict Theory

You must comprehend some of the fundamental concepts and underlying presuppositions of sociological theories of conflict in order to analyze them. Some of the terminology used often in social conflict theories are listed below.

- **Class conflict:** the conflict between groups holding various socioeconomic statuses within a single society. These groups struggle for dominance of the resources that are economic, political, and social. Physical aggression, propaganda (such as the propagation of notions like "homeless people are lazy"), economic favors (such as the middle-class boycotting "Big Business"), or legal disputes are all examples of how class conflict manifests itself (e.g., class action lawsuits by consumers against large corporations).
- **Ideology:** the body of convictions supporting a social structure
- **Social class:** a feature of social location that is influenced by your connection to the means of production (Marx) or by your status, wealth, and power
- **Deviance:** transgressing accepted societal standards
- **Proletariat:** The working class that did not own the resources,

land, or tools they used to make things for the bourgeoisies is known as the proletariat in Marx's theory of economic antagonism.

- **Bourgeoisies:** “in Marx’s economic conflict theory, the bourgeoisies are the capitalist class who own the resources, land and tools. They exploit the proletariat paying them less than their work is worth. Some of the assumptions of conflict theories are:(Scott and Scott, 2011)”.
- **Interactions:** Conflict is the outcome of human interaction.
- **Change:** In society, conflict and change are common and unavoidable.
- **Competition:** All social groupings compete for limited resources (such as money, leisure time, sexual partners, etc.). Human relationships are characterized by competition rather than consensus. Conflict would not arise if everyone had access to the resources they required.
- **Structural inequality:** All social institutions are designed with disparities in authority and compensation. Since resources are limited, competition between organizations for them will always exist.
- **Degree of inequality:** With different groups of people having varying amounts of resources, there are different levels of inequality.
- **Revolution:** Instead of happening as a consequence of adaptation, macro changes happen as a result of conflicts between conflicting interests. A lot more often than not, it is startling and revolutionary.

SELF-ASSESSMENT EXERCISE 1

Relate Marx’s theory of conflict to any conflict in Nigeria.
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5.3.3 Issues in Conflict

There are many issues in “conflict theory, among these are social stratification, wealth and power, inequality as well as drug abuse and crime. These are further explained in this section. As civilization undergoes change from agrarian, rural groups into industrialized, modern societies, a social hierarchy emerge that effectively creates different classes based on wealth, power and prestige (Ferranto,2005)”. According to conflict theory, it is this structure of social stratification that pits those in the upper class (i.e., those with the most power, wealth and prestige)

against the lower classes.

In accordance with conflict theory, the wealthy and strong social elites rule modern society and the criminal justice system, with the objective of repressing the underclass. This sustains a system in which the wealthy are in charge and the other classes are economically marginalized, denied their rights, and essentially powerless. “Marx foresaw such conflicts and asserts that with modernization and industrialization significantly increasing, this conflict and the oppression of the lower classes by the upper class will be on the increase (Marx and Engels, 1948)”.

Wealth and Power Inequality

Despite having a reputation for upholding the ideals of equality, egalitarianism, meritocracy, and hard work, the United States has a relatively high level of economic and social inequality. Domhoff (2011) provides striking “evidence of this inequality. He found out that as of 2007, the top 1% of households (the upper class) owned 34.6% of all privately held wealth, and the next 19% (the managerial, professional, and small business stratum) had 50.5%”. He goes on to state that this means that the top 20% of Americans own 85% of the nation’s wealth as a whole, with the other 80% of Americans having only 15% of the wealth. This extreme inequality in the level of power and wealth that currently exist in the United States exemplifies the central themes of conflict theory, that there is a competition for power between classes. “The implications of the large disparity in wealth between social classes in the United States includes many disadvantages for those in the lower classes, such as a lack of access to quality health care, increased risk of violent crime, fewer educational opportunity (especially post-secondary education), and the absence of a social network to provide opportunities for upward mobility (Lareau 2003)”.

Drug Abuse and Crime

Conflict theory proponents contend that crime and criminal justice in the modern society are constructed to favor the higher, strong classes while enslaving and denying their rights to the lower classes. Greek (2005) provides an excellent explanation. He explained that “street crimes, even minor monetary ones are routinely punished quite severely, while large scale financial and business crimes are treated much more leniently. Theft of a television might receive a longer sentence than stealing millions through illegal business practices (Greek, 2005)”.

The upper classes want to keep their position and power by making sure that the lower classes remain poor and relatively powerless, which is how conflict theory can be used to explain deviance in society in this example.

“Conflict theory has also been applied to the current trends of drug abuse in the United States, finding that societal and social class position effect one’s rate of drug abuse. More specifically, Conflict theory holds that there are higher numbers of chronic drug abusers found in lower social classes, disorganized neighborhood. Lower income families, and relatively politically powerless places (Lo, 2003)”, found that, in accordance with conflict theory, social environments negatively affect inequality “...widespread poverty and serve social disorganization, lacking legitimate opportunity as well as adequate education and training, have a [strong] association with opiate and cocaine use.

5.3.4 Modern Approach to Conflict Theory

“The first modern approach to be discussed is that of Charles Wright Mills (1916 – 1962) an American sociologist (Mills, 1960). Mills has been called the founder of modern conflict theory (Knapp, 1994)”. In Millis’s view, “social structures are created through conflict between people with differing interests and resources. Individuals and resources, in turn, are influenced by these structures and by the unequal distribution of power and resources in the society. Mills argues that the interests of this elite were opposed to those of the people”. He theorized that the “policies of the power elite would result in increased escalation of conflict, production of power of mass destruction, and possibly the annihilation of the human race. (Knapp, 1994)”.

Gene Sharp's theory is the second. Former University of Massachusetts Dartmouth political science professor Gene Sharp. He was renowned for his in-depth writings on peaceful resistance, which have impacted many international movements of people resisting the government. He established the nonprofit Albert Einstein Institution in 1983 with the goal of researching and promoting the use of peaceful action in conflicts all around the world. Sharp's main argument is that power is not monolithic, i.e., it does not come from the inherent characteristics of persons in positions of authority. According to Sharp, regardless of a state's specific institutional arrangement, the power of every state ultimately comes from its citizens. Sharp (1973), propounds the theory of “power which states that non-violent action through withdrawal of content for effecting political change. Sharp’s theory has been widely adapted by social activists as their basic for non-violent demonstrations. The recent (2013-2013) worldwide crisis against governments in Egypt, Syria, Spain, Greece and Brazil, started as non-violent protests against certain policies of their governments”. Sharp (1973) states that “people in society can be divided into rulers and subjects. The subjects empowered the rulers by electing them or endorsing their being rulers. Nonviolent action from the subjects is therefore a way of withdrawing the given consent. It is like

recall in the United State of America's political system”.

Sharp theory is based on two “concepts of (1) ruler and subject classification, and (2) consent (Martin, 1989). Martin (1989); explain that sharp used the ruler - subject classification without detailed justification. The ‘ruler’ as defined, includes not only chief executives of organizations but also ruling groups and all bodies in the command of the state structure such as public service organizations. Sharp (1980), defines political power as the totality of means, influences and pressures such as authority, rewards, sanctions, status symbols that can be used to achieve objective by the power holder. Sharp (1973), further states that the sources of power are: authority, human resources, skills and knowledge, intangible factors material resources and sanctions (for example Federal Government of Nigeria. Public Service Rules). To Sharp these sources of power depends intimately upon the obedience and cooperation of the subject, (Sharp, 1973)”.

Limitations of Sharp's Approach

Martin (1989), explains the “limitations of Sharp's non-violent approach to conflict. He states that Sharp did not give an examination of capitalism as a system of power. The issue of common consent to take to non-violent action was not discussed. Martin (1989), points out the fact that while subjects oppose rulers/leaders, in practice many factors go into mobilizing subjects for non-violent action as workers do not usually agree on a common course of action. Workers/subjects are usually divided along line of status, skill, wages, gender and ethnicity. Certain workers may have sympathy for the regime being opposed”.

The media may be helpful or not very helpful. Large groups of people may nevertheless benefit from the system, despite how repressive it is.

For instance, as a social structure, capitalism favors some while oppressing others. In Nigeria, people from a leader's home state are more inclined to support them, whether or not they directly gain.

Sharp neglected to examine the impact of the patricidal system on nonviolent behavior. Martain (1989), points out that “complex process is involved in the gender division of labor, direct discrimination, harassment, rape and other violence. The theory of non-violent action applies to gender relations that have been so ingrained into culture and cannot be easily stopped by nonviolent action”.

Conflict also arises from technology. Dickson (1974), point out the social relations “embedded in technology. He gives the example of nuclear weapons which can be serve as good ends for state governments and

terrorists but is opposed by environmentalists. Technologies such as telephone and radio provide stronger basis for non-violent resistance.

Sharp did not bring this into his analysis”.

SELF-ASSESSMENT EXERCISE 2

Examine the limitations of Sharp’s approach to conflict resolution.



5.5 Summary

You gained knowledge of the sociological theories used to describe how individuals behave during conflict in this unit. Power dynamics within communities and organizations serve as the foundation for conflict theories. Sociologist Karl Marx proposed the idea that human civilizations advance via conflicts between classes that control production and those that perform the labor necessary for production. Marx opposed capitalism. Mills and Sharp made contributions to contemporary sociological theory. While Sharp put forth the theory of a non-violent response in conflict situations, Mills attributed conflict to competing interests and resources.



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5.7 Possible Answers To Saes

Q1. You can now comprehend the ideas that underlie the processes and phases of conflict since you have a better understanding of them. Conflict theories are focused on the varied power dynamics that exist within communities and within organizations. In Nigerian Yoruba history during the beginning of the 19th century, power dynamics were the main source of conflict. Yoruba monarchs acquired authority over all of their subjects and had complete freedom in selecting a wife, whether she was already married or not. “This led to conflict, which eventually led to the eradication of such practices. Karl Marx is considered, the father of social conflict theory (Baird, 2008)”. Martindale (2010), explains that “conflict theory can be traced back to early philosophy of Han Fei Tzu (280 – 233. BC) and other ancient Chinese philosophers who taught that men are weak and lazy”. They also believe that such helpless and sluggish individuals ought to be restrained by punishment, which would result in a reign of terror. Unavoidably, a revolution will result from this. Among others, in the 19th and 20th centuries, Karl Marx, Max Gluckman, John Rex, and Vilfredo Pareto defined conflict as a sociological theory (Wolff, 2011). However, conflict theory is said to have its roots in Karl Marx.

Karl Heinrich Marx (1818 – 1883) was a German philosopher, sociologist, historian, political economist, political theorist and revolutionary socialist, who developed the socio - political theory of Marxism. “His ideas have since played a significant role in both development of social science and also in the socialist political movement. He published various book during his lifetime, with the most notable being *The Communist Manifesto* (1848) and *Capital* (1867 – 1894), many of which were co-written with his friend, the fellow German revolutionary socialist Friedrich Engels. Marx’s dedication to social change led him to focus his work on revolutionary class conflicts in industrial societies (Roberto, 2007)”.

Q2. Martin (1989), explains the “limitations of Sharp’s non-violent approach to conflict. He states that Sharp did not give an examination of capitalism as a system of power. The issue of common consent to take to non-violent action was not discussed. Martin (1989), points out the fact that while subjects oppose rulers/leaders, in practice many factors go into mobilizing subjects for non-violent action as workers do not usually agree on a common course of action”. In most cases, status, skill, pay, gender, and ethnicity are used to segment workers and topics. Some employees could be sympathetic to the opposing regime. The media may be helpful or not very helpful. Large groups of people may nevertheless benefit from the system, despite how repressive it is. For instance, as a social system,

capitalism favors some people while oppressing others. “In Nigeria, those from the state where a leader originates are likely to support the leader, whether they have direct benefits or not. Sharp did not analyze the effect of patricidal system on non-violent action. Martain (1989), points out that complex process is involved in the gender division of labor, direct discrimination, harassment, rape and other violence. The theory of non-violent action applies to gender relations that have been so ingrained into culture and cannot be easily stopped by nonviolent action Martain (1989)”.

MODULE 4 **THIRD PARTY ALTERNATIVE DISPUTE AND RESOLUTION**

Unit 1	Mediation
Unit 2	Advantage and Disadvantages of Conciliation
Unit 3	Adjustment and Arbitration
Unit 4	Minitrial and Early Neutral Evaluation Peer Review
Unit 5	Negotiation

UNIT 1 **MEDIATION AND CONCILIATION**

Unit Structure

- 1.1 Introduction
- 1.2 Intended Learning Outcomes (ILOs)
- 1.3 Main Content
 - 1.3.1 Historical Perspectives of third-party dispute and resolution
 - 1.3.2 Scope and Definition of Mediation and Conciliation
 - 1.3.3 Theories in mediation and conciliation
- 1.4 Self-Assessment Exercises (SAEs)
- 1.5 Summary
- 1.6 References/Further Readings
- 1.7 Answers to SAEs



1.1 Introduction

We were given the task of resolving disputes or crises in the workplace, the household, or society in one way or another. Therefore, the focus of this unit will be on alternatives to going to court for settling disputes. With the parties ultimately in control of the choice to settle and the conditions of resolution, mediation is a flexible procedure undertaken in confidence in which a neutral third party actively aids parties in working towards a negotiated conclusion of a dispute or difference. Others hold the opinion that mediation only serves as a neutral negotiating ally. This process differs from other types of Alternative Dispute Resolution (ADR) in that it involves assistance or third-party help, but the parties must keep in mind that mediation is a non-binding process. If such a compromise is achieved, this becomes a separate cause of action. According to Lord Gill's Report of the Scottish Civil Courts Review in England (2009), mediation is carried out in a non-aggressive, neutral setting with an impartial facilitator acting as the mediator. The information shared is private, and there is every chance for an open discussion, including amongst the parties'

principals, to clarify what each party truly hopes to gain from the conflict. If this is done, reaching an agreement is more likely to be possible. Mediation is an easy procedure in and of itself. It relies on the parties' attitudes as well as how complicated the matters under dispute are. Contrarily, conciliation is a less formal style of arbitration. If the mediator in Nigeria fails, the matter should be reported to the minister of labor in Nigeria, who will then choose to select a qualified individual as the conciliator; this individual is often a member of the ministry of labor staff. No previous agreement is necessary for this method to work. Any party may request the appointment of a conciliator from the opposite side. Two or three conciliators are permitted but one is recommended. If there are numerous conciliators, they must all work together. There can be no conciliation if a side declines an offer to do so. The conciliator may receive statements from the parties outlining the overall scope of the dispute.



1.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- Describe what mediation & conciliation is all about
- Explain mediation challenges and opportunities for peacemaking



1.3 Main Content

1.3.1 Historical Perspectives of third-party dispute and resolution

“Third-party dispute resolution is advantageous to business because it enables expeditious, economical and fair complaint resolution without government regulation or legal action (Bercovitch 2009)”. In reality, when disputes cannot be settled directly between the buyer and seller, government organizations promote the use of third-party channels. The usage of third-party technologies, according to its proponents, can help shops and manufacturers respond to customer issues more quickly. A company can show goodwill by agreeing to seek fair resolutions to customer concerns by submitting disputes to an impartial arbiter. Human affairs naturally include conflict. We frequently try to avoid conflict, but when we embrace and resolve it, new levels of creativity can emerge at work. The issue is that most individuals struggle with effective dispute resolution techniques. They frequently get defensive and too personal, and they don't think win-win solutions are possible. Therefore, it is frequently important to meet with an impartial third person who can

mediate a mutually acceptable settlement when two people have a problem at work. I'll show you the fundamentals of third-party facilitation in this unit. It is a very beneficial talent to possess since effective conflict resolution boosts morale and teamwork. Additionally, it often improves productivity while lowering turnover and absenteeism.

A general definition of third party mediation is "a process of conflict management, related to but distinct from the parties' own negotiations, where those in conflict seek out or accept an offer of assistance from an outsider to change their perceptions or behavior without using physical force or invoking the authority of law" (Bercovitch, 2006) An individual, a group, an organization, or a state can all be considered "outsiders." The use of information-channeling tactics, pressure tactics, and incentives to influence the negotiation process are all examples of mediation methods and instruments. Even though mediation is non-binding, it can help to end hostilities, reach a peace accord, or resolve a conflict completely.

The motivation of mediators and disputing parties to engage in mediation has received much attention in the study of mediation. Some contend that mediators may not always be objective, selfless "outsiders," but instead may have their own objectives. They take on an active role in the dynamics and relationships surrounding conflicts by mediating.

Even while mediation has the ability to help with conflict management and, to a lesser extent, conflict resolution, it has usually been viewed as a separate discipline. Despite receiving a lot of attention from academics, politicians and activists have not given peacekeeping, components of conflict prevention, and peace building the same kind of attention. In the past 10 years, there has been a significant shift in the international environment for mediation, with both the variety of players engaging in peace processes and the frequency of interventions rapidly increasing. The "global war on terror," the rising prominence of emerging nations like China and India, and continuous tensions within the UN are just a few of the issues that the field of third-party mediation has had to deal with.

SELF-ASSESSMENT EXERCISE 1

How does third party intervene in conflict resolution

5.3.2 Scope and Definition of Mediation and Conciliation

The goal of mediation is to satisfy the requirements of the opposing parties. Setting up mediation needs significant preparation because it is optional. This includes planning discussions about whether mediation is appropriate and desirable, choosing the mediator(s), choosing a mutual meeting time, inviting attendees, and any special needs of the parties, such as the language to be used, whether interpreters will be present, safety

concerns, and physical or mental limitations.

Definition

A mediator is a person who acts as a conduit for information being passed from one party to another during a dispute. In addition to serving as a mediator, community members may also look to them for advice in other important capacities. Conciliation is a kind of alternative dispute resolution (ADR), in which the disputing parties hire a conciliator to mediate their disputes by having separate meetings with each party. They achieve this through easing tensions, enhancing communications, clarifying problems, offering technical support, investigating alternative solutions, and facilitating a negotiated conclusion. Conciliation is different from mediation in that its primary objective is to achieve conciliation, frequently by requesting compromises.

5.3.3 Theories in mediation and conciliation

Fisher (1997), gave the following theorems in relation to mediation processes and their possible outcomes:

- **Theorem No. 1:** Evaluative mediation will often be successful as long as the disagreement is focused on content goals and has not progressed beyond Stage III.

Corollary: When there is a lot of conflict or when there are identity or relationship objectives at stake, evaluative mediation is inefficient and ineffective.

- Principles of Mediation
- **Theorem No. 2:** Narrative or transformational procedures are productive and efficient as long as the dispute is still centered on identity or relationship objectives or has progressed through Stage III.

Corollary: When content goals are the only objectives at stake, transformative and narrative processes are ineffective (e.g. pure distributive bargaining situations)

- **Theorem No. 3:** Depending on the nature of their objectives, parties will be happy with their results.

5.3.4 Forms of mediation and conciliation

Direct and Indirect

The specific function of the mediator is typically specified in direct (formal) mediation. For instance, a chief may decide who is at blame, or a neutral third party may assist in maintaining equilibrium during the bargaining process. The mediator's involvement in indirect (informal) mediation is less clear cut and more limited; it might even consist of nothing more than relaying communications between the parties. Both parties must agree on the mediator or facilitator for mediation to be successful because it is a complex procedure. The side demonstrates their willingness to cede some of their own authority by accepting the mediation process. Building effective relationships with disputing parties requires both trust and a thorough understanding of conflict dynamics.

A successful mediator need not be unbiased or neutral. An insider-partial mediator and facilitator may be more respected by the parties involved in a dispute than an outsider-neutral person in some cultures. South American civilizations are the ones where this is most frequently seen. Due to their spiritual authority and worth, other civilizations choose to depend on religious or community leaders to serve as mediators. When the parties practice different religions, it is not appropriate to utilize religious leaders as mediators because this might lead to conflict on its own. In certain traditional civilizations, the mediator's gender, however, could be significant. Be mindful of the temptation for individuals to persuade the mediator to act as their representative.

5.3.5 Types of Mediation

There are many different ways to mediate and many goals that might be achieved. Several mediation techniques have been discussed in terms of the goals they aim to achieve:

- **Evaluative mediation:** In this type of mediation, the mediator assesses the claims or rights of the parties in light of the relevant legal standards.
- **Facilitative or problem-solving mediation:** The mediator supports discussion and the search for original (mutual benefit) solutions in order to assist the disputants in resolving their disagreements.
- **Therapeutic mediation:** In this type of mediation, the mediator assists parties in "healing the hurt" brought on by conflicts and may even "promote reconciliation" between the disputants.
- **Transformative mediation:** Through "empowerment" (disputants develop or learn new abilities to resolve their own disagreements) and "recognition," mediation aims to alter the disputants both

individually and in connection to one another.

5.3.6 Characteristics and Roles of Mediation

- Voluntary - right to terminate
- Private and confidential
- Assisted or facilitated negotiation
- Flexible (relatively unstructured)
- Self-determining
- Creative and practical
- Future focused
- Without prejudice to participation in other processes

Role of the Mediator

Although there are several "styles" of mediation, the following functions are frequently played by mediators:

- Creating and sustaining a logical and fruitful environment for negotiation in order to set the stage for collaborative problem-solving.
- Promoting complete information disclosure.
- Helping the parties comprehend one another's viewpoints (needs, worries, values, and anxieties) and making an effort to foster empathy between the parties
- Facilitating dialogue between the parties by maintaining "civil" talks; enabling parties to comment when appropriate; and removing the "sting" from loaded or irate words by, for example, phrasing them in a neutral manner or in a manner that discloses the underlying interest
- Ensuring that each party has an equal chance to speak by maintaining the process's balance.
- Recognizing misconceptions and asking explanation,

SELF-ASSESSMENT EXERCISE 2

What is scope of mediation process?

The Advantages of Mediation.

Over other types of alternative dispute resolution (ADR) or civil litigation, mediation has various benefits. The construction business benefits greatly from mediation and binding mediation as an alternative conflict resolution method, as listed below. Remember that a judge's job is to interpret the law and render judgment on cases. If the mediation is binding, the mediators' duties include helping the parties resolve their conflict and treating everyone fairly.

- Mediation is much less costly than civil litigation for many reasons:
 - Most mediators who specialize in construction charge by the hour and the mediation usually is completed in one or two days.
 - As most construction mediations is conducted in one or two days and most certainly less days than civil litigation, the cost of your time away from business will be minimal.
 - Preparation for mediation is far easier and simpler than is required to prepare for arbitration or litigation.
- Mediation is a much faster process than civil litigation. Typically, construction litigation cases can take a few months to a year or longer to actually get to trial. CRS had a case in which a party contacted CDRS on a Thursday night. We expedited the agreement to mediate and other paperwork.
- In mediation, the parties are full participants and can express their own opinions and concerns, where in civil litigation the parties' attorneys are the only ones who represent their party unless the party "takes the stand" and is subject to cross-examination by the opposing attorney.
- Mediation allows the opportunity for parties to work together and reach a settlement and continue to work together to complete the construction project, very often with a good customer referral at the end of the job.
- After there is a settlement, if other items come into dispute, a new mediation can be scheduled without affecting the prior settled items.

Disadvantages Of Mediation

Although by no means comprehensive, this list at least provides a framework within which we might think about the benefits of mediation. A similar list may also be created in which we can begin to think about some of the frequently claimed drawbacks of mediation.

Settlement agreements do not usually emerge from mediation. It is possible for parties to invest time and money in mediation only to discover that a judge must decide their case for them. So choosing mediation does include a certain amount of risk. Additionally, if mediation is unsuccessful, a party's "ammunition" may have already been disclosed to the opposition, making it far less effective in the subsequent trial.

- Federal and state courts' guarantees of procedural and constitutional rights are absent from mediation. As mentioned above, the informality of mediation may be advantageous or disadvantageous. A less than fair settlement may arise from mediation between parties with different degrees of intelligence, strength, and resources since the underdog side may be overpowered and unprotected.
- In mediation, no legal precedent may be established. Among other things, many discrimination actions are launched with the objective of creating a new legal standard that would have a wider societal influence in addition to obtaining satisfaction for the named plaintiff. These lawsuits are only considered "successful" if a high court grants a favorable ruling on the central issue (often the United States Supreme Court). Therefore, mediation is not helpful in these situations.
- There is no official discovery procedure in mediation. There is no method to force the revelation of information if one of the disputing parties needs that information in order to completely handle the matter. Instead, the party requesting disclosure must rely on the other party's good faith, which could or might not be sufficient.



1.5 Summary

The many forms, benefits, and drawbacks of mediation and conciliation have been thoroughly discussed in this section. Both conciliation and mediation have their limits, it was also observed, and neither one is guaranteed to always resolve commercial disagreements. In order to get

the greatest results possible throughout the resolution process, it is crucial for students of the mediation and conciliation processes to be able to identify the technique to employ at a given time..



1.6 References/Further Readings

Barry Hart, J.N. Doe. & Sam Gbaydee Doe., (1993), Trauma Healing and Reconciliation Training Manual - A Handbook for trainers and trainees

Bercovitch, J. (2006) . Mediation Success or failure: A search for the elusive criteria. Cardozo Journal of Conflict Resolution, Vol 7, No.2, pp.289-302.

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Kraybill, R. S., Evans, R, A., & Evans, A. F., (2001), Peace Skills: A Manual for Community Mediators, San Francisco, CA.



1.7 POSSIBLE ANSWERS TO Saes

Q1. Third party mediation can be broadly defined as “a process of conflict management, related to but distinct from the parties’ own negotiations, where those in conflict seek the assistance of, or accept an offer of help from, an outsider to change their perceptions or behaviour and to do so without resorting to physical force or invoking the authority of law” (Bercovitch, 2006) “The ‘outsider’ may be an individual, a group, an organisation or a state. Mediation strategies and tools can range from the channelling of information to parties to the provision of incentives and pressure designed to influence the bargaining process. Although mediation is non-binding, it can contribute to a cessation of hostilities, a peace agreement, or a full settlement of a conflict (Bercovitch, 2006)”.

Q2. Scope and Definition of Mediation and Conciliation

The goal of mediation is to satisfy the requirements of the opposing parties. Setting up mediation needs significant preparation because it is optional. This includes planning discussions about whether mediation is appropriate and desirable, choosing the mediator(s), choosing a mutual meeting time, inviting attendees, and any special needs of the parties, such as the language to be used, whether interpreters will be present, safety concerns, and physical or mental limitations.

Q3. The Advantages of Mediation.

Over other types of alternative dispute resolution (ADR) or civil litigation, mediation has various benefits. The construction business benefits greatly from mediation and binding mediation as an alternative conflict resolution method, as listed below. Remember that a judge's job is to interpret the law and render judgment on cases. If the mediation is binding, the mediators' job is to help the parties resolve their conflict and to treat everyone fairly.

- Mediation is much less costly than civil litigation for many reasons:
 - Most mediators who specialize in construction charge by the hour and the mediation usually is completed in one or two days.
 - As most construction mediations is conducted in one or two days and most certainly less days than civil litigation, the cost of your time away from business will be minimal.

- Preparation for mediation is far easier and simpler than is required to prepare for arbitration or litigation.
- Mediation is a much faster process than civil litigation. Typically, construction litigation cases can take a few months to a year or longer to actually get to trial. CRS had a case in which a party contacted CDRS on a Thursday night. We expedited the agreement to mediate and other paperwork.
- In mediation, the parties are full participants and can express their own opinions and concerns, where in civil litigation the parties' attorneys are the only ones who represent their party unless the party "takes the stand" and is subject to cross-examination by the opposing attorney.
- Mediation allows the opportunity for parties to work together and reach a settlement and continue to work together to complete the construction project, very often with a good customer referral at the end of the job.
- After there is a settlement, if other items come into dispute, a new mediation can be scheduled without affecting the prior settled items.

UNIT 2 ADVANTAGE AND DISADVANTAGE OF CONCILIATION

Unit Structure

- 2.1 Introduction
- 2.2 Intended Learning Outcomes (ILOs)
- 2.3 Main Content
 - 2.3.1 Advantage and Disadvantage of Conciliation.
- 2.4 Self-Assessment Exercises (SAEs) 1
- 2.5 Summary
- 2.6 References/Further Readings
- 2.7 Answers to SAEs 1



2.1 Introduction

Contrarily, conciliation is a less formal style of arbitration. If the mediator in Nigeria fails, the matter should be reported to the minister of labor in Nigeria, who will then choose to select a qualified individual as the conciliator; this individual is often a member of the ministry of labor staff. No previous agreement is necessary for this method to work. Any party may request the appointment of a conciliator from the opposite side. Two or three conciliators are permitted but one is recommended. If there are numerous conciliators, they must all work together. There can be no conciliation if a side declines an offer to do so. The conciliator may receive statements from the parties outlining the overall scope of the dispute.



2.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- i. Explain advantage and disadvantage of conciliation.
- ii. Identify mediation and conflict resolution also procedure for mediation and conciliation Understand the meaning of conflict
- iii. Discuss advantages and disadvantages of mediation and conciliation



2.3 Main Content

2.3.1 Advantages of Conciliation

- **Informality:** One of the main benefits of conciliation is that it is informal. The procedure is regarded as being the least formal and following the traditional adversarial model of conflict settlement.
- **Non face to face aspect:** enables parties to engage in a dispute resolution procedure without having to physically meet. When the parties are in a very tense or discordant relationship, this is especially advantageous.
- **Cost:** Conciliation is typically less expensive than litigation, similar to most other alternative conflict resolution procedures.
- **Privacy/Confidentiality:** As with the majority of alternative conflict resolution procedures, parties often enter into an agreement at the start of a conciliation to guarantee that their discussions remain private and confidential.
- **Time:** Conciliation is more effective than going through the court system and can frequently be concluded within a week of the process' beginning. However, this can change based on the complexity of the situation and the personalities of the parties involved.
- **Agreement:** Similar to the mediation procedure, the success of the conciliation process depends on the parties reaching an understanding. The advantage of this is that, as opposed to a decision made by an arbitrator or magistrate, the parties are more likely to leave the process satisfied with the choice they were a part of making.
- **No Binding Agreement:** The only duty remaining for the parties if they decide to withdraw from the conciliation procedure is to cover the fees already paid throughout the process.
- **Conciliator Involvement:** As a conciliator and unbiased third party, the mediator's participation can be beneficial in bringing the parties' differences to a resolution.
- **Disadvantages of Conciliation**

- **No Binding Decision:** Each party will be returned to their starting positions if an agreement cannot be reached between the parties. It can be disappointing for parties who have expended time, money, and effort in the process when there is no final conclusion made.
- **Conciliator Involvement:** Even though the conciliator is supposed to be a neutral third party, their capacity to become involved in the processes through their "active" engagement calls into doubt the conciliator's objectivity.
- **Kinds of Conciliation**

There are mainly two kinds of conciliation. Such as:

- (i) Voluntary Conciliation.
- (ii) Compulsory Conciliation.

1. Voluntary Conciliation: In voluntary conciliation, both parties refer their disagreements to the conciliation officer or the conciliation board of their own free will and agree to have them resolved by an impartial third party; they may or may not accept the outcome.

The following is stated in ILO Recommendation No. 92 about voluntary conciliation (and arbitration) from 1951.

- Voluntary conciliation machinery appropriate to national conditions should be made to assist in the prevention and settlement of Industrial disputes between employers and workers.
- Where voluntary conciliation machinery is constituted on a joint basis it should include equal representation of employers and workers.
- The procedure should be free of charge and swift, and any time restrictions imposed by national laws or regulations should be determined in advance and kept to a minimum.
- It should be possible for the procedure to be initiated by any of the disputing parties or ex-officio by the voluntary conciliation authority.
- The parties involved should be urged to refrain from stick and lockouts while conciliation is taking place if the dispute has been submitted to that process with their consent.
- All agreements reached by the parties during or as a result of the conciliation process shall be in writing and treated as comparable to agreements reached through customary channels.

2. **Compulsory Conciliation:** In the event of mandatory conciliation, the Board of Conciliation is consulted on the disagreements. When conciliation is required, the process is rendered mandatory by clauses mandating the parties' presence at conciliation hearings or giving the conciliation authority the right to force their attendance, as well as by the ban on strikes and lockouts without first using conciliation. Even though the attitudes of the parties make the possibility of a voluntary settlement extremely unlikely, the mandatory conciliation preserves a useful purpose, especially in developing countries where management and trade unions may still have relatively little experience with collective labor relations. There is a far lower likelihood that the parties will even agree to meet for direct discussion.

SELF-ASSESSMENT EXERCISE 3

What is the advantage of conciliation?



2.5 SUMMARY

The many forms, benefits, and drawbacks of mediation and conciliation have been thoroughly discussed in this section. Both conciliation and mediation have their limits, it was also observed, and neither one is guaranteed to always resolve commercial disagreements. In order to get the greatest results possible throughout the resolution process, it is crucial for students of the mediation and conciliation processes to be able to identify the technique to employ at a given time.



2.6 References/Further Readings

- Barry Hart, J.N. Doe. & Sam Gbaydee Doe., (1993), Trauma Healing and Reconciliation Training Manual - A Handbook for trainers and trainees
- Bercovitch, J. (2006) . Mediation Success or failure: A search for the elusive criteria. *Cardozo Journal of Conflict Resolution*, Vol 7, No.2, pp.289-302.
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Kraybill, R. S., Evans, R. A., & Evans, A. F., (2001), *Peace Skills: A Manual for Community Mediators*, San Francisco, CA.



2.7 Possible Answers To Saes

Advantages of Conciliation

- **Informality:** The informal nature of conciliation is one of the processes biggest advantages. The process is considered the most relaxed and least adhering to the typical adversarial method of dispute resolution.
- **Non face to face aspect:** enables parties to engage in a dispute resolution procedure without having to physically meet. When the parties have a very tense or discordant relationship, this is especially advantageous.
- **Cost:** Conciliation is typically less expensive than litigation, similar to most other alternative conflict resolution procedures.
- **Privacy/Confidentiality:** As with the majority of alternative conflict resolution procedures, parties often enter into an agreement at the start of a conciliation to guarantee that their discussions remain private and confidential.
- **Time:** Conciliation is more effective than going via the court system and may frequently be concluded within a week of the process' commencing. However, this might change based on the difficulty of the situation and the personalities of the persons involved.
- **Agreement:** Similar to the mediation procedure, the success of the conciliation process depends on the parties reaching an understanding. The advantage of this is that, as opposed to a decision made by an arbitrator or magistrate, the parties are more likely to leave the process happy with the judgment they were a part in reaching.
- **No Binding Agreement:** The only duty remaining for the parties if they decide to withdraw from the conciliation procedure is to cover the fees already paid throughout the process.
- **Conciliator Involvement:** As a conciliator and unbiased third party, the mediator's participation can be beneficial in bringing the parties' differences to a resolution.

UNIT 3 ADJUDICATION AND ARBITRATION

Unit Structure

- 3.1 Introduction
- 3.2 Intended Learning Outcomes (ILOs)
- 3.3 Main Content
 - 3.3.1 Adjudication
 - 3.3.2 Advantages of Adjudication
 - 3.3.3 Disadvantages of Adjudication
 - 3.3.4 Arbitration
 - 3.3.5 Advantages of Arbitration
 - 3.3.6 Disadvantages of Arbitration
- 3.4 Self-Assessment Exercises (SAEs) 2
- 3.5 Summary
- 3.6 Reference/Further Readings
- 3.7 Answers to SAEs 2



3.1 Introduction

As we mentioned in unit 1 of this module, a large number of firms use alternative dispute resolution (ADR) to settle interpersonal conflicts or disagreements. Preventing a dispute from turning into a lawsuit may improve relations between management and staff and reduce the negative publicity associated with legal battles. We will discuss arbitration and adjudication as forms of ADR in this unit.



3.2 Intending Learning Outcomes

By the end of this unit, you will be able to:

- Examine the activities of Adjudication
- Discuss the operational areas of arbitration



3.3 Main Content

3.2.1 Adjudication

“Adjudication is the process in which parties present their case before a judge or jury. Here it assumes that parties are unable to solve their

conflicts and a decision must be taken from outside (Wissler, 2004)”. “In adjudication the other party can be sued forcing a decision whether the other wants to participate or not (Wilmot and Hocker, 2007)”. According to the legislation, the Minister of Labor is permitted to refer a dispute to the Industrial Arbitration Panel for resolution within 14 days of the conciliator's failure to resolve it (IAP). This panel consists of at least 10 members chosen by the Minister, a Chairman, a Vice-Chairman, and other members. Two of the individuals are selected by the employers, while two more are selected by the workforce.

A trade dispute must be reviewed and a decision made by the Industrial Arbitration Panel within 21 days. The information must be made public by the Minister, and any unsatisfied parties have 21 days to complain. If no protest is lodged during that time, the award is considered valid and is hence final. “It is important to point out that when a trade dispute is referred to the IAP it has to do with matters such as issues bordering on wages, hours of work and any other conditions of employment which are replicated in any statutory provisions (Eniayejuni, 2005)”.

SELF-ASSESSMENT EXERCISE 1

What do you understand by the concept adjunction?

3.3.2 Advantages of Adjudication

The following are some of the advantages of adjudication as given by Wilmot and Hocker

(2007):

1. “Equal protection of the law: - this method permits everyone right to a resolution process and does not require the agreement of the other party; hence, it serves as a power-balancing system. For instance, an aggrieved individual can sue a large organization if they feel victimized or cheated.
2. Adjudication also provides rules for fairness, such as the permit of evidence
3. The use of professionals to speak for the conflict parties is an advantage for parties who need supports in preparation or arrangement of their case.

Adjudication also serves as a backup for other conflict management procedures. When arbitration, mediation and conciliation fall short to generate agreement, the disputants can then go to court Wilmot and Hocker (2007)”.

3.3.3 Limitations of Adjudication

1. The first drawback of adjudication is that it has been abused due to its excessive usage. It is difficult to obtain assurance of swift justice; cases that take two years between filing and first appearance are common.
2. The inability of disputing parties to reach their own conclusions is another drawback of using the legal system to resolve disputes or conflicts.
3. Adjudication is further constrained by the adversarial system's win-or-lose conflict assumptions, which encourage escalation tactics..

SELF-ASSESSMENT EXERCISE 2

Describe the advantage of adjunction?

3.3.4 Arbitration

“Arbitration just as in adjudication gives power to a third party to make a decision on the result of a conflict. Parties who cannot settle their dispute without assistance jointly gives power to an arbitrator to solve their conflicts are ordered to do so by a judge or are obliged by contract to search for arbitration. The arbitration procedure varies according to the type of dispute and the wants of the parties (Wilmot and Hocker, 2007)”. When the parties agree in writing to arbitrate a dispute, the decision is binding. Arbitration may be either optional or required. If both parties agree to the arbitration process, it is voluntary; if no party agrees, it is mandatory. Successful settlement is optional if both parties' consent is required to implement the arbitrator's decision, but it is required if the decision is legally binding regardless of whether both parties agree to it or not.

“Arbitration in Nigeria combines both the compulsory and voluntary essentials, as the award of the panel will not be validated nor will it be legally binding unless both parties have accepted it and the Minister of Labour confirmed it (Eniayejuni, 2005)”.

3.3.5 Advantages of Arbitration

“It is said to be a process used for a wide range of content areas, ranging from contract argument, landlord-tenant conflicts to domestic relations (Kelter, 1994)”:

- i. Here both parties go into arbitration voluntarily unlike in adjudication

- ii. It also keeps one party from employing passive aggressive on the other
- iii. Due to the arbitrator's vast knowledge or training in the area of dispute resolution, he or she can regularly offer resourceful content solutions It is also readily available for use in situations in which the partakers experience a communication break down and are no longer able to solve their problems.

3.3.5 Disadvantages of Arbitration

- i. It seeks to resolve issues only on content basis
- ii. It also emphasizes the assumption that the parties cannot become skilled to deal with their difficulties, that till a third party intervenes the party can't find a solution

SELF-ASSESSMENT EXERCISE 1

Enumerate the disadvantage of arbitration?
--



3.5 Summary

As a kind of neutral third-party intervention in conflict resolution, this unit has given significant consideration to adjudication and arbitration. The decision on the resolution of the issue is made by an outsider in both adjudication and arbitration, such as a judge. The limitations of adjudication include improper use of the procedure, client exploitation of the system, and more. Due of the stressful procedure and the time delay involved in the process, mediators frequently avoid using the adjudication exercise as a dispute resolution exercise. Adjudicators would typically base their decision on the evidence put out by both parties and their representation. While in arbitration, a neutral third party is entrusted with the task of settling the disagreement or conflict.



3.6 References/Further Readings

Eniayejuni, B.O. (2005), Management of Industrial Relations in Nigeria; Lagos: Concept Publications Limited

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negotiation, mediation and arbitration. Cresskill, NJ: Hampton Press

Wilmot W.W. and Hocker J.L. (2007) *Interpersonal Conflict*, McGraw-Hill: New York
Wissler, R.L. (2004) the effectiveness of court-connected dispute resolution in civil cases *Conflict Resolution Quarterly* 22, No.2: 55-88



3.7 Answers To Saes 1

Q1. Meaning of Adjunction

“Adjudication is the process in which parties present their case before a judge or jury. Here it assumes that parties are unable to solve their conflicts and a decision must be taken from outside (Wissler, 2004)”. In adjudication the other “party can be sued forcing a decision whether the other wants to participate or not (Wilmot and Hocker, 2007)”. According to the legislation, the Minister of Labor is permitted to refer a dispute to the Industrial Arbitration Panel for resolution within 14 days of the conciliator’s failure to resolve it (IAP). This panel consists of at least 10 members chosen by the Minister, a Chairman, a Vice-Chairman, and other members. Two of the individuals are selected by the employers, while two more are selected by the workforce.

Q2. Advantages of Adjudication

The following are some of the advantages of adjudication as given by Wilmot and Hocker (2007):

1. Equal protection of the law: This approach gives everyone the right to a dispute-resolution procedure and does not require the other party's consent; as a result, it functions as a system of power-balancing. For instance, if a person feels mistreated or defrauded, they might file a lawsuit against a huge corporation.
2. Fairness norms are also provided through adjudication, such as the permit of evidence.
3. Parties that want assistance with case preparation or arrangement might benefit from using specialists to speak for them in disputes.
4. Adjudication supports more conflict resolution techniques. The parties to a dispute may turn to court if negotiations through arbitration, mediation, and conciliation fail to produce a resolution.

Q3. Disadvantage of Arbitration

1. It seeks to resolve issues only on content basis
2. It also emphasizes the assumption that the parties cannot become skilled to deal with their difficulties, that till a third party intervenes the party can’t find a solution

UNIT 4 **MINI-TRIALS AND EARLY NEUTRAL EVALUATION: PEER REVIEW**

Unit Structure

- 4.1 Introduction
- 4.2 Intended Learning Outcomes (ILOs)
- 4.3 Main Content
 - 4.3.1. Mini-Trial Concept
 - 4.1.2 Mini-Trial: Involving Senior Management
 - 4.1.3 The Mini-Trial Process
 - 4.1.4 Early Neutral Evaluation
- 4.4 Self-Assessment Exercises (SAEs) 3
- 4.5 Summary
- 4.6 References/Further Readings
- 4.7 Answers to SAEs 3



4.1 Introduction

In the last section, we discussed how to resolve disputes amicably rather than going to court. In this course, we will look into another method of resolving disagreement or dispute that could not be handled in the previous unit, which is the Mini trial. Mini-trials are a type of alternative dispute resolution (ADR) technique that is intended to resolve disputes without incurring the additional costs and delays associated with court action. Mini-trials do not result in official adjudication, but they are a mechanism for parties to reach an agreement through a structured settlement procedure. Several parties have modified the mini trial in order to address concerns peacefully without affecting the parties' relationship.



4.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- i. Understand the mini-trial process
- ii. Examine the early neutral evaluation process



4.3 Main Content

4.3.1 Mini-Trial

Concept

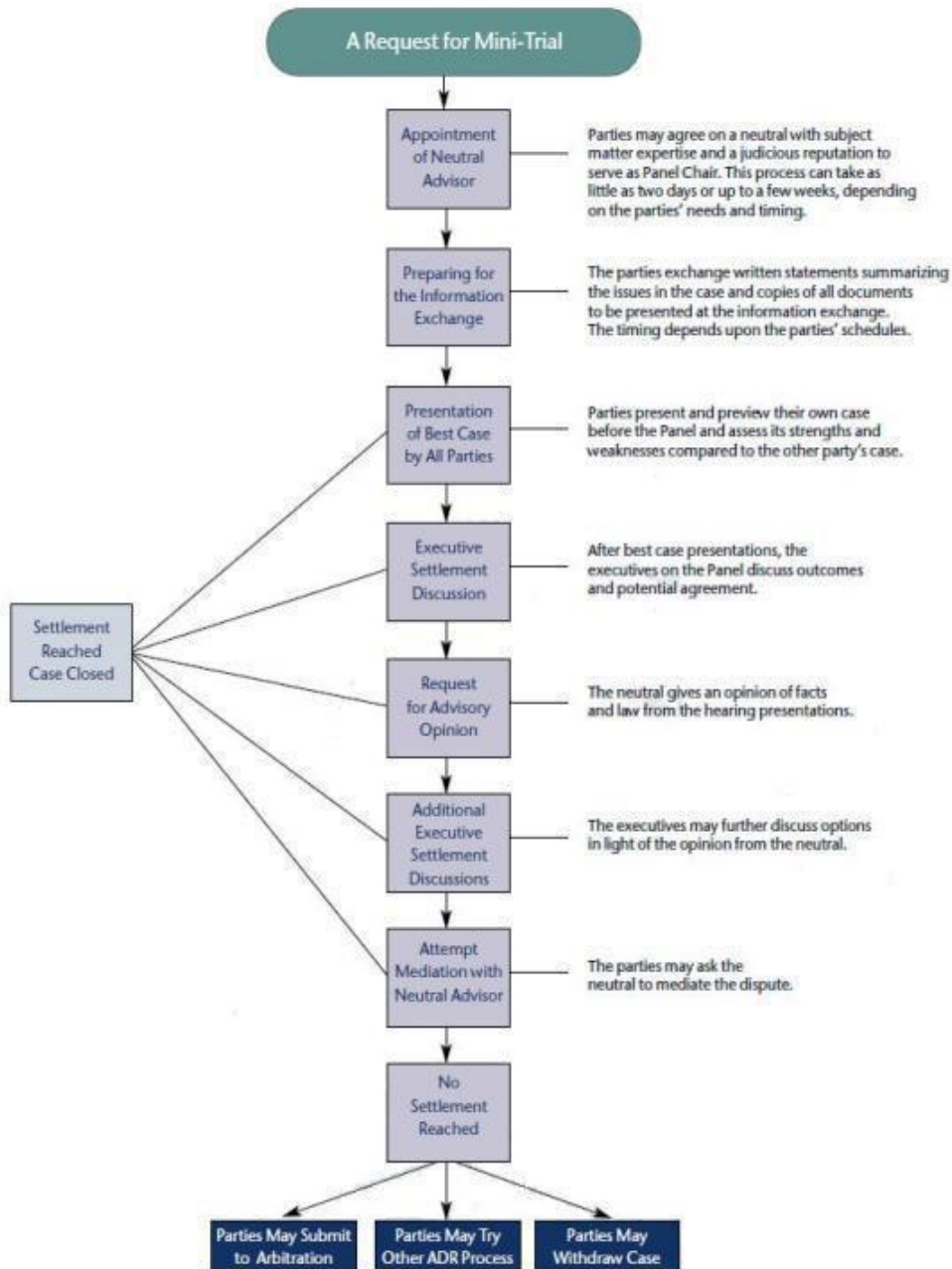


Figure 3.1: A Mini – Trial Process Overview

Source: American Arbitration Association 2005

4.3.2 Mini-Trial: Involving Senior Management

Mini-Trials are educational and beneficial endeavors because they allow corporate leaders to have a better grasp of the problems at hand as well as each party's position in a disagreement. A Mini-Trial allows parties to prepare and evaluate their own case presentations, as well as analyze the strength of their adversaries' views in a case. A Mini-less Trial's formal environment emphasizes the relevance of a business viewpoint in the dispute, and it allows top executives to engage more completely in the resolution of company conflicts.

Mini-Trials may be an option for parties when there is confusion or disagreement regarding the worth of or the most effective approach to present a case, both within and outside of organizations. They can also help parties with discovery and future litigation or arbitration preparation when keeping connections is vital for future commercial prospects.

Furthermore, when clients are involved in a case involving highly specialized technological challenges or subject matter that necessitates the use of a neutral with a certain background or degree of knowledge, a Mini-Trial may be an acceptable choice.

A signed agreement between the parties initiates the Mini-Trial procedure. After the case is launched, the parties are provided with a list of possible Panel Chairs who have the requisite competence. The parties can either agree on a person or request that the AAA select a neutral Chair from the authorized list. The parties and the neutral then choose a day and time for the information exchange and decide on the formality of the proceedings, the application of evidence rules, and any other procedural components of the Mini-Trial, such as witness list presentation.

SELF-ASSESSMENT EXERCISE 1

What are the procedures for mini-trial agreement between disputing parties.

4.3.3 The Mini-Trial Process

The Mini-Trial is presided over by a neutral Chair, who allows each party to submit its evidence or information in an abridged "best case" style. In general, federal or state court evidence requirements do not apply in Mini-Trial presentations, and these processes, like Mediations, are secret.

Following the presentations, top executives from each firm will have the chance to initiate settlement negotiations with the AAA neutral serving as conciliator or mediator. If no agreement is achieved, the parties might ask the impartial Chair for an advisory opinion. These opinions frequently

contain a discussion of critical legal and factual problems that underpin the non-binding conclusion. Following the delivering of the opinion, the top executives on the panel reconvene for additional settlement negotiations. If the parties want a final settlement to the disagreement, they might request that the neutral act as a mediator at this stage. If the parties choose to include the Mini-Trial method into their contractual dispute resolution procedures, they may do so.

If a dispute arises out of or relates to this contract or its breach, the parties agree to first submit their dispute to a neutral advisor in accordance with the American Arbitration Association's Mini-Trial Procedures, which are administered by the American Arbitration Association, before resorting to arbitration, litigation, or another dispute resolution procedure.

4.3.3 Early Neutral Evaluation

Early neutral assessment is another technique of alternative conflict resolution in which a person acts as a neutral and examines the merits and demerits of opposing parties' viewpoints. In current times, this is utilized in conjunction with mediation sessions to assist the parties in evaluating the merits of their case. This is normally done by an experienced litigator with extensive litigation expertise. He expresses his thoughts on the pros and cons of their argument. He is neutral in his opinion and this enables the parties to keep their trust on him. "He doesn't know the parties or doesn't have interest in any one party at the cost of the other. He gets his fees from both parties no matter they settle their dispute or not; this enables him to keep neutral position and also to keep the trust of the parties (Blake, 2010)".

Early neutral assessment differs from mediation in that the early neutral evaluator communicates directly with them about their difficulties. In mediation, the parties attempt to resolve their disagreements/issues on their own. A mediator makes no judgments on the merits or demerits of a case. He is only a conduit. During early neutral review, the evaluator deals directly with the case's merits and demerits. It differs from court or arbitration processes in that an evaluator just expresses his opinion on the merits of the case and does not issue a decision enforceable on the parties. Similarly, it differs from conciliation in that an evaluator does not attempt to resolve the parties' issue. "In recent times, early neutral evaluation is taken as part of the mediation proceedings. This means it is good technique for the resolution of disputes of commercial nature (Blake, 2010)".

SELF-ASSESSMENT EXERCISE 2

What is the difference between neutral evaluation and mediation?
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4.5 Summary

This team investigated mini trial and early neutral as dispute resolution tools. Mini trials may be viewed as a comprehensive technique of dispute resolution; they are also quite useful in workplace management. The concept, meaning, impacts, and procedure required were all studied and well-articulated.



4.6 References/Further Readings

Meek, S. B. (1996). *Alternative Dispute Resolution* Tucson, Az.: Lawyers and Judges.

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4.7 Answers To Saes

Q1.

A signed agreement between the parties initiates the Mini-Trial procedure. After the case is launched, the parties are provided with a list of possible Panel Chairs who have the requisite competence. The parties may either mutually agree on a person or request that a neutral Chair be appointed from the authorized list. The parties and the neutral then choose a day and time for the information exchange and decide on the formality of the proceedings, the applicability of evidence rules, and any other procedural components of the Mini-Trial, such as witness list presentation.

Q2.

Early neutral assessment differs from mediation in that the early neutral evaluator communicates directly with them about their difficulties. In mediation, the parties attempt to resolve their disagreements/issues on their own. A mediator makes no judgments on the merits or demerits of a case. He is only a conduit. During early neutral review, the evaluator deals directly with the case's merits and demerits. It differs from court or arbitration processes in that an evaluator just expresses his opinion on the merits of the case and does not issue a decision enforceable on the parties. Similarly, it differs from conciliation in that an evaluator does not attempt to resolve the parties' issue. "All he does is to give an honest and neutral opinion with regard to the merits of the case of parties. In recent times, early neutral evaluation is taken as part of the mediation proceedings. This means it is good technique for the resolution of disputes of commercial nature (Blake, 2010)".

UNIT 5 NEGOTIATION

Unit Structure

- 5.1 Introduction
- 5.2 Intended Learning Outcomes (ILOs)
- 5.3 Main Content
 - 5.3.1 Theories of Negotiation
 - 5.3.2 Characteristics of Negotiation
 - 5.3.3 Bargaining Principles
 - 5.3.4 Procedure for Negotiation
 - 5.3.5 Negotiating skills
- 5.4 Self-Assessment Exercises (SAEs)
- 5.5 Summary
- 5.6 References/Further Readings
- 5.7 Answers to SAEs 4



5.1 Introduction

“In this unit we will look into another method of resolving conflict, this method is applied when the other methods of resolving conflict discussed in the previous unit has either failed to yield a positive outcome or to use this as the best alternative to solve the crisis at hand. Negotiation arises in conflict resolution when the parties know that their interdependence have been able to ascertain their concerns, and are determined to work on both incompatible and overlapping goals (Bartos, 1974)”. “Negotiation permits conflicting parties to mention their preference, talk about their relationship, hold back themselves from certain actions and raise their predictability about each other (Wall 1985)”. Negotiation and collective bargaining are frequently used interchangeably; the important purpose of negotiation is to offer a chance for both sides to put their issues on the table and achieve an agreement.



5.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- Explain what is negotiation
- Describe the characteristics of Negotiation
- List the basic skills required for negotiation



5.3 Main Content

5.3.1 Theories of Negotiation

The phrase "principled-negotiation" was first used in Roger Fisher's approach to conflict resolution (or negotiation); this strategy seeks to settle disputes by deferring judgment to a moral principle. A strategy like this promotes the necessity of interest-based negotiations as opposed to those based on a "position." Fisher, for instance, would propose that interests would encompass things like security, esteem, and pleasures while positions would describe how those interests were attained.

Why do some people take one perspective while others hold a different one, Fisher wonders, while promoting the need for empathy. According to Fisher, empathy enables parties to identify their shared interests, which can then be used to come up with creative solutions that are agreeable to all parties (what this author would refer to as "re-negotiated positions").

5.3.2 Characteristics Of Negotiation

These characteristics are divided into four, namely:

1. **Distributive Bargaining:** - When there is dispute between the parties, this happens and the outcome favors one side at the expense of the other. That is, each side tries to determine and influence the other's stance on the negotiating topics. For instance, if there is a dispute between management and the union on wage increases, it simply implies that the union will win and management will lose.
2. **Integrative Bargaining:** - this has to do with coming up with innovative solutions that will combine the interests of the parties and lead to a mutually beneficial outcome for both sides. It occurs when parties are prepared to find original solutions that satisfy both sides and have two or more difficulties to resolve.
3. **Attitudinal Structuring:** - This happens when one party's actions influence the other party's attitude. It involves attitudes like respect, trust, and others that can positively impact both parties' standards of agreement and result in a good acceptance of the topics brought up for negotiation.
4. **Intra-organizational Bargaining:** - At this point, both sides talk with the other members of their teams about the changes to the

bargaining stance. Using the salary increment example we used earlier, the negotiators will convince management to consent to a higher salary. Similarly, those negotiating on behalf of the union must also try to persuade to agree to the negotiated contract, so they must be responsive to the request of the members and also reasonable.

SELF-ASSESSMENT EXERCISE 1

Examine any three characteristics of Negotiation

5.3.3 Bargaining Principles

“According to Eniaiyejuni (2005), these are undocumented principles which labour management negotiators follow:

1. Parties to bargain must be flexible. Normally negotiations go on by having other offers and counter-offers resulting to a settlement.
2. The terms of the final agreement must be put into practice without alteration, but if otherwise it has to be negotiated
3. Once a concession is reached it cannot be withdrawn
4. There must be an agreement on the time frame regarding settlement before or early in the negotiation process which must be honoured by the parties.
5. Hard words, threats and loss of temper are taken care of by both parties as legitimate approach and should not be allowed to weaken either party’s belief in the other’s integrity, or their wish to settle without taking positive action”.

5.3.4 Procedure For Negotiation

When a proposal is prepared, the next step is to establish the negotiation's rules and process, including the meeting's time and location, duration, dress code, how to present arguments, and other details. The following are the bargaining procedures:

1. *Agenda:* - The list of topics open for discussion is determined upon before the negotiations begin. This is distributed later.
2. *Conduct of Meeting:* - Here, the union introduces the vice-chairman of the meeting while management introduces the chairman. The parties are seated side by side, facing one other, with one party on one and the other on the other. The introduction of every team member follows next. The meeting's purpose is then

further explained by the chairman, who emphasizes the need of consensus.

3. *Opening*: - In order to get management's attention, the union introduces its case at the meeting.
4. *Bargaining Format*: - there is no specific format that the agenda must follow but there are two ways to the issue, which are:
 - The Piecemeal approach: - This suggests that the issues be resolved as they are brought up one after the other, with the next issue being taken after the previous one has been addressed and resolved. The fact that minor concerns are discussed before large ones may be due to the fact that doing so reduces the strain of the negotiation and builds goodwill.

“A disadvantage of this method is that it does not give room for a easy swapping in the case when either party plans to use a minor item to catch a major one (Eniaiyejuni, 2005)”.

- The total method: - According to this method, no item on the list is deemed to be completely addressed until each and every other item has been taken care of. This approach has the benefit of reflecting all the considerations important to the overall package. Additionally, it helps to maximize the benefits of a prospective trade-off.

SELF-ASSESSMENT EXERCISE 2

Discuss basic component procedure of negotiation take-up?

5.3.5 NEGOTIATING SKILLS

Negotiation requires a certain set of abilities. These include:

- i. The capacity to simultaneously specify a number of objectives and not be inflexible
- ii. The ability to effectively and rationally communicate facts and arguments.

Human relations abilities are necessary for dealing with people in a way that is persuasive and firm without coming off as being overly bossy.

- iii. The capacity for effective prioritization.
- v. The capacity to interpret and comprehend nonverbal cues.
- vi. The capacity to listen to others without always seeking to be heard.



5.5 Summary

In this lesson, we've looked at negotiating as a conflict-resolution technique. The qualities, practices, and abilities required for negotiation were carefully analyzed and addressed. It is crucial for us to understand the purpose and process of conducting negotiation exercises to settle disputes as negotiators. As a result, negotiation is more about compromise and bringing the parties together to settle the conflict amicably than it is merely a conversation between two or more sides. It serves as a tool for negotiating on behalf of the parties engaged in the negotiation process as a whole. In order to reach an agreement, negotiations take place in a variety of spheres of society, including business, non-profit organizations, government, legal procedures, and also between states.



5.6 References/Further Readings

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Fisher, R and Ury, W. (1991) *Getting to Yes: Negotiating an Agreement without Giving In*, Second Edition, London, Sydney, Auckland, Bergvlei SA, Business Books Limited

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5.7 Possible Answers To Saes

Q1. Characteristics Of Negotiation

These characteristics are divided into four, namely:

1. **Distributive Bargaining:** - When there is dispute between the parties, this happens and the outcome favors one side at the expense of the other. That is, each side tries to determine and influence the other's stance on the negotiating topics. For instance, if there is a dispute between management and the union on wage increases, it simply implies that the union will win and management will lose.
2. **Integrative Bargaining:** - this has to do with coming up with innovative solutions that will combine the interests of the parties and lead to a mutually beneficial outcome for both sides. It occurs when parties are prepared to find original solutions that satisfy both sides and have two or more difficulties to resolve.
3. **Attitudinal Structuring:** - This happens when one party's actions influence the other party's attitude. It involves attitudes like respect, trust, and others that can positively impact both parties' standards of agreement and result in a good acceptance of the topics brought up for negotiation.

Q2. Procedure For Negotiation

When a proposal is prepared, the next step is to establish the negotiation's rules and process, including the meeting's time and location, duration, dress code, how to present arguments, and other details. The following are the bargaining procedures:

1. *Agenda:* - The list of topics open for discussion is determined upon before the negotiations begin. This is distributed later.
2. *Conduct of Meeting:* - Here, the union introduces the vice-chairman of the meeting while management introduces the chairman. The parties are seated side by side, facing one other, with one party on one and the other on the other. The introduction of every team member follows next. The meeting's purpose is then further explained by the chairman, who emphasizes the need of consensus.

3. *Opening:* - The union presents their argument to management as the meeting's opening statement.

MODULE 5 LABOUR RELATIONS ISSUES

- Unit1: Employment Dispute in Nigeria
 Unit2: Statutory Procedures for Settling Employment Disputes
 Unit3: Right to Strike in Nigeria Jurisdiction
 Unit4: Modern System of Resolving Labour Dispute
 Unit5: The Theory of Social Justice

UNIT 1 EMPLOYMENT DISPUTE IN NIGERIA

Unit Structure

- 1.1 Introduction
 1.2 Intended Learning Outcomes (ILOs)
 1.3 Main Content
 1.3.1 Dispute Resolution in Organization
 1.4 Self-Assessment Exercises (SAEs)
 1.5 Summary
 1.6 References/Further Readings
 1.7 Answers to SAEs 1



1.1 Introduction

Conflicts are a tenacious reality of organizational life. Although disagreements are a common occurrence in companies, their importance to organizational theory and functioning has fluctuated due to shifting management ideology and theory. The advent of alternative dispute resolution has changed the way that workplace conflicts are resolved.



1.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- i. Examine the nature Dispute Resolution in an organization
- ii. Identify various issues on labour matters in an organization



1.3 Main Content

1.3.1 Dispute Resolution in Organization

“Disputes in the workplace between employees and employers, or indeed between employees and their colleagues, inevitably happen from time to time. They can arise out of a whole range of circumstances, including but not limited to simple misunderstandings or mistakes, poor communication and decision making, tension or personal difficulties, breaches of terms and conditions of employment/law, infringements of human rights and so on. Whatever the individual causes of disputes, the consequences are often detrimental to both the employers and the employees. Disputes carry costs in both monetary and psychological terms. They take time to deal with; they disrupt lives and commercial activities; they are bad for all concerned. Disputes, nonetheless are a fact of life, they will always occur, not all can be prevented or avoided. An attempt to settle industrial dispute amicably may be twofold. Firstly, it must achieve reduction in the numbers of disputes, and secondly, it must mitigate the effects of those disputes which do occur once they have arisen. ((Mahmud, Saka (2018))”

“Disputes for the purpose of this material refers to trade dispute which has been defined in Section 48 of the Act as:

“Any dispute between employers and workers or between workers and workers, which is connected with the employment or non-employment, or the terms of employment and physical conditions of work of any person”

The present statutory dispute resolution processes have been in existence for many years, however they have not significantly reduced industrial conflicts or litigation as was intended. It is time to fundamentally reevaluate how to resolve conflicts utilizing alternative dispute resolution procedures, such as a consultation exercise that has been extremely beneficial in identifying the important topics that require further exploration through a public consultation. A systemic change is necessary to address today's challenges and assist both employers and employees in avoiding and escalating disputes to a point where they can be amicably resolved. Although a clear opinion has not been expressed about alternative dispute resolution procedures, some employers and employee organizations have suggested that the statutory procedures are rigid and add unnecessary administrative burdens. (Mahmud etel,2018)

“A narrow definition of alternative dispute resolution (ADR), is the use of third parties engaging in conciliation, mediation and arbitration prior to court proceedings. The ADR can be judicial or non-judicial. It is

judicial where it is linked to the judicial process i. e if it involves the appointment of a publicly funded specialist or a private expert on a application before a court, but before a court hearing is fixed, or before a claim has been made. It is non-judicial where it involves social partners in the workplace or sometimes in the region or the sector in providing an avenue for workers to resolve a dispute at the level of employers/employees through a collective bargaining. (Mahmud etel,2018)”.

“The purpose of any employment dispute resolution systems should therefore aim at restoring good employment relations through an effective, efficient and fair resolution of employment disputes. The arrangement should be designed to provide a system of flexible governance and practice that enjoins the confidence of employers, employees, and trade unions alike. Thus the principles applying to any dispute resolution mechanism should focus on promoting good employment relationship; provision of strong employment rights; effective mechanism to prevent and resolve disputes; resolution of workplace disputes close to the point of origin; enhanced capability of all involved in the prevention and resolution of workplace disputes; statutory bodies that provide effective prevention and dispute resolution services to all those involved in workplace disputes; access to non-adversarial alternatives, and efficient and effective appeal system.(Mahmud etel,2018)”.

The goal of any employment dispute resolution system should be to restore healthy working relationships via effective, efficient, and equitable settlement of employment conflicts. The structure should be intended to create a flexible governance and practice framework that inspires trust among employers, employees, and trade unions alike. Thus, the principles governing any dispute resolution mechanism should emphasize the promotion of good working relationships, the provision of strong employment rights, effective mechanisms for preventing and resolving disputes, the resolution of workplace disputes close to the point of origin, enhanced capability of all parties involved in the prevention and resolution of workplace disputes, and statutory bodies that provide effective prevention and dispute resolution services to all parties involved.

SELF-ASSESSMENT EXERCISE 1

What do you understand by the Alternative Dispute Resolution?



1.5 Summary

It is evident that the term alternative refers to seeking beyond the courtroom context to resolve some disagreements. In other words, rather than moving to a formal winner vs. loser judgment by a court, parties involved in civil disputes should be encouraged to examine if their issue may be settled by agreement, either directly or with the assistance of a third-party mediator/conciliator. Alternative conflict resolution, on the other hand, refers to a variety of methods aimed at bringing disputing parties together in a neutral setting to discover a solution to the problem at hand. Some employers use ADR as an important element of their conflict resolution procedures, bringing in an impartial third party.



1.6 References/Further Readings

Mahmud, K, Saka, O (2018) Employment Disputes and Industrial Relations in Nigeria: The Role of Alternative Dispute Resolution, *KIU Journal of Humanities*, Kampala International University ISSN: 2415-0843; 3(1): 123–137



1.7 ANSWERS TO SAEs 1

Q1. Meaning of ADR

“A narrow definition of alternative dispute resolution (ADR), is the use of third parties engaging in conciliation, mediation and arbitration prior to court proceedings. The ADR can be judicial or non-judicial. It is judicial where it is linked to the judicial process i. e if it involves the appointment of a publicly funded specialist or a private expert on a application before a court, but before a court hearing is fixed, or before a claim has been made. It is non-judicial where it involves social partners in the workplace or sometimes in the region or the sector in providing an avenue for workers to resolve a dispute at the level of employers/employees through a collective bargaining. (Mahmud etel,2018)”

UNIT 2 STATUTORY PROCEDURES FOR SETTTLING EMPLOYMENT DISPUTES

Unit Structure

- 2.1 Introduction
- 2.2 Intended Learning Outcomes (ILOs)
 - 2.3 Main Content
 - 2.3.1 Statutory Procedures for Settling Employment Disputes
- 2.4 Self-Assessment Exercises (SAEs)
- 2.5 Summary
- 2.6 References/Further Readings
- 2.7 Answers to SAEs



2.1 Introduction

Disputes are an unavoidable feature of organizational life. Although disagreements are a common occurrence in companies, their importance and relevance to organizational theory and functioning has fluctuated due to shifting winds of management ideology and theory. The introduction of Alternative Dispute Settlement has altered the landscape of workplace dispute resolution.



2.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- i. Examine the strategic for resolving labour dispute
- ii. Identify the needed procedures in resolving crisis in the organization



2.3 Main Content

2.3.1 Statutory Procedures for Settling Employment Disputes

“Inevitably, there are times when attempt to resolve disputes formally will fail or simply not be appropriate in the circumstances. In these situations, formal procedures set in place by statutes, employer and the employee regulations should normally be used either to settle grievances or begin a disciplinary action. The statutory procedures vary from one legislation to the other and from one employer to another. All employers are required

to have in place procedures which generally as a minimum allow the matter to be put in writing and considered; a meeting to be held about the issue, and an appeal to be held where the matter has not been resolved. (Mahmud etel, 2018)”

Furthermore, there is a consultation mechanism under statutory dispute resolution. In respect to the statutory dispute resolution processes, the consultation suggests three options: retention, modification, and repeal.

This analysis entails keeping the grievance procedure, keeping the disciplinary and dismissal procedure, and simplifying the procedures.

“Section 3 (1) of the Trade Disputes Act, provides for the procedure for settling disputes. it provides that if there exists an agreed means of settlement of disputes, the parties to the dispute shall first attempt to settle it by that means. If no dispute settlement procedure exists the parties are obliged by Section 3(2) to meet under the presidency of a mediator mutually agreed upon with a view to the amicable settlement of the dispute. Section 4 of the Act, empowers the Minister of Labour and Productivity to apprehend a trade dispute and appoint a conciliator or refer the dispute to the Industrial Arbitration Panel. If the mediator appointed by the employer and the employees is unable to settle the dispute within fourteen days, the dispute shall be reported to the Minister, who shall refer the matter either to the Industrial Arbitration Panel (IAP) or the National Industrial Court (NIC). If within seven days of the date on which a mediator is appointed, the dispute is not settled, the dispute shall be reported to the Minister by either of the parties within three days of the end of the seven days. The report shall be in writing and shall record the points on which the parties disagree and describes the steps already taken by the parties to reach a settlement. (Mahmud etel,2018)”

“The Minister may appoint a fit person to act as conciliator for the purpose of effecting settlement, who shall inquire into the causes and circumstances of the dispute and by negotiation with the parties’ endeavor to bring about a settlement. If a settlement of this dispute is reached within seven days of his appointment, the person appointed as conciliator shall report the fact to the Minister and shall forward to him memorandum of the terms of the settlement signed by the parties. If however, a settlement of the dispute is not reached within seven days, the conciliator shall forthwith report the fact to the Minister too. Within fourteen days of the receipt by him of the report, the Minister shall refer the dispute for settlement to the Industrial Arbitration Panel, who shall consist of a chairman, a vice-chairman, and not less than ten other members appointed by the Minister including persons representing the interest of the employer and the employees respectively. The award of an Arbitral Tribunal shall be made and issued by the Arbitrator. The award must be

made within twenty-one days of its constitution or such longer period as the Minister may allow. On making its award shall forthwith send a copy to the Minister. The Minister shall cause a copy of the award to be given to the parties or their representatives in a notice setting out the awards. (Mahmud etel,2018)”

“If either of the parties’ objects to the notice of the award, the party objecting shall within seven days give a notice of objection to the Minister. The Minister on receipt of the notice of objection, if he thinks desirable refers the award back to the Tribunal for reconsideration. Where no notice of objection of the award is given to the Minister within the time and in the manner stipulated, the Minister shall publish in the government gazette a notice confirming the award, and the award shall be binding on the parties. If notice of objection to the award of an arbitral tribunal is given to the Minister, in the time and manner stipulate, the Minister shall forthwith refer the dispute to the National Industrial Court. The award of the National Industrial Court shall be binding on the employers and the workers to whom it relates; except where there is an appeal on question of fundamental human rights contained in chapter four of the Constitution. Any person who fails to comply with an award of a Tribunal as confirmed by the Minister shall be guilty of an offence and liable on conviction in the case of an individual to a fine of ₦ 200; or in the case of a corporate body to a fine of ₦2000. The Act in its Section 18, however, prohibits lock outs and strikes before issue of award of National Industrial Court. It provides that, an employer shall not declare or take part in a lock out and a worker shall not take part in a strike in connection with any trade dispute where, a conciliator has been appointed; the dispute has been referred for settlement to the Industrial Arbitration Panel; an award by an arbitration tribunal has become binding; the dispute has been referred to the National Industrial Court; the National Industrial Court has issued an award. (Mahmud etel,2018)”

“Any person who contravenes this section shall be guilty of an offence and be liable on conviction, in the case of an individual, to a fine of ₦100 or to imprisonment for a term of six months; or in the case of a body corporate, to a fine of ₦1.000. in essence, the Act, introduces a regime of compulsory settlement of trade disputes. Thus, in the case of *Eche Vs. State Education Commission*, in this case, public primary and post primary school teachers in Anambra State proceeded on strike after efforts at mediation failed. The issue turned on whether the strike was lawful. Araka CJ (as he then was) drew the attention to the fact Section 17(1) (i. e Section 18 of the 2004 Act) uses „or“ rather than „and“ in essence where employees have taken any of the steps in Section 3 or 4 they may proceed on strike to press for their claims. He said:

“it is ... not correct that if a strike is not to be considered as illegal, all the

provisions of the various subsection of 17 Trade Dispute Act must be complied with by the worker. It is sufficient, in my view, if the provisions of only one of the subsections have been fully complied with. That is the effect of the word “or” that has been used after each subsection. If the legislature had intended to make it obligatory for the worker to comply with all the provisions of section 17, it would not have used the word “or” after each subsection. It would rather have used the word “and” and not “or”. (Mahmud etel,2018)”

Arbitration, conciliation, and adjudication are required because emotionally charged interested men cannot determine the merits of their own case. In most situations, trade unions are too weak to obtain their goals through economic strength tests and must consequently rely on arbitration and adjudication.

The widely held belief is that any sort of strike is illegal under the Trade Disputes Act.

“This has however, forced employees to channel their pressure into other forms of more destructive organized and unorganized conflict. Section 40 and 41 of the Act also provides that if any worker employed in any essential service ceases, whether alone or in combination with others, to perform the work which he is employed to perform without giving his employer at least fifteen days” notice of his intention to do so, he shall be guilty of an offence and liable on conviction to a fine of ₦100 or to imprisonment of six months. The provision also extends to persons who have reasonable cause to believe that the cessation of their service can endanger human life; expose property to destruction or injury or cause bodily injury to any person. By interpretation, it can be said that Section 41 and 42 of the Act, without prejudice to Section 18 of the same Act, exhibits a ground to believe that it does not relate to strike per se, but abandonment of duties and resignation of appointment with payment of salary in lieu of notice. Even where salary in lieu of notice may be paid, the employee must give at least fifteen days” notice before he vacates office to enable the employer employ a substitute for the purposes of continuity of its activity. Furthermore, it has been held that Section 18 of the Act on lock outs and strikes before issue of an award, elicited an inundation of comments whether Nigerian employees retain a right to proceed on strike? Almost all the leading Labour Law Writers conceded that workers in Nigeria have lost the right to strike. Nwabueze and Akpan, on the other hand suggested that Section 18 of the Act, is void for being inconsistent with Section 34 (1)(c) of the Constitution which prohibits forced as it means holding unwilling workers to labour. Employees who find themselves saddled with an uncooperative employer can resign. They may only plead that they are forced to work where their right to resignation is inhibited. The tone of Section 34 (1)(c) appeared to be

active; it does not extend to a passive thing that negatively impacts on a person to continue his service. Forced labour is emotive, essentially it is limited to compulsion to commence service, not restrictions upon the method of terminating it. For example, where an employee is by rules and regulation must give a particular length of notice before resignation, and he decides to give a salary in lieu of notice, should not be treated as a forced labour. (Mahmud etel,2018)”

Ukuegbe determines that Section 18 of the Trade Disputes Act breaches Nigeria's commitment under the International Labour Organization Convention, which enjoins state workers groups to regulate terms and conditions of employment through collective bargaining. Furthermore, the decision of the Nigerian Supreme Court in the case of Abacha vs. Gani Fawehinmi, when read in conjunction with provisions of Article 10 of the African Charter on Human and Peoples Rights, provides that every individual shall have a right to free association provided that he abides by the law; and the right to work under equitable and satisfactory conditions.

SELF-ASSESSMENT EXERCISE 2

Examine the procedure in settling Labour dispute in Nigeria?



2.5 Summary

In other words, alternative dispute resolution (ADR) is a broad spectrum of structured processes, including mediation and conciliation, that do not include litigation, though it may be linked to or integrated with litigation, and that involve the assistance of a neutral third party, and that empower parties to resolve their own disputes. In summary, legal recourse is available when other means of resolving a disagreement have proven ineffective. This entails resorting to the full force of the law via a judicial process, such as the National Industrial Court or Employment Tribunal, which give a legal mechanism of resolving workplace conflicts under employment regulations. The National Industrial Court is made up of a legally trained judge who is well-versed in labor relations.



2.6 References/Further Readings

Mahmud, K, Saka, O (2018) Employment Disputes and Industrial Relations in Nigeria: The Role of Alternative Dispute Resolution, KIU Journal of Humanities, Kampala International University ISSN: 2415-0843; 3(1): 123–137



2.7 ANSWERS TO Saes 1

Q2. Resolving Employment Dispute in Nigeria

There is also the statutory dispute resolution consultation process. In respect to the statutory dispute resolution processes, the consultation suggests three options: retention, modification, and repeal. This analysis includes keeping the grievance procedure, keeping the disciplinary and dismissal procedure, and simplifying the procedures.

“Section 3 (1) of the Trade Disputes Act, provides for the procedure for settling disputes. it provides that if there exists an agreed means of settlement of disputes, the parties to the dispute shall first attempt to settle it by that means. If no dispute settlement procedure exists the parties are obliged by Section 3(2) to meet under the presidency of a mediator mutually agreed upon with a view to the amicable settlement of the dispute. Section 4 of the Act, empowers the Minister of Labour and Productivity to apprehend a trade dispute and appoint a conciliator or refer the dispute to the Industrial Arbitration Panel. If the mediator appointed by the employer and the employees is unable to settle the dispute within fourteen days, the dispute shall be reported to the Minister, who shall refer the matter either to the Industrial Arbitration Panel (IAP) or the National Industrial Court (NIC). If within seven days of the date on which a mediator is appointed, the dispute is not settled, the dispute shall be reported to the Minister by either of the parties within three days of the end of the seven days. The report shall be in writing and shall record the points on which the parties disagree and describes the steps already taken by the parties to reach a settlement. (Mahmud etel,2018)’”

UNIT 3 RIGHT TO STRIKE IN NIGERIAN JURISDICTION

Unit Structure

- 3.1 Introduction
- 3.2 Intended Learning Outcomes (ILOs)
 - 3.3 Main Content
 - 3.3.1 Meaning of Strike
 - 3.3.2 Major Causes of Strike in Nigeria
 - 3.3.3 Right to Strike in Nigerian Jurisdiction
- 3.4 Self-Assessment Exercises (SAEs)
- 3.5 Summary
- 3.6 References/Further Readings
- 3.7 Answers to SAEs 2



3.1 Introduction

The right to strike in Nigeria will be examined in this unit, along with the question of whether Nigerian workers' use of strike action in violation of the many laws that purport to forbid and penalize it. The freedom to strike is also examined in the article with regard to a few particular jurisdictions. The pertinent constitutional clauses that safeguard the basic freedom of association as well as other national and international legal instruments that protect the right to strike and the right to engage in collective bargaining on behalf of trade unions are covered in full. The legislation governing labor disputes in Nigeria is examined in the article, and it is discovered that it continues to mistreat employees.



3.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- define Strike
- discuss the major cause of strike in Nigerian Context
- state the classifications of jurisdiction of strike in Nigeria



3.3 Main Content

3.3.1 Meaning of Strike

“Strike as a means by which employees exert pressure on their employers to acceding to their demands has a long-standing history. The etymology of the term “strike” is considered from the standpoint of jurists, judicial decisions as well as statutory provisions. There appears to be no exact definition of the term “strike.” An examination of the definitions in Dictionaries and relevant Statutes in Nigeria and other jurisdictions such as United Kingdom (Britain), South Africa, Ghana and Judicial authorities all show that there is no common definition of the term strike. (Bokolo,2020)”

The Black’s Law Dictionary defines “strike” as “an organized cessation or slowdown of work by employees to compel the employer to meet the employee’s demands” ([Garner, 2014](#)) .

Whereas the New Britannica-Webster Dictionary defines it as:

- 1) Work stoppage by a body of workers to force an employer to comply with demands.
- 2) A temporary stoppage of activities in protest against an act or condition ([Webster, 1993](#)).

Section 48 (1) of the Trade Disputes Act (TDA) defines strike as follows:

Strike means the cessation of work by a body of persons employed acting in combination or a concerted refusal under a common understanding of any number of persons employed to continue to work for an employer in consequence of a dispute, done as a means of compelling their employer or any person or body of persons employed, or to aid other workers in compelling their employer or any person or body of persons employed, to accept or not to accept terms of employment and physical conditions of work ([TDA, 2004](#)).

And in this definition:

- 1) “Cessation of work” includes working at speed less than usual or with less than usual efficiency; and
- 2) “Refusal to continue to work” includes a refusal to work at usual speed or with usual efficiency.

In South Africa, the term strike is defined as:

The partial or complete concerted refusal to work, or the obstruction of work, by persons who are or who have been employed by the same employer or by different employers, for the purpose of remedying a grievance or resolving a dispute in respect of any matter of mutual interest between employer and employees ([LRA, 2002](#)).

Whereas in Ghana strike means:

“Any action by two or more workers acting in concert which is intended by them to restrict in any way the service they normally provide to the employer or diminish the output of such service with a view to applying coercive pressure upon the employer and includes sympathy strike and those activities commonly called a work-to-rule, a go slow or a sit down strike ([Labour Act of Ghana, 2003](#))”.

On the other hand, the Employment Rights Act of Britain defines strike as:

- 1) The cessation of work by a body of employed persons acting in combination or
- 2) A concerted refusal by a body of employed persons to refuse to work for an employer in consequence of a dispute, done as a means of compelling their employer to accept or not to accept terms and conditions of or affecting employment ([ERA, 1996](#)).

Moving or digressing slightly away from statute, judicial definition of the meaning of strike has further reaffirmed the inherent inconsistencies and differences as to the true meaning of strike. Lord Denning M.R. in [Tramp Shipping Corporation v. Greenwich Marine Inc. \(1975\)](#) defined strike as follows:

A strike is an organized halt of work by men done... in an effort to better their pay or working conditions, to voice a complaint or voice a protest, or in any other way to support or sympathize with other workers in such an effort.

Apparently from the judicial view point as espoused by Lord Denning, “strike includes protest over wages and other conditions of employment as well as sympathy strike”.

Looking at the various definitions closely, it appears that Section 48 (1) of the Trade Disputes Act is more comprehensive and exhaustive except for the fact it did not include the right to protest as defined by Lord Denning in Tramp’s case.

SELF-ASSESSMENT EXERCISE 1

What do you understand by the concept of strike action.

3.3.2 Major Causes of Strike in Nigeria

“In Nigeria, the first strike was recorded on June 21, 1945, after failure of protracted presentations to the government for salary increase to meet the very high increase in cost of living. About 150,000 (One Hundred and Fifty Thousand) Clerical and Non-Clerical workers in the Nigeria Civil Service came together in a general strike of all Government Departments ([Padmore, 1945](#)). Since then, the incidence of strike in Nigeria has been on the increase and unabated. Most strikes are undertaken by labour unions when there is a breakdown or deadlock of negotiations or collective bargaining between employees and employers. The main purpose of collective bargaining is to obtain a binding contract, an agreement between the Union and Management which may include a no-strike clause which prevents strikes, or penalises the union and/or the workers if they walk out while the negotiation is on and the contract is still in force. (Bokolo,2020)”

“Strike is usually reserved as the last weapon during negotiations between Management and the Union, which may occur just before; or immediately after, the negotiation fails. In [Union Bank of Nigeria Plc v. Edet \(1993\)](#), Uwaifo (JCA) as he was, had this to say with regards to the right to strike and ensuring that collective agreements are enforced.

It appears that whenever an employer ignores or breaches a term of that agreement resort could only be had, if at all, to negotiation between the union and the employer and ultimately to a strike should the need arise and it be appropriate (Bokolo,2020)”

Industrial disputes arise due to conflict or disagreement in industrial relations. The term “Industrial Relation” involves various aspects of interactions between the employer and the employees, in this relationship, whenever there is a collusion of interest, it usually results in dissatisfaction of either of the parties involved and hence lead to industrial disputes or conflicts. These disputes may take various forms such as protests, strikes, demonstrations, lock-outs etcetera. There are undoubtedly several reasons behind industrial conflicts. Some are related to the work environment while others are basically outside of the work environment ([Otobo, 1987](#)). “It is because of this that the International Labour Organization’s Committee on Freedom of Association argue that the right to strike is one of the potent means open to workers union for the promotion, protection and preservation of their economic and social interests within and outside the work place ([ILO, 1985](#))”.

“It is important to note that the Committee of Experts on the Application of Conventions and Recommendations has expressed the view that: The protection of these interests does not only have to do with ensuring better working conditions and aggressively pursuing collective demands of the Union but also with seeking solutions to economic and social policy questions and to labour problems of any kind which may directly affect and the workers ([ILC, 1983](#))”.

The main reason for an industrial strike is typically that the parties involved are unable to resolve their internal conflicts or disputes. This might happen for one or more of the following reasons:

First is the failure to honour Collective Agreements reached by the parties after negotiations. On many occasions in Nigeria, trade unions have gone on strike for failure of government to honour agreements entered and executed by the parties. For example, the Academic Staff Union of Universities (ASUU) has embarked on several strikes since 2002 because of the inability of the Federal Government to honour their part of agreement on proper funding of the Educational Sector since 2001.

Second is the “demand for salary and wage increase. Labour has been on a continuous move to close up the gap between income and economic realities because of inflation, poor infrastructure and social amenities. They have constantly insisted on increase in salaries and allowances. Recently, the Nigeria Labour Congress (NLC) went on strike asking for increase in the minimum wage from 18,000 to 30,000 as a sustainable income wage. (Bokolo,2020)”.

The third is that the employer creates offensive policies that have a detrimental impact on the fundamental rights of the employees. Policies that, for example, state that married couples working for the same institution cannot stay together, that one spouse must retire voluntarily, or that both spouses must leave the organization. The private sector is where you most often see this. Fourth, another reason for strikes is the desire for more labor welfare and other benefits. Most often, workers go on strike to protest for better working conditions, such as the provision of a canteen, rest and recreation areas, lodging options, travel reimbursements, medical facilities, etc.

Fifth, the denial of opportunity to the worker to satisfy their basic right for self-expression, personal achievement and betterment may also result in labour problems. For example, where employees are denied training or study leave with pay. The difference in compensation and conditions of service for workers in the same institution is also one of the causes of strikes. This has been a major cause of strike in the Tertiary Institutions in Nigeria. For example, the Federal Government of Nigeria approved a

total of N23 billion earned allowance for federal Universities out of which only 2% was for the teaching and non-teaching staff of the University of Lagos ([Iyabo, 2019](#)). “This has caused bad blood within the system as the unfavored association has continuously frowned at the discrepancy or disparity in the benefits accruing to the academic staff, even though they work in the same institution and environment. (Bokolo,2020)”

SELF-ASSESSMENT EXERCISE 2

Can you assess the history of strike in Nigeria since independence
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3.3.3 Right to Strike in Nigerian Jurisdiction

“Nigeria being a Colony of Britain operated the common law rule. To have a fair historical perspective on the right to strike in Nigeria, it is pertinent to consider the common law position with regard to the right to strike. At common law, the contract of employment requires the employee to offer service to his master faithfully and without any iota of disobedience. There is no doubt therefore at common law that an employee who goes on strike would have fundamentally breached his contract of employment. This principle of law was firmly established in [Rookes v Barnard \(1963\)](#) by Donovan L. J. when he said that “there can be few strikes which do not involve a breach of contract by the strikers”. At common law, an employee will therefore be in breach of his contract of employment if he refuses to work or carry out the legitimate instruction or order of his master ([Canadian Pacific Railway Company v. Zambin, 1968](#))”.

Nigeria's judicial system has a troubled history when it comes to the law on strike. One of the harshest trade disputes laws in Nigeria is said to be the Trade Disputes (Emergency Provisions) (Amendment No. 2) Decree No. 53 of 1969. The edict outright forbade the use of strikes to resolve commercial problems. The decree also stipulated a five-year prison sentence for striking employees. The right to strike was outright prohibited by this decree, which was unfavorable for the development of trade unions. “However, in 1976, the then Military government promulgated yet another decree which tacitly guaranteed the right to strike. This decree repealed the 1969 Trade Disputes (Emergency Provision) decree and has now metamorphosed to Section 18 of the Trade Disputes Act ([TDA, 2004](#))”.

The point needs to be made that in Nigeria, there exists a contentious argument by two schools of thought on the issue of the right of the Nigerian worker to strike following the introduction of the statutory provisions of Section 17 (1) of the Trade Disputes Act of 1976 (now Section 18 (1) and (2)) of the Trade Disputes Act.

One school of thought contends that the addition of Section 17 (1) and the section's subsequent revision completely eliminated the ability of a Nigerian worker to go on a legal strike. Sections 31(6)(e) of the Trade Unions Act (TUA 2005), Section 43(1) of the Trade Disputes Act (TDA), and Section 1 of the Trade Disputes (Essential Services) Act are additional laws that have an equivalent negative impact on a worker's ability to strike in Nigeria (1976). This Act gives the President and Commander-in-Chief the authority to revoke the general provisions of Section 45 of the 1999 Nigerian Constitution as well as any trade union or organisation. The argument put forth by this school is that the Trade Disputes Act of 1976's insertion of Section 17 (1).

“Uvieghara, one of the leading contenders of this school of thought argues that the introduction of Section 17 (1) now Section 18 (1) of the Trade Disputes Act, 2004, as amended prohibits the right of Nigerian workers to embark on a lawful strike. According to him, “the purpose of setting out Section 17 (1) now Section 18 (1) in full is to show that it does not leave any room for a lawful strike”. Its effect, he submitted, is to prohibit strike completely ([Uvieghara, 2001](#))”.

“Emiola has also acceded to this line of thought contending that Section 17 (1) now Section 18 (1) has removed the right of the Nigerian worker to go on a lawful strike. He states:

But there is nothing to suggest from the close reading of subsection 1, of Section 17 (1) (now Section 18 (1)) that a strike can legally take place while one of the six processes is in progress, and Section 14 (2) now S. 13 (2) can have no other imputation than that no strike can also take place after the award under subsection 1 (f) of that section. The true construction of the new provisions, therefore, is that none of the parties to an industrial dispute can take industrial action while negotiations and other steps enumerated under Section 18 (1) of the present Act are in progress. It will be a criminal offence to do so ([Emiola, 2008](#))”.

“Aligning with the position taken by Emiola and Uvieghara, Idubor has also submitted that as long as Section 18 (1) is in force, any strike embarked on by workers is in the breach of the extant Act and therefore illegal. According to him, “on the true construction of this section, none of the parties to a trade dispute can take industrial action if the prohibition remains during the intervention of a mediator, if at the conciliation level the prohibition remains in force.” ([Idubor, 1999](#)). Also towing this line of thought, Abuza has submitted that there is no loophole in the strike law which workers can exploit to embark on a legal strike. Section 18 (1) TDA prohibits any strike in connection with any trade dispute where the procedure specified. In Section 4 or 6 of the TDA has not been complied with in relation to the dispute ([Abuza, 2016](#))”.

“Recently, Erugo corroborated the views of Emiola and Uviegahara when he said the process required by Section 18 (1) which makes reference to Sections 4, 6, 8, 9, 13 (3) and 14 (1) confirms that the disputing parties lose the right or freedom to bargain. The back-and-forth process of the negotiation in an attempt to satisfy the pre-conditions to embark on strike under the present law would be an exercise in futility. In fact, being a statutory inhibition, the sections appear to have buried whatever recognition of the right to strike. More so, subsection (2) is a manifest repression of the right to strike having criminalized the circumvention of subsection (1) of the Act ([Erugo, 2019](#))”.

“In the same vein, Okene has submitted that the wording of the section seems not to leave any room for a lawful strike. He contends that ‘the effect of the section is to prohibit strikes completely. According to Okene, by virtue of the section, workers cannot go on strike unless they observe the dispute settlement procedures. But, if at the end of the process, workers are dissatisfied with the award of the National Industrial Court, whose decision is final, then by virtue of Section 18 (3) they must go through the whole process of dispute settlement all over again. Thus, the law has apparently created a vicious circle of compulsory arbitration from which the workers cannot escape. By implication, the right to strike seems to have been smartly circumvented by the legislature ([Okene, 2007](#))”.

Finally, Worugji and Archibong have also “towed the line of the school that the combined effect of Section 18 (1) (2) (3) of the Trade Disputes Act, and the provisions of Section 1 Trade Disputes (Essential Services Act) 1976, totally inhibits the right of the Nigerian worker to embark on a lawful strike ([Worugji & Archibong, 2009](#))”.

On the other hand, the opposing school of thinking fully rejects these proposals. They firmly believe that the freedom of Nigerian workers to strike has not been curtailed notwithstanding the addition and revision of Section 17—now Section 18 (1) of the Trade Disputes Act. To support their position, they cite legislative provisions and case law. The right to peaceful assembly and association, including the freedom to establish or be a member of any union, is guaranteed under Section 40 of the 1999 Constitution. The clause states that everyone has the right to freely congregate and associate with others, including the ability to create or join any political party, labor union, or other group.

Those who subscribe to this liberal school of thought emphasize that the constitutional guarantee of the freedom of association, which includes the right to form and join a union, has the legal effect of legitimating strikes as the foundation for union negotiations and collective bargaining on behalf of its members. promoting the relationship between the freedom to strike and collective bargaining, Adeogun notes that:

“The freedom to strike and lock-out is a concomitant of the collective bargaining process in that the system succeeds only to the extent that the two parties’ “collective” parties are unmistakably aware of the strength of either party to organize successful industrial action to make the other negotiate or to compel observance of the agreement reached. ([Adeogun, 1972](#))”.

“Khan-Freund is also of the view that the ability of the trade union to embark on a lawful strike is the only way that their strength can match the supreme power of the employer to discipline and dismiss its employees. He went further to state that “in the context of the use of strike as a sanction in industrial relations, the equilibrium argument is the most important... the concentrated capital can only be matched by the concentrated power of the workers acting in solidarity” ([Khan-Freund & Hepple, 1972](#))”. “Bellace has also submitted that without the right to strike, without the ability to threaten economic loss to the employer, unions lack bargaining power. Without the ability to press demands and to back up those demands with the threat of using economic weapons, workers effectively cease to be able to bargain ([Bellace, 2016](#))”. “Any book on negotiation will devote significant space to the basic concept of leverage ([Shell, 2006](#))”. The right to strike may only be used in accordance with the regulations that govern it, according to the French Constitutions of 1946 and 1958, respectively. In this context, the Irish Supreme Court's ruling in *Educational Cov. Fitzpatrick (No. 2) (1961)*, which found that the right to strike may be inferred from the constitutional right to freedom of association, is highly pertinent. In a similar vein, Smith, CJM of the Manitoba Court of Appeal's dissenting opinion suggests that the law is cliché.

There is no doubt that the right to strike has long been acknowledged as a fundamental labor right. Despite concerns about the extent to which exercising that right may harm the general public and whether strikes should be banned in some sectors of the economy or under certain conditions, the right to strike principle continues to hold true (*Contractors Equipment & Supply (1965) Ltd. 1965*).

“Both Akpan and Nwabueze have submitted that Section 18 (1) of TDA is void for being inconsistent with Section 34 (1) (c) of the 1999 [Constitution of the Federal Republic of Nigeria](#) (as amended), which prohibits forced labour. They opined that the prescriptive implication of the statute is to force labour to bow at all times to the whims and caprices of the employer thereby forcing an unwilling servant on a willing master. They concluded that since the Constitution is the supreme law of the land, it supersedes the Trade Disputes Act and therefore the contemplated right to form and join a trade union guarantees the right to strike. They summarized by saying that the right to collective bargaining

cannot be separated from the right to press forward the demands of the union should the negotiation fail or breakdown ([Akpan, 1996](#); [Nwabueze, 1993](#)). Oshio, has postulated that “the right to strike survives in Nigeria by virtue of common law. According to him, at common law an employee has a right to go on strike as long as they have given adequate notice to the employer of his or their intention to go on strike ([Oshio, 1996](#))”. The right to strike is judicially recognised at common law. In [Crofter Hand Woven Tweed Co. Ltd. v. Veitch \(1942\)](#) Lord Wright had this to say: The rights of the men to offer or refuse their services are a condition of the employer's rights when it comes to labor laws. A key component of the collective bargaining concept is the worker's right to strike.

Supporting this line of argument, Ukhuegbe submits that “the compulsory process of Section 17 (1) now Section 18 (1) of the Trade Disputes Act violates Nigeria’s obligation under Article 4 of the International Labour Organization (ILO) Convention No. 98 which enjoins state parties to promote:

Voluntary negotiation between employer and employer organization and workers’ organizations, with a view to regulating the terms and conditions of employment by means of collective agreements. ([Ukhuegbe, 1996](#))”.

The word “voluntariness” means or implies that labour should be able to use all the weapons in its armory or at its disposal to contend with its opponent. He further emphasized that the right to strike can be inferred from Article 10 of the African Charter on Human and Peoples Rights which provides that “Every individual shall have a right to free association provided that he abides by the law”. Furthermore, he said when Article 10, is read side by side with the right to personal dignity (Article 5) and the right to work under equitable and satisfactory conditions (Article 15) there exist an unimpeded right to strike. The veracity of this argument alludes to the fact that once an international treaty has been ratified and domesticated it enjoys full implementation in that country. In *Abacha v. Fawehinmi* (2000), the supreme court ruled that the African Charter now has a standing greater than that of a simple international Convention since it has been domesticated or integrated into Nigerian municipal law. It is incorporated into Nigerian domestic or local legislation. Furthermore, it is asserted that these international institutions may impose sanctions on Nigeria if it violates these Conventions that it has ratified.

Accordingly, Orifowomo argues that “there is a loophole in the dispute resolution mechanism that can be exploited by workers to embark on lawful strike. The loophole, according to him, is that whereas the public policy makes strike illegal after a dispute has been reported and is being subject to dispute settlement processes, strikes can still legally and

logically occur before the disputes are reported and settlement commenced ([Orifowomo, 2004](#))”.

The International Labor Organization (ILO) has historically regarded the right to collective bargaining and the freedom of association as two of the fundamental liberties that lie at the heart of the ILO's mandate. In addition to these Conventions and recommendations, the ILO Committee on Freedom of Association has explicitly recognised the importance of the right to strike in connection to the right to collective bargaining. The Committee said in 1960:

Trade unions should be able to work to improve the living and working conditions of those they represent through collective bargaining or other legal means, and public authorities should refrain from any interference that would limit this right or prevent the lawful exercise of it. The right to freely negotiate with employees about working conditions is a crucial component of freedom of association (ILO, 1960b).

The Declaration on Fundamental Principles and Rights at Work was approved by the ILO in June 1998. The proclamation included the tenets of eight basic Conventions (the Eight Fundamental Conventions), and as a prerequisite for membership, it urged all member States to uphold these tenets regardless of ratification. According to the declaration.

Even if they have not ratified the [fundamental] Conventions, all members have a duty to respect, advance, and/or realize, in good faith and in accordance with the constitution, the principles concerning the fundamental rights that are the subject of those [fundamental] conventions. This duty arises from the very fact of membership in the organization. (ILO, 1999).

“The ILO Committee of Experts on Freedom of Association at its meeting in 1996 resolved that respect for principles of Freedom of Association requires that employees should not be dismissed or refused re-employment on account of their having participated in a strike. The committee stated that the right to strike is right which employees are entitled to enjoy so long as the objective of the strike is to promote and defend the economic and social interests of employees. Political and lighting strike (a form of protest in which workers stop doing their job without giving their employer any warning or notice) are excluded; sympathy strike is supportable provided the initial strike being supported is itself lawful ([Gernigon et al., 1998](#))”.

“The argument on whether the Nigerian worker in the face of Section 18 (1) of the Trade Disputes Act, can embark on a lawful strike is very interesting. The assertion of the proponents of strike prohibition appears

true on the face of the literary meaning of the statutes. Subsection (1) of the section clearly outlined the condition precedent before a lawful strike could be carried out in Nigeria. Their argument is further sustained by subsection (2) which criminalises the act of any party who circumvents the subsection of the Act. Candidly, both Emiola and Uvieghara admit that once a party has fulfilled one of the conditions specified in the subsection, the party can legitimately embark on a strike. They relied on the decision in [Eche v. State Education Commission \(1993\)](#) where the court held that it is only when one of the conditions enumerated in the subsection has been complied with that a strike action can be said to lawful. (Bokolo,2020)”.

There are various laws in Nigeria and Conventions which dwell on the right to strike, some are prescriptive and others are permissive. This diversity of laws has made the legal regime on the right to strike very fluid and unsettled in Nigeria. This state of confusion is very evident when one takes a closer look at the Nigerian Constitution, statutes and International Conventions that Nigeria has ratified. These laws read together or interpreted separately shows that there is no clear-cut position as to the right to hold a lawful strike in Nigeria. Some statutes tend to be supportive of the right to strike and at the other end there exists conditions to be observed before the right can be exercisable. To buttress this view, we shall take a quick and critical look at some of these laws.

SELF-ASSESSMENT EXERCISE 3

Can you assess the section 18 employment dispute law and its relevant to today contemporary dispute disagreement.



3.5 Summary

The breadth of Nigerian employees' rights under the different enactments have also been established in this unit's analysis of the country's strike laws, which purport to forbid and penalize workers' right to strike. The unit has also looked more closely at some particular countries' strike laws. There has been discussion of the pertinent constitutional clauses enshrining the basic right to freedom of association as well as other national and international legal instruments guaranteeing the right to strike and the right to engage in collective bargaining on behalf of trade unions.



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3.7 Possible Answers To Saes

Q1. Concept of Strike

The Black's Law Dictionary defines "strike" as "an organized cessation or slowdown of work by employees to compel the employer to meet the employee's demands" ([Garner, 2014](#)).

Whereas the New Britannica-Webster Dictionary defines it as:

- 1) Work stoppage by a body of workers to force an employer to comply with demands.
- 2) A temporary stoppage of activities in protest against an act or condition ([Webster, 1993](#)).

Section 48 (1) of the Trade Disputes Act (TDA) defines strike as follows: Strike is defined as the cessation of work by a group of employees acting jointly or a concerted refusal on the part of any number of employees to continue working for an employer as a result of a dispute, carried out in an effort to force their employer or any other person or group of employees, or to assist other employees in forcing their employer or any other person or group of employees, to accept or not to accept terms of employment and pay (TDA, 2004).

And in this definition:

- 1) "Cessation of work" includes working at speed less than usual or with less than usual efficiency; and
- 2) "Refusal to continue to work" includes a refusal to work at usual speed or with usual efficiency.

In South Africa, the term strike is defined as:

"The partial or complete concerted refusal to work, or the obstruction of work, by persons who are or who have been employed by the same employer or by different employers, for the purpose of remedying a grievance or resolving a dispute in respect of any matter of mutual interest between employer and employees ([LRA, 2002](#))".

Whereas in Ghana strike means:

"Any action by two or more workers acting in concert which is intended by them to restrict in any way the service they normally provide to the employer or diminish the output of such service with a view to applying coercive pressure upon the employer and includes sympathy strike and

those activities commonly called a work-to-rule, a go slow or a sit down strike ([Labour Act of Ghana, 2003](#)).”

On the other hand, the Employment Rights Act of Britain defines strike as:

- 1) ” The cessation of work by a body of employed persons acting in combination or
- 2) A concerted refusal by a body of employed persons to refuse to work for an employer in consequence of a dispute, done as a means of compelling their employer to accept or not to accept terms and conditions of or affecting employment ([ERA, 1996](#)).”

Q2. Origin of Strike in Nigeria since before independence

“In Nigeria, the first strike was recorded on June 21, 1945, after failure of protracted presentations to the government for salary increase to meet the very high increase in cost of living. About 150,000 (One Hundred and Fifty Thousand) Clerical and Non-Clerical workers in the Nigeria Civil Service came together in a general strike of all Government Departments ([Padmore, 1945](#)).” “Since then, the incidence of strike in Nigeria has been on the increase and unabated. Most strikes are undertaken by labour unions when there is a breakdown or deadlock of negotiations or collective bargaining between employees and employers. The main purpose of collective bargaining is to obtain a binding contract, an agreement between the Union and Management which may include a no-strike clause which prevents strikes, or penalizes the union and/or the workers if they walk out while the negotiation is on and the contract is still in force. (Bokolo,2020)”.

“Strike is usually reserved as the last weapon during negotiations between Management and the Union, which may occur just before; or immediately after, the negotiation fails. In [Union Bank of Nigeria Plc v. Edet \(1993\)](#)”, “Uwaifo (JCA) as he was, had this to say with regards to the right to strike and ensuring that collective agreements are enforced”.

“It appears that whenever an employer ignores or breaches a term of that agreement resort could only be had, if at all, to negotiation between the union and the employer and ultimately to a strike should the need arise and it be appropriate (Bokolo,2020)”.

“Industrial disputes arise due to conflict or disagreement in industrial relations. The term “Industrial Relation” involves various aspects of interactions between the employer and the employees, in this relationship, whenever there is a collusion of interest, it usually results in dissatisfaction of either of the parties involved and hence lead to industrial

disputes or conflicts. These disputes may take various forms such as protests, strikes, demonstrations, lock-outs etcetera. There are undoubtedly several reasons behind industrial conflicts. Some are related to the work environment while others are basically outside of the work environment ([Otobo, 1987](#)). “It is because of this that the International Labour Organization’s Committee on Freedom of Association argue that the right to strike is one of the potent means open to workers union for the promotion, protection and preservation of their economic and social interests within and outside the work place ([ILO, 1985](#))”.

Q3. Impact of section 18 in resolving employment disputes

“Both Akpan and Nwabueze have submitted that Section 18 (1) of TDA is void for being inconsistent with Section 34 (1) (c) of the 1999 [Constitution of the Federal Republic of Nigeria](#) (as amended), which prohibits forced labour. They opined that the prescriptive implication of the statute is to force labour to bow at all times to the whims and caprices of the employer thereby forcing an unwilling servant on a willing master. They concluded that since the Constitution is the supreme law of the land, it supersedes the Trade Disputes Act and therefore the contemplated right to form and join a trade union guarantees the right to strike. They summarized by saying that the right to collective bargaining cannot be separated from the right to press forward the demands of the union should the negotiation fail or breakdown ([Akpan, 1996; Nwabueze, 1993](#)). “Oshio, has postulated that the right to strike survives in Nigeria by virtue of common law. According to him, at common law an employee has a right to go on strike as long as they have given adequate notice to the employer of his or their intention to go on strike ([Oshio, 1996](#))”. The right to strike is judicially recognised at common law. In [Crofter Hand Woven Tweed Co. Ltd. v. Veitch \(1942\)](#) Lord Wright had this to say: When the rights of labour are concerned, the rights of the employer are conditioned by the rights of the men to give or withhold their services. The right of the workman to strike is an essential element in the principle of collective bargaining.

Supporting this line of argument, Ukhuegbe submits that “the compulsory process of Section 17 (1) now Section 18 (1) of the Trade Disputes Act violates Nigeria’s obligation under Article 4 of the International Labour Organization (ILO) Convention No. 98 which enjoins state parties to promote:

Voluntary negotiation between employer and employer organization and workers’ organizations, with a view to regulating the terms and conditions of employment by means of collective agreements. ([Ukhuegbe, 1996](#))”. The term "voluntariness" refers to or suggests that labor should be able to utilize any tool at its disposal to combat its adversary. He further noted that Article 10 of the African Charter on Human and Peoples Rights,

which states that "Every individual shall have a right to free association provided that he abides by the law," might be used to infer the right to strike. Furthermore, he asserted that Article 10 contains an unrestricted right to strike when read in conjunction with Articles 5 and 15 which guarantee the right to labor under fair and suitable circumstances. The validity of this claim makes reference to the fact that after a treaty has been signed.

UNIT 4 MODERN SYSTEM OF RESOLVING LABOUR DISPUTE

Unit Structure

- 4.1 Introduction
- 4.2 Intended Learning Outcomes (ILOs)
 - 4.3 Main Content
 - 4.3.1 Impact of the Statutory Dispute Resolution Procedure
 - 4.3.2 Current System of Dispute Resolution
 - 4.3.3 Benefits and Limitations of Alternative Dispute Resolution
- 4.4 Self-Assessment Exercises (SAEs) 3
- 4.5 Summary
- 4.6 References/Further Readings
- 4.7 Answers to SAEs 3



4.1 Introduction

Generally speaking, some situations call for the use of informal approaches more than others. For instance, it would be wrong to let a small disciplinary issue with an employee's behaviour to progress into official processes when a quiet word should do. To ensure that the rights and dignity of everyone concerned are completely and effectively safeguarded, it should be underlined that it would be preferable to follow the organization's official processes in the case of more serious offenses or allegations.



4.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- i. Examine the impact of ADR procedure in resolving labour issues
- ii. Identify the strength and weakness of current system in resolving labour issues
- iii. Identifying the benefits and limitations of Alternative Dispute Resolution



4.3 Main Content

4.1.3 Impact of the Statutory Dispute Resolution Procedure

“Also, decision making processes around disputes are not always clear cut, and an informal approach that may be perfectly fit for one dispute may not be at all helpful in another, ostensibly very similar situation. The statutory procedures have had the effect of allowing formal processes to overshadow or distort informal approaches to the resolution of industrial disputes. The need to follow statutory procedures a time is the eventuality of a legal battle. Thus, statutory procedures have had the effect of formalising disputes that would better have been dealt with informally. This is further necessitated by the strong link between the internal procedures and employment court/tribunal proceedings. As a result, parties tend to follow all the statutory procedures, lest they are penalised/jeopardized later at the trial before any employment court/tribunal. In essence, the statutory procedures create expectation of the case going to the court/tribunal rather than informal resolution. (Bokolo,2020)”

“Furthermore, the statutory procedures often times create an elevation of process over substance encouraging some parties to go through motions rather than to seek genuine resolution. Statutory procedures are complex and over legalistic, and a lack of understanding of the processes leads to delays and mounting cost of litigation especially money in obtaining legal advice and services. The emphasis on statutory procedures likewise causes parties to begin thinking in legal terms very early on in the process which adversely affects the ability or willingness of the parties to address problem at workplace amicably. It should be noted that not all strike is designed to improve conditions of work. Some strikes are in sympathy with others. For example, are the solidarity strikes by employee’s union of related trade unions. Equally right to strike subsist in Nigeria by virtue of common law. This view was premised on the old English case of *Springhead Spinning Co, Ltd, Vs. Riley* that at common law an employee has the right to proceed on strike after giving due notice. (Bokolo etel,2020)”.

The emerging question is; is an employer obligated to keep an employee’s job open for as long as a strike lasts; is he obliged to pay his salary during strike? No such common law right to retain employment ensures in favour of an employee who proceeds on strike. In the case of *Simmons Vs. Hoover Phillips J* (as he then was) opined that:

“That in most cases men are not dismissed when on strike; that they

expect not to be dismissed; that the employers do not expect to dismiss them, and that both sides hope and expect one day to return to work. Sometimes, however, dismissal does take place, and in our judgment, they are lawful”

The Trade Unions Act's Section 43 makes peaceful picketing permissible.

Employees only picket in support of a strike; they never do so while performing their jobs with integrity. The Act effectively recognizes that employees have the right to strike, but it also mandates that every trade union rule book or constitution include a clause stating that no member may participate in a strike unless a majority of the members have approved it in a secret vote.

Whatever the opinions expressed, it is undeniable that even in places where strikes are forbidding or illegal, employees continue to go on strike. Regardless of what the law says, workers will go on strike.

SELF-ASSESSMENT EXERCISE 1

How can you assess the impact of statutory ADR Procedure?

4.3.2 Current System of Dispute Resolution

A representation of the many stages of dispute resolution methods is one of the current features. This includes fostering positive working relationships between all employers and workers. A legal recourse when other options have failed, any official or informal attempts to address workplace issues, alternative dispute resolution, and the appeals procedure are also included. “Maintaining good employment relations involves a sound management practice and good relations between employers and employees, managers and trade union officials in preventing disputes and mitigating their effects if and when they do occur. Of course, good practices will not eliminate disputes, there will always be situations in which grievances or disciplinary matters arise. However, where good employment relationship prevails and sound employment practices are followed, the conditions which gives rise to dispute are less likely to be present, and when difficulties do arise, systems, attitudes and the general culture of the workplace will be better attuned to taking proactive, positive steps to address the issues from the outset. The health culture of an organization,,s employment relation, has a significant bearing on disputes frequency and their potential to escalate. An organizational culture built on clearly defined management, a willingness on all sides to be flexible and effective system for addressing problems constructively when they arise can all contribute to good employment to good employment relations and thereby, the prevention of disputes and the resolution of disputes when they arise. (Bokolo etel,2020)”.

“It is also worthy of emphasis that a problem in the workplace does not necessarily equate to a dispute. As part of normal good management practice, a manager may note that an employee is not meeting targets, may then have quiet word with the employee, identify any issue and agree on an approach to deal with it. Likewise, an employee may feel aggrieved about a particular event, talk informally to a manager about it and have the difficulty addressed quickly to his or her satisfaction. Acceptable outcomes can be achieved without significant differences of opinion in many cases. Given that events are conditioned by the circumstances in which they arise, it is worthy asking whether there are ways in which government can better support the development of environment more favourable to dispute prevention and the informal resolution of disputes. of course, the government could assist through the passage of legislation which will encourage minimum standard of good practice by having in place fundamental employment rights and responsibilities, but the encouragement of best practice cannot be achieved alone through legislation. (Bokolo etel,2020)”.

The most effective employer-employee interactions are sometimes not based on legal requirements but rather on an attitude of flexibility that results from long-standing goodwill between management and employee representatives.

When a conflict does emerge, both official and informal attempts to resolve it are made; it is generally a good idea to do so. Formalizing a complaint might be counterproductive if the problem could be resolved amicably by giving assurances, clarifying, making modest adjustments to workloads, fixing mistakes that have been committed, etc. It is impractical to think that a single procedure can be used to resolve all workplace disagreements because they might naturally result from a wide variety of sources.

However, formal procedures might be utilized to try to solve the issue when informal measures fail or are ineffective. The law requires that all employers have in place at least three fundamental steps that can be used in most grievance or disciplinary situations, including the initial written communication of the problem, a meeting to discuss the issue, and if necessary, an appeal meeting. While many employers operate a detailed formal system that includes verbal and written communication with varying levels of formality, even employers who do not operate advance procedures must comply. Formal processes continue to be a crucial component of the dispute-resolution process, and any system put in place will need to make sure that they are employed in a timely and suitable manner.

SELF-ASSESSMENT EXERCISE 2

How relationship and trust between employer and employee can be enhance?

4.3.3 Benefits and Limitations of Alternative Dispute Resolution

As was already said, ADR includes both judicial and extrajudicial methods of resolving labor conflicts. This comprehensive strategy enables the government and social partners to concentrate on areas where the resolution of specific labor conflicts may be advanced.

By supporting the best techniques for resolving discipline and complaints, and thus enhancing management policies and behaviors, ADR enables the avoidance of problems at work.

Additionally, it creates a favorable environment for meetings between management and labor unions or other representatives to try to settle specific concerns. Depending on preferences, a conciliator or mediator may get involved at this point.

“Furthermore, ADR is provided by experts as part of pre-court application or hearing. Although ADR can take place at any stage, the clear intention is to try to resolve the matter as soon as possible. In general, the earlier the matter is dealt with, the easier it is to resolve the issues and the cheaper the process. Some types of individual worker disputes are more amenable to resolution through ADR than others. ADR would appear to be most successful where the matter considered is ambiguous, multi- faceted and complex, with competing sources of evidence. Questions of unfair dismissal, discrimination in its various guises and relational matters such as maltreatment fall into this category. In contrast, factual disputes concerning alleged failure by the employer for instance, regarding the payment of wages, granting of holidays or provision of equipment; are less amenable to resolution through ADR, but by no means irresolvable.

So, the undoubted advantage of mediation and conciliation is the ability to get speedy access to a process that may produce a satisfactory outcome for the parties in a short space of time. Any long delay in the court process involves clear barrier to justice: justice delayed is indeed justice denied. In addition, parties’ autonomy and respect for confidentiality is guaranteed. (Bokolo etel,2020)”.

ADR offers a solution to the triple concerns of citizen access to justice: the number of disputes filed before the courts; the lengthening of the processes; and the rising costs associated with such actions.

ADR offers advantages that are not available through the litigation

process in addition to flexibility, which is a crucial component of the civil justice system in its broadest meaning. ADR procedures, for instance, can result in a meeting between the parties when an apology is extended. They can also make it easier for the party that feels they have been wronged to take part in the development of new arrangements or protocols to stop the disputed incidence from happening again.

In that it complements the role of the courts in resolving conflicts by enabling the court-based dispute resolution process to continue to play a beneficial role in settling disputes by agreement, mediation and conciliation are integral parts of dispute resolution. This may be accomplished by the time-tested strategy of entering a lawsuit at a crucial juncture and recommending settlement by agreement.

The benefits of ADR were aptly summed up Winkler C.J:

“If litigants of modest means cannot afford to seek their remedies in the traditional court system, they will be forced to find other means to obtain relief. Some may simply give up out of frustration. Should this come to pass, the civil justice system as we know it will become irrelevant for the majority of the population. Our courts and the legal profession must adapt to the changing needs of the society that we serve”

Alternatively, ADR has its limitations and is not always appropriate; it is not a cure-all for all disagreements. Indeed, some who are against mediation claim that it is a soft kind of justice, nothing more than an extra layer of expenses in the litigation process, and a procedure that is fundamentally at odds with the function of the court in making decisions.

Additionally, it is important to weigh the potential advantages of mediation and conciliation—including their efficiency in terms of cost and timeline—against the fact that these processes can be seen as an additional layer of civil litigation, particularly when they fail to produce a settlement and every step along the way raises the price of the case.

Aside from the circumstances mentioned above, there are a number of others that do not lend themselves well to ADR. For example, situations containing charges of illegality or impropriety; instances based on allegations of fraudulent activity or unlawful behavior, for example, are not conducive to mediation due to their criminality. Furthermore, they frequently put the mediator in a difficult ethical position.

ADR may also be ineffective in some circumstances where power imbalances exist, putting the parties on an uneven footing and allowing one side to exert excessive pressure on the other. As a result, one party may impose their solution on the other. In addition, there may be legal

ambiguities that need to be cleared.

Finally, the viewpoint articulated that not all instances are appropriate for settlement through ADR also applies to the reality that a court-based adversarial procedure is not appropriate for all circumstances. The choice to adopt ADR should be based on a number of reasons, including how best to serve the parties' individual interests and how best to guarantee that justice is accessible, efficient, and effective for all parties concerned.

SELF-ASSESSMENT EXERCISE 2

Is there and advantages or benefit using ADR procedure to resolve labour dispute?



4.5 Summary

This course teaches us that no country will accept one way at the expense of others. The complexity of service and the employment of numerous ADR procedures at the workplace, sector, or regional levels are evident indicators of this. At times, distinguishing between conciliation and traditional types of mediation might be challenging. This intricacy frequently makes it difficult to provide a comprehensive picture of ADR. The larger rules for organizing work relationships within a specific jurisdiction have a major impact on the sort of ADR mechanisms in use.

In other cases, dwindling trade union membership and the creation of a non-union sector with no tradition of collective bargaining have resulted in the formation of new methods to ADR.

A meaningful conclusion to trade dispute resolution must include a reference to the 1968 Royal Commission on Trade Unions and Employers Associations in Europe, which produced the Donovan Report, emphasizing the need to provide employers and employees with a procedure that is easily accessible, informal, quick, and inexpensive, and that provides the best possible chances of reaching an amicable settlement of their differences. The widespread opinion is that employers occasionally agree to resolution activities but then fail to carry them out. Due to negative experiences, several employers believe that present procedures impede entrepreneurship and employment development. It is also important to recognize that, throughout time, employment relations have changed away from a largely collectivist and voluntarist paradigm and toward more individualization.



4.6 References/Further Readings

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4.7 ANSWERS TO SAEs 3

Q1. Impact of ADR Procedure in resolving labour dispute

“The statutory procedures often times create an elevation of process over substance encouraging some parties to go through motions rather than to seek genuine resolution. Statutory procedures are complex and over legalistic, and a lack of understanding of the processes leads to delays and mounting cost of litigation especially money in obtaining legal advice and services. The emphasis on statutory procedures likewise causes parties to begin thinking in legal terms very early on in the process which adversely affects the ability or willingness of the parties to address problem at workplace amicably. It should be noted that not all strike is designed to improve conditions of work. Some strikes are in sympathy with others. For example, are the solidarity strikes by employee’s union of related trade unions. Equally right to strike subsist in Nigeria by virtue of common law. This view was premised on the old English case of *Springhead Spinning Co, Ltd, Vs. Riley* that at common law an employee has the right to proceed on strike after giving due notice. (Bokolo etel,2020)”.

Q2. Enhancing Relationship between employer and employee

Most effective employer-employee interactions are frequently predicated not on regulation, but on a spirit of accommodation resulting from positive connections, attitudes, and expectations created over time by management and employee representatives.

When formal and informal attempts are made to resolve a conflict, it is best practice in most circumstances to try to do so informally. Formalizing a complaint may be counterproductive if the issue can be resolved in a low-key manner by offering comfort, clarifying, making tiny modifications to assignments, correcting mistakes, and so on. Workplace conflicts can, of course, originate from a wide range of factors, and it is unreasonable to believe that a single approach can be used to resolve them.

However, when informal measures fail or are ineffective, formal mechanisms can be employed to resolve the issue. Many employers have detailed formal systems in place that include verbal and written communication with varying levels of formality, but even employers who do not have advance procedures in place are required by law to have at least three basic steps in place for use in most grievances or disciplinary situations: initial communication of the problem in writing; a meeting to

discuss the issue; and, if necessary, an appeal meeting. Formal processes remain an important element of the conflict resolution process, and any system in place must guarantee that they are implemented in a timely and suitable manner.

Q3. Advantage and Benefit of ADR in resolving labour disputes

ADR facilitates the prevention of workplace disputes by promoting the most suitable methods for managing grievances and discipline, and thereby improving management policies and behaviors. It also creates an environment in which management and trade unions or other representatives can meet to try to resolve particular conflicts. Depending on your preferences, a conciliator or mediator may be engaged at this stage.

“Furthermore, ADR is provided by experts as part of pre-court application or hearing. Although ADR can take place at any stage, the clear intention is to try to resolve the matter as soon as possible. In general, the earlier the matter is dealt with, the easier it is to resolve the issues and the cheaper the process. Some types of individual worker disputes are more amenable to resolution through ADR than others. ADR would appear to be most successful where the matter considered is ambiguous, multi-faceted and complex, with competing sources of evidence. Questions of unfair dismissal, discrimination in its various guises and relational matters such as maltreatment fall into this category. In contrast, factual disputes concerning alleged failure by the employer for instance, regarding the payment of wages, granting of holidays or provision of equipment; are less amenable to resolution through ADR, but by no means irresolvable. So, the undoubted advantage of mediation and conciliation is the ability to get speedy access to a process that may produce a satisfactory outcome for the parties in a short space of time. Any long delay in the court process involves clear barrier to justice: justice delayed is indeed justice denied. In addition, parties’ autonomy and respect for confidentiality is guaranteed. (Bokolo etel,2020)”.

UNIT 5 THE THEORY OF SOCIAL JUSTICE

Unit Structure

- 5.1 Introduction
- 5.2 Intended Learning Outcomes (ILOs)
- 5.3 Main Content
 - 5.3.1 Social Justice Concept
 - 5.3.2 Social Contract Theory
 - 5.3.3 Fundamental Human Rights
 - 5.3.4. Fundamental Human Right in Nigeria
- 5.4 Self-Assessment Exercises (SAEs)
- 5.5 Summary
- 5.6 References/Further Readings
- 5.7 Answers to SAEs



5.1 Introduction

You learned about the ADR concept in the previous unit. This unit will teach you about the ideas that underpin the notion. The notion of ADR might be said to have originated in social justice philosophy. The Ombudsman offers a channel for such demands to be satisfied in order to guarantee that all persons have access to justice. In this section, you will study about the underlying benefits and advantages of ADR, as well as its relationship to social justice theories, social contract theory, and fundamental human rights. When these aspects of an economy are not handled, the germs of a crisis are always present.



5.2 Intended Learning Outcomes

By the end of this unit, you will be able to:

- i. define concept of social justice
- ii. state ways through which social justice can be obtained in the society.
- iii. identify the relevance of observing the fundamental rights of workers in particular and the entire citizens in general.



5.3 Main Content

5.3.1. The Social Justice Concept

“The term “social justice” was first used in 1840 by a Sicilian priest, Luigi Taparelli d’Azeglio and given prominence by Antonio Rosmini – Serbati in 1848 (Novak, 2000)”. “The concept of social justice implies that society should treat all who have deserved it, equally well (Mills, 1997)”.

“Mills (1997) imagines that societies can be virtuous in the same way that individuals can be. The demand for the concept of social justice become popular in modern firms, when very complex societies operate by impersonal rules applied with equal force to all under “the rule of law”. “Hayek (2000), notes that the term social justice first came into prominence as an appeal to the ruling classes to attend to the needs of the masses of uprooted peasants who had become urban workers”. Social justice should be regarded as a type of justice that entails:

- (i) motivating, working with, and organizing people to do a work of justice together. Citizens in this instance are expected to repay the free society for what they have gained or to satisfy the responsibility of free citizens to think and act for themselves.
- (ii) The second characteristic of social justice is that it seeks the welfare of society rather than the good of a single actor.

“Rawls (1996), states that the theory of social justice is more applicable to the ombudsman concept. Rawls (1996), sees justice as fairness based on certain principles in a society assumed to consist of free and equal persons with equal opportunities. Rawls theory is about relationship between members of an association (society). Rawls theory sees society as a fair system of cooperation over time, from one generation to another”.

SELF-ASSESSMENT EXERCISE1

Relate the ADR functions to the social justice concept.

5.3.2. The Social Contract Theories

According to the principle of social contract, people of a community are granted some rights in exchange for giving up certain freedoms, such as anarchy or living alone. The state or representatives of society are responsible for enforcing these rights. Such rights are not fixed and might alter at any time. When a military administration takes over a country, for example, the constitution is suspended. Another example is that the

freedom to organize unions in organizations is subject to the will of the current administration. The argument also assumes that having more rights means having more obligations, and vice versa. Ombudsman is a system that assists people of society in exercising their restricted rights. “Kelly (2013), states that the term social contract could be found in the writings of Plato. However, the modern social contract theorists are Jean Jacques Rousseau, (1762)”. Hobbes (1985) and Locke (2003).

In reaction to the English Civil War, Thomas Hobbes expanded on the concept in his novel *Leviathan*. He stated in this book that there was no government in the beginning. Instead, the strongest may seize authority and wield power over others at any time. Hobbes proposed that the people collectively decided to establish a state, giving it merely enough authority to defend their well-being. However, according to Hobbes' thesis, once the authority was entrusted to the state, the people lost all entitlement to that power. That would be the cost of the protection they desired.

Jean Jacques Rousseau and John Lock both advanced the social contract hypothesis. Rousseau emphasized in *The Social Contract, or Principles of Political Right*, that governance is built on the concept of popular sovereignty. Thus, the will of the people as a whole provides the state power and direction. The concept of the contract was also central to John Lock's political writings. He emphasized the importance of the person. He also thought that revolution was a responsibility of the state when they misused their authority.

According to social contract theorists, for a society to function, there must be a real or hypothetical agreement among its members regarding the rights and responsibilities of both the state, which is concerned with advancing the common good, and its citizens, who are concerned with advancing their own self-interests. To make this contract operate, it must be assumed that every member of society has agreed to its conditions.

This idea raises the question of how individuals in society are "contracted." Some argue that the need to follow the terms of the social contract is a natural consequence of birth. Children, for example, are born into a certain society at a specific period in time, raised within that society, and so compelled to follow its rules.

“In contrast, social contract theorists’ reason that the free choice to remain a member of society – not birth is what binds each member of society to the contract’s terms. In this sense, human beings “volunteer” to belong to society simply because it is rational and in one ’s self-interest to do so (Lessnoff, 1986)”. “Laws – whether penal or non-penal – are non-coercive in that, once children have observed society and matured, they can choose as adults to stay or to leave. The choice to stay is what binds

citizen to the social contract and to abide by its terms. This is how the “contract” emerges, as has been argued at least as early in intellectual history by Plato (1981)”. Socrates stated in Crito that a decision to remain in society legitimizes the social contract idea and puts duties on a citizen. A decision to leave society indicates illegitimacy, and despite being relieved of its obligations, a citizen must bear the consequences of that decision.

Other proponents of social contract theory have argued, following Hobbes (1985) in Leviathan, that in order for citizens to avoid perpetrating injustices against one another and to live in peace, there must be a guarantee that if one citizen perpetuates an injustice against another citizen, society will not revert to the law of nature. For these theorists, the “social contract emerges not from birth, law, or the choice to remain, but from the virtue of justice. Deliberation about what justice requires convinces members of society not only to cooperate with one another but to also to adhere to their agreements as well (Gauthier, 1986)”.

SELF-ASSESSMENT EXERCISE 2

Discuss the relevance of social contract theory to labour dispute?

5.3.3. Fundamental Human Rights

“The United Nations declaration of human rights can be said to have its roots in the social justice concept and the social contract theory. On December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. These Rights were to be published by member countries and should be disseminated, displayed, read and expanded principally in all educational institutions. This instruction underscores the importance the United Nations attached to the fundamental human rights (United Nations, 1998)”.

The following constitute the Universal Declaration of Human Rights

Preambles

Whereas acknowledging the inherent dignity and equal and inalienable rights of all members of the human family is the cornerstone of global freedom, justice, and peace.

Whereas disregard and contempt for human rights have resulted in barbaric acts that have outraged humanity's conscience, and the advent of a world in which human beings shall enjoy freedom of speech and belief, as well as freedom from fear and want, has been declared to be the common people's highest aspiration,

Whereas it is critical that human rights be maintained by the rule of law if man is not forced to turn, as a last option, to revolt against tyranny and oppression,

Whereas a common understanding of these rights and freedom is critical for the full realization of this pledge, THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this declaration constantly in mind, shall strive to promote respect for these rights and freedom through teaching and education.

Article 1

All human beings are born free and equal in dignity and rights, they are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedom set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition as a person before the law. Article 7

All are equal before the law and are entitled without any discrimination

to equal protection of the law. All are entitled to equal protection against any discrimination in violation and against any incitement to such discrimination.

Article 8

Everyone has right to an effective remedy by the competent national tribunals for violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile. Article 10
Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

- (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has all the guarantees necessary for his defense.
- (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks

Article 13

- (1) Everyone has the right to freedom of movement and residence within the borders of each state
- (2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

- (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.
- (2) This may not be invoked in the case of persecutions genuinely arising from non-political crimes or from acts contrary to the purposes and the principles of the United Nations.

Article 15

- (1) Everyone has the right to a nationality
- (3) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality

Article 16

- (1) Men and women of full age without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- (2) Marriage shall be entered into only with the free and full consent of the intending spouse.
- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.

Article 17

- (1) Everyone has the right to own property alone as well as in association with others
- (1) No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief on teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right

includes freedom to hold opinions without interference and to seek, received and impact information and ideas through any media and regardless of frontiers.

Article 20

- (1) Everyone has the right to freedom of peaceful assembly and association
- (2) No one may be compelled to belong to an association.

Article 21

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right to equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government ; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secrete vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

- (1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.
- (2) Everyone, without any discrimination, has the right to equal pay for equal work.
- (3) Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

- (4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

- (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
- (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made general available and higher education shall be equally accessible to all on the basis of merit.
- (2) Education shall be directed to the development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

- (1) Everyone has the right freely to participate in the culture life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
- (2) Everyone has the right to the protection of the moral and material

interests resulting from any scientific literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

- (1) Everyone has duties to the community in which the alone the free and full development of his personality is possible.
- (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of the meeting the just requirements of morality, public order and the general welfare in a democratic society.
- (3) These rights and freedoms may in no case be exercised contrary to the purpose of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

4.3.3 Fundamental Human Right in Nigeria

In the 1999 Nigeria Constitution (Federal Government of Nigeria, 1999), the rights generally

recognized as fundamental are:

Right to life

Right to marry

Right to procreate

Right to raise children free from unnecessary government interference

Right to freedom of association; of expression

Right to equality of treatment before the law (fair legal procedures).

Right to freedom of thought

Right to religious believe

Right to choose when and where to acquire formal education

Right to pursue happiness

Right to vote.



5.5 Summary

This module examines three ideas related to the ADR notion. The notion of social justice suggests that society should reward all those who have earned it fairly. Rawls (1996) is a social justice theorist who defines justice as fairness based on specific principles in a society supposed to consist of free and equal people with equal opportunity. This assumption is required for the Ombudsman idea to function. According to the principle of social contract, people of a community are granted some rights in exchange for giving up certain freedoms, such as anarchy or living alone. The state or representatives of society are responsible for enforcing these rights; the ombudsman is one of these representatives.



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5.7 POSSIBLE ANSWERS TO Saes

Q1. Relevance of Social Justice

“The term “social justice” was first used in 1840 by a Sicilian priest, Luigi Taparelli d’Azeglio and given prominence by Antonio Rosmini – Serbati in 1848 (Novak, 2000). The concept of social justice implies that society should treat all who have deserved it, equally well (Mills, 1997)”.

“Mills (1997) imagines that societies can be virtuous in the same way that individuals can be. The demand for the concept of social justice become popular in modern firms, when very complex societies operate by impersonal rules applied with equal force to all under “the rule of law”. “Hayek (2000), notes that the term social justice first came into prominence as an appeal to the ruling classes to attend to the needs of the masses of uprooted peasants who had become urban workers”. Social justice should be understood as a specific justice that involves:

- (i) Motivating and mobilizing people to work together to achieve justice. Citizens in this instance are expected to repay the free society for what they have gained or to satisfy the responsibility of free citizens to think and act for themselves.
- (ii) The second characteristic of social justice is that it seeks the welfare of society rather than the good of a single actor.

Q2. Relevance of social justice theory in resolving labour dispute

“In contrast, social contract theorists’ reason that the free choice to remain a member of society – not birth is what binds each member of society to the contract’s terms. In this sense, human beings “volunteer” to belong to society simply because it is rational and in one ’s self-interest to do so (Lessnoff, 1986)”. “Laws – whether penal or non-penal – are non-coercive in that, once children have observed society and matured, they can choose as adults to stay or to leave. The choice to stay is what binds citizen to the social contract and to abide by its terms. This is how the “contract” emerges, as has been argued at least as early in intellectual history by Plato (1981)”. Socrates argued in *Crito* that a decision to remain in society gives credibility to the social contract idea and puts duties on citizens. A decision to quit society indicates illegitimacy, and although being liberated of its responsibilities, a citizen must bear the repercussions of that decision.

“Taking their cue from Hobbes (1985), in *Leviathan*, other proponents of social contract theory have argued that in order for citizens to keep from

perpetrating injustices against one another and to live in peace, there must be a guarantee in the event that one citizen perpetuates an injustice against another citizen, society will not retrogress to the law of nature”. For these theorists, the “social contract emerges not from birth, law, or the choice to remain, but from the virtue of justice. Deliberation about what justice requires convinces members of society not only to cooperate with one another but to also to adhere to their agreements as well (Gauthier, 1986)”.