

A LEGAL APPRAISAL OF AGENCY OF TRADE UNION IN NIGERIA AND GERMANY*

Abstract

This paper adopts comparative method in interrogating the agency of trade union in Nigeria and Germany by focusing on the nuances of trade unions, the historical development of trade unions in both jurisdictions, the structure and functions of trade unions as well. The paper also examined the legal framework regulating trade unions in both jurisdictions by ascertaining their adequacies or otherwise. It highlights the theoretical foundations underpinning trade unions to underscore the rationale and impact of trade unions in labour relations. It found that the nuances of agency of trade union in Germany are more coordinated, the legal framework is more robust than what is obtained in Nigeria. The paper makes vital recommendations based on the findings before concluding.

Keywords: Trade Union, Germany, Nigeria, Industrial unionism

1. Introduction

Throughout history, trade unions worldwide have served as the frontline defenders of the working class, shielding them from exploitation by capitalist forces. However, in contemporary times, particularly in developing nations, trade unions have expanded their roles beyond traditional welfare protection and class advocacy. In Nigeria, trade unions played pivotal roles in resisting colonial rule and exploitation during the colonial era.¹ Under the umbrella of the Nigeria Labour Congress (NLC), they actively opposed military dictatorship in the late 1980s and 1990s, significantly contributing to the restoration of democratic governance. Notably, one distinct feature of Nigeria's nascent democracy since 1999 is the lack of a robust opposition to the ruling party. Trade unions, represented by the Nigeria Labour Congress (NLC) in contemporary times, have been extensively studied and discussed regarding their nature, role, functionality, and effectiveness in safeguarding the welfare of Nigerian workers and protecting their rights in disputes with both public and private employers.² Despite persistent attempts by successive regimes, especially the military, to weaken and undermine it, the NLC has managed to survive, earning a reputation akin to the proverbial cat with nine lives. Despite concerns about its potential collapse or fragmentation due to challenges faced by its organizational structure and operational mechanisms, the organization has exhibited remarkable resilience and adaptability in managing domestic industrial relations and displaying political acumen in the Nigerian political arena. From the colonial era to the present day, trade unionism in Nigeria has involved a blend of industrial advocacy and political activism, influenced by political dynamics and the needs of the time. Unlike in other parts of Africa, Nigerian workers are highly organized due to a strong trade union consciousness.

2. Historical Background of Agencies of Trade Union in Nigeria and Germany

Trade unionism during the colonial era traces back to the formal declaration of the Lagos colony as a British colony in 1861, which marked the shift from the slave trade to "Legitimate Trade." This transition led to the establishment of an urban labor force fueled by the export of palm produce, importation of manufactured goods, and the undertaking of large-scale public works projects in Lagos. The surge in the labor force in late 19th-century Lagos resulted in numerous disputes between workers and the colonial government, the principal employer during this period. One notable consequence of such conflicts was the Lagos strike of 1897³ In accordance with the provisions outlined in the revised Constitution of 1946, the International Labour Organization (ILO) conventions and recommendations were introduced into colonial Nigeria by the British metropolitan state (Article 35). The colonial offices had been implementing labor conventions in this colonial territory as early as 1929⁴ consequently, labor policies formulated during this period were heavily influenced by ILO instruments, primarily aimed at facilitating the exploitation of the colonial state, with indigenous labor forming the foundation.

However, Nigerian workers organized themselves and adopted labour union techniques influenced by their interactions with European workers. Three main processes through which these organizational techniques were transferred from foreign workers to Africans have been identified: literary contact, job contact, and interactions with outsiders.⁵ While some argue that trade unions played a minimal role in nationalist movements, particularly outside of Guinea and Kenya⁶ the history of trade union activism in Nigeria paints a different picture. Dating back to 1919-22, when the Nigeria Civil

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¹ V.L. Allen (1956). *Power and Trade Unions*. Longman, London.

² E. Remi Aiyede, 2004. 'United we stand: labour unions and human rights NGOs in the democratisation process in Nigeria,' *Development in Practice, Taylor & Francis Journals*, vol. 14(1-2), pages 224-233.

³ (Hopkins, 1966:133-155). *Information, society and justice journal*, 2009 - repository.londonmet.ac.uk.

⁴ A.A Adeogun 'The influence of International Labour Organisation Conventions on Nigeria Labour Law'. Unpublished Ph.D. Thesis, University of London. (1967).

⁵Orr, Charles. A, (1966) 'Trade Unionism in Colonial Africa', *The Journal of Modern African Studies*, Vol. 4, No. 1 (May), pp. 65-81.

⁶ J. Coleman, (1964) 'Trade Unions' in James Coleman and Carl Rosberg, eds. *Political Parties and National Integration in Tropical Africa*, Berkeley, University of California Press.

Service Union spearheaded campaigns for equal pay and higher positions for African workers, trade unions have been significant players in Nigeria's sociopolitical landscape. The establishment of the labour department by the colonial office in Nigeria, with a dedicated Trade Union section, aimed to promote trade unionism along British lines⁷. Despite directives to adapt to local customs, the development of trade unionism largely mirrored British practices. Initially, the Nigeria Civil Service Union (NSCU) dominated the Nigerian trade union scene from 1912 to 1922. However, by the 1930s, challengers like the Nigerian Union of Teachers and the Railway Workers Union emerged. The 1938 Trade Union Ordinance shifted the balance, stripping NSCU of its premier position due to its delayed registration, which occurred only in 1948.⁸ Despite criticisms of NSCU's approach, its agitation marked a significant resistance to colonial labor policies, intertwined with broader anti-colonial struggles.⁹ The subsequent general strike of 1945 and the 1949 colliery workers' strike had nationalist undertones, aligning with the burgeoning independence movement and receiving support from political circles and the press.¹⁰ These events underscored the intertwined nature of labor activism and nationalist fervor in colonial Nigeria. During the postcolonial period in Nigeria, which began with independence in 1960. These legal frameworks provided a regulatory framework and legal recognition for unions, allowing for collective action with government intervention, albeit with the consent of the involved parties.¹¹ This regulatory environment created favorable conditions for the growth and activity of unions in Nigeria. Consequently, from 1962 to 1971, there was a significant expansion in union membership, accompanied by a corresponding increase in labor disputes.¹² Importantly, this period also witnessed the politicization of labor actions. According to Nagel¹³ during the period of 1960-65, labor organizations accounted for 23.7% of all actions, compared to 53.2% during the subsequent 1970-75 period. Moreover, the percentage of labor actions with political motivations rose from 70.1% in the first period to 85.9% in the second, Skilled European workers who arrived in Africa in the latter part of the 19th century to work in railways, mines, factories, or governmental roles seemed to introduce the concept of trade unions to the continent¹⁴. Consequently, unions primarily consisted of European workers, predominantly in North and South Africa¹⁵.

However, evidence suggests that by the outbreak of World War I, worker unions had established themselves in British West African territories, with civil servants in the Lagos colony and the southern Nigeria Protectorate forming unions as early as 1905. This emergence coincided with the rise of an urban wage labor force in the colony. Furthermore, the Nigerian Civil Service Union, which held its inaugural meeting on August 19, 1912, referenced similar institutions in Sierra Leone and the former Lagos Colony and Southern Nigeria Protectorate, indicating a growing trend of unionization in the region. Notably, the United Kingdom's affiliation with the International Labour Organization (ILO) and its status within the organization compelled the extension of ratified conventions to its non-metropolitan territories, including Nigeria¹⁶. The evolution of industrial relations in Germany is intricately intertwined with the distinctive model of 'Rhenish capitalism' which historically hinges on robust political and societal endorsement of the 'social market economy' concept. Rooted in liberal principles, this concept entails state intervention to establish rules ensuring competitive markets, while simultaneously fostering a dense network of institutions and civil society actors responsible for generating regulations and collective goods vital for the functioning of the social market economy. German industrial relations are often described as a system of 'conflictual partnership',¹⁷ wherein class conflict is embedded within a comprehensive framework of legally reinforced institutions that both enable and restrict the capacity of unions and employers to take action. A deeper examination of developments over the past two decades reveals a more nuanced perspective. The initial aspect to consider is the trajectory of membership growth. Affiliated unions of the German Trade Union Confederation (DGB, Deutscher Gewerkschaftsbund), the largest union confederation, experienced a decline of approximately one-fifth of their membership during the first decade of the 2000s. Throughout much of the post-war era, industrial relations enjoyed a notable degree of stability. However, over the past two decades, they have faced mounting pressure. While the legal framework governing the dual system of interest representation has remained largely unchanged on paper, there has been a noticeable decline in employers' support for the 'conflictual partnership' model and its key institutional components – works councils and industry-level collective bargaining¹⁸. This decline has significantly weakened the institutional power

⁷ National Archive Ibadan (NAI) No 4151 Vol. 79.

⁸ R, Okonkwo, (1993) 'The Nigeria Civil Service Union, 1919-1922' *The International Journal of African Historical Studies*, Vol. 26, No. 3, pp. 609- 622.

⁹ A, Hughes and C Robin, (1971) 'Towards the Emergence of a Nigerian Working Class; The Social Identity of Lagos Labour Force, 1897-1939', *Occasional Paper Series*, D no. 7, University of Birmingham.

¹⁰ *Ibid* p. 4

¹¹ H, Nelson. et al., (1972) *Area Handbook for Nigeria* Washington, D.C.: Government Printing Office.

¹² Sonubi, O. (1973) 'Trade Disputes in Nigeria, 1966-1971', *Nigerian Journal of Economic and Social Studies* 15, p. 221-238.

¹³ J, Nagel, 'Politics and the Organization of Collective Action: The Case of Nigeria, 1960-1975' *Political Behavior* (1981) Vol. 3, No. 2, pp. 87-116.

¹⁴ *Ibid* p.4

¹⁵ *Ibid* p.4

¹⁶ Anonymous 'The Influence of International Labour Conventions on Nigeria Labour Legislation' *International Labour Review* (1960). Vol. LXXXII No.1 July, pp26-43.

¹⁷ W Streeck, German capitalism: does it exist? Can it survive?, in C Crouch and W Streeck. (eds) *Political economy of modern capitalism: mapping convergence and diversity*, London, Sage (1997) 33-54

¹⁸ *Ibid* p. 5

of unions. Yet, the core of unions' ability to act lies in their own organizational strength. Moreover, significant changes have occurred in the political and economic landscape. Liberalization and deregulation in social and labor market policies have led to reduced social and employment protections and a substantial rise in precarious employment, posing a significant challenge to union organization. Additionally, unions have had to contend with a fundamental transformation in the economic and employment structure, driven by the increasing dominance of the service sector, the dual pressures of environmental sustainability and digitalization, and the growing trend of privatization and liberalization in the public sector.

3. Theoretical Clarification of Agencies of Trade Union in Nigeria and Germany

The theoretical foundation and conceptual clarification of agencies of trade unions in Nigeria and Germany are essential for understanding the roles and structures of these organizations within their respective contexts. In Nigeria, trade unions operate within a framework influenced by historical, political, and socio-economic factors. The theoretical foundation of Nigerian trade unions often draws upon concepts such as class struggle, labour rights, and social justice, this paper draws insights from three major theories of Trade Unionism.¹⁹

Marxist theory

The theory articulated by Karl Marx revolves around the concepts of political revolution and class struggle. According to this theory, the workplace is characterized by the presence of two distinct social classes: the capitalists, who control the means of production, and the working class, also known as the proletarians. Marxists argue that the working class is exploited by the capitalists, a situation often supported by the State. Marxist theory underscores the persistent conflicts arising from the divergent interests of these two classes. While capitalists strive for profit maximization, the working class endeavors to secure equitable compensation for their labor. Marx contends that these ongoing tensions will ultimately result in a revolutionary upheaval, precipitating a reconfiguration of the societal hierarchy and the dismantling of the capitalist system. According to Marxists, beyond their economic function of promoting a more equitable distribution of rewards, the proletariat must engage in political action to achieve economic parity. Marx highlights trade unions as the training ground for socialism, advocating for their integration into political frameworks to advance their agenda while maintaining a cohesive operational unity.²⁰

Lenin's Theory

The theory perceives trade union struggles as both economic and political movements, akin to Karl Marx's perspective. However, it diverges from Marx's views in Lenin's assertion that although the working class naturally gravitates towards trade union consciousness based on their needs, they still require external assistance and the involvement of intellectuals to attain political consciousness. Lenin acknowledges the necessity for outside support from intellectuals to offer education and organizational guidance for revolutionary leadership, a crucial step in establishing proletarian dictatorship and paving the way for the realization of socialism.²¹

Sidney and Beatrice Webb Theory

The Webbs perceived trade unionism as an extension of democracy from the political realm into the workplace community. They argued that the objectives of trade unions encompass not only securing wage increases and better working conditions but also fundamentally transforming society by abolishing the capitalist system. The Webbs categorized the goals of trade unions into short-term economic objectives, which involve day-to-day struggles for improved wages and working conditions, and long-term political objectives aimed at abolishing capitalism. According to the Webbs, collective bargaining is pivotal in empowering labor. They emphasized the importance of maintaining robust associations capable of effectively negotiating with employers, to the extent that they garner respect and admiration from the wider community. They believed that such strong organizational structures are essential for mobilizing politically to achieve the ultimate goal of dismantling the capitalist system²². In Germany, the theoretical foundation of trade unions is shaped by the principles of social partnership, corporatism, and co-determination. The concept of agency within German trade unions revolves around their role as key stakeholders in the social market economy. German trade unions are deeply embedded in a system of industrial relations characterized by cooperation between labor and management, often referred to as "social partnership." They engage in collective bargaining at both the industry and company levels, negotiate wage agreements, and participate in decision-making processes within companies through works councils and supervisory boards. Following the Second World War, trade unions underwent a transformation into unitary, non-partisan, and industrial organizations known as Einheits- und Industriegewerkschaft, typically affiliated with the German Trade Union Confederation (DGB). This restructuring meant that unions were independent of any political party and were not financially supported by them. Moreover, they aimed to organize all workers within a specific industry regardless of their status, occupation, or political beliefs. This principle, known as industrial unionism, is encapsulated in the slogan: "one company, one union." Conceptual clarification of agencies of trade unions in Nigeria and Germany

¹⁹ Ibid p.4

²⁰ K Marx and A Fredrick, *Manifesto of the Communist Party in Moscow*, (Progress Publishers, 1986).

²¹ Ibid p.8

²² S Webb and B Webb, *History of unionism*. London: Longmans, Green and co. (1911)

involves understanding the various structures, mechanisms, and functions through which trade unions operate. In Nigeria, trade unions are organized at different levels, including national, regional, and sectoral levels, and typically engage in activities such as collective bargaining, advocacy, and organizing. In Germany, trade unions are organized within umbrella organizations such as the German Trade Union Confederation (DGB)²³, which coordinates the activities of individual unions representing different sectors. Trade unions in Germany are also closely linked to works councils, which represent employees at the workplace level, and participate in decision-making processes concerning employment conditions, working hours, and workplace health and safety.

4. Constituent Elements of Trade Union in Nigeria and Germany

Trade unions in Nigeria and Germany play a crucial role in representing workers' interests and negotiating with employers on issues such as wages, working conditions, and benefits. While both countries share some common elements in their trade union structures, there are notable differences influenced by their unique legal, economic, and social contexts. The constituent elements of trade unions in Nigeria and Germany are as follows:

5. Legal Framework of Trade Union in Nigeria

The primary legislation governing trade unions in Nigeria is the Trade Unions Act.²⁴ This act defines the registration, operation, and regulation of trade unions. Trade unions must be registered with the Registrar of Trade Unions, which is part of the Ministry of Labour and Employment. The Nigeria Labour Congress (NLC)²⁵ and the Trade Union Congress (TUC) serve as the central trade union organizations for the thirty-six industrial unions in Nigeria, providing a unified platform for their affiliates. They symbolize the unity and strength of the country's trade union movement. The NLC was officially established as the sole national federation of trade unions in 1978. Its history has been turbulent, surviving three instances of the dissolution of its national organs and the appointment of state administrators. The first dissolution occurred in 1988 under General Ibrahim Babangida's military regime, triggered by the NLC's²⁶ opposition to the anti-people Structural Adjustment Programme. The second intervention was in 1994 during General Sani Abacha's regime, due to the NLC's advocacy for the restoration of democracy. Both the military and the current democratic government have clashed with the NLC over labor relations and governance issues in Nigeria.

Globally, the largest trade union organization is the Brussels-based International Trade Union Confederation (ITUC), which has approximately 309 affiliated organizations in 156 countries and territories, with a combined membership of 166 million. Another significant global trade union organization is the World Federation of Trade Unions. The National Industrial Court (NIC) was established in 1976 under section 19(1) of the Trade Disputes Decree No. 7 of 1976²⁷. This section grants the court jurisdiction and authority over the settlement of trade disputes, interpretation of collective agreements, and related matters. In 1992, the Trade Disputes Act was amended by the Trade Disputes (Amendments) Decree No. 47, which elevated the court to the status of a superior court of record, equivalent to a high court.²⁸ The new Act empowers the President of the Court to establish Judicial Divisions, enabling the court to effectively carry out its statutory duties and dispense justice efficiently. Section 7(4) stipulates that an appeal shall lie as of right from the decisions of an arbitral tribunal to the court in matters specified in subsection 1(a) of this section. Section 7(5) entitles a party to an arbitral award to obtain a copy of the records of the arbitral proceedings and the award from the arbitral tribunal for the purposes of subsection 4. Section 7(6) further states that the court, in exercising its jurisdiction or powers conferred by this Act or any other law, must have due regard to good or international best practices in labour or industrial relations, which shall be a question of fact. The intention of the legislation is to give the National Industrial Court exclusive jurisdiction in all matters related to trade union disputes. Interpreting this clause as conferring jurisdiction on the National Industrial Court overall employment-related disputes would conflict with the provisions of the 1999 Constitution as amended.²⁹ Any conflicting provision of an existing law must be deemed void to the extent of such inconsistency. This was affirmed by the Supreme Court in *Olorunfoba-Oju v. Dopamu*³⁰, where Justice Oguntade stated that conferring jurisdiction over all employment disputes to the National Industrial Court would overburden the court, which was designed for special purposes. Similarly, in *NEPA v. Edegbenro & Ors*³¹ the court held that the aim of paragraphs (q), (r), and (s) of subsection 1 of section 230 of the 1999 Constitution, as amended, was to vest exclusive jurisdiction in the Federal High Court over matters involving the Federal Government or any of its agencies, regardless

²³ DGB Ein Marshallplan für Europa, 08.12.2012. [https://www.dgb.de/themen/++co++985b632e-407e-11e2-b652-00188b4dc422\(2012\)](https://www.dgb.de/themen/++co++985b632e-407e-11e2-b652-00188b4dc422(2012))

²⁴ Ibid p. 10

²⁵ NLC Condemns Fuel Tax. *Daily Sun* Monday, December 22, 2008

²⁶ Ibid p. 12

²⁷ Trade Disputes Act, Chapter T8, Volume 15, Laws of the Federation of Nigeria, 2004

²⁸ Section 20 of the Trade Dispute Act and section 1(a) of the Trade Disputes (Amendment) Decree No. 47 of 1992 granted the NIC exclusive jurisdiction over trade disputes, now reinforced by the National Industrial Court Act of 2006

²⁹ Section 251(1)(q), (r), and (s) of the 1999 Constitution as amended. Chapter 432, being an existing law under Section 315 of the 1999 Constitution, cannot override the clear provisions of Section 251(1)(q), (r), and (s) of the 1999 Constitution

³⁰ *Olorunfoba-Oju & ors v. Dopamu & ors* [2008] 7 NWLR (Pt. 1085) 1 at 23

³¹ *NEPA v. Edegbenro & ors* [2002] 18 NWLR (Pt. 798) 79

of the nature of the claim. This exclusivity must apply to all courts, including the National Industrial Court, irrespective of the nature of the claims filed before

6. Structure, Organization and Development of Trade Unions in Nigeria

The evolution of trade unions in Nigeria can be delineated into three distinct phases.

Pre-ordinance Period (1900-1938)

During this era, craft and trade organizations such as the association of goldsmiths and hunters existed prior to the emergence of formal trade unions. Notable unions like the Southern Nigerian Civil Service, National Union of Teachers (NUT), and Nigerian Union of Railway men were established during this time. Despite efforts to advocate for workers' interests, these unions lacked legal recognition as trade unions had not yet achieved formal registration. Mobilization efforts centered on wage-related issues and the Africanization of positions in the Federal Civil Service. However, due to the absence of legal standing, collective bargaining was non-existent, and the emergence of numerous unrecognized unions led to fragmented efforts in improving worker welfare.

Restructuring Period (1939-1978)

Legal recognition for Nigerian trade unions was granted during this phase through the Ordinance³². However, the loose legislation allowed for the proliferation of over 1000 poorly managed and disorganized unions, leading to member apathy and dominance by a minority. These unions relied heavily on financial assistance from foreign trade union bodies, lacked adequate facilities for labor education, and were marked by inter-union rivalries and leadership deficiencies. Government intervention in 1975 aimed to address these issues by dissolving central trade unions and appointing an Administrator of Trade Unions to restructure the fragmented unions into fewer industrial unions. This process resulted in the regrouping of unions into 70 entities, including those for employers' associations, senior staff unions, and junior staff unions.

Industrial Unionism (1978-present)

The restructuring efforts brought stability to the trade union movement by granting legal status and facilitating relief for union officials in disputes with employers. The establishment of the Nigeria Labour Congress (NLC) as the central labor body promoted unity and minimized inter-union conflicts. Additionally, the implementation of automatic check-off systems boosted union finances and reduced reliance on foreign financial aid, with member unions contributing a portion of dues to the NLC. In Nigeria, there are primarily four types of unions: Craft, Enterprise, General, and Industrial unions. However, only the General and Industrial unions remain prominent today, with some also considering Professional unions, although strictly speaking, they do not fall under the category of trade unions. Craft Unions encompass craft workers in single or related occupations such as electricians, plumbers, and mechanics. Enterprise unions were organized on a one-company-one-union basis, regardless of the organization's size and geographical spread, and were prevalent in Nigeria during the 1970s. Industrial Unions, which are the prevailing structure in Nigeria, are based on industrial affiliation and unite both skilled and unskilled workers in a specific industry. Trade Unions can further be categorized into Junior Staff Unions, Senior Staff Unions, and Employers' Unions. Junior Staff Unions represent employees at the lower echelons, while Senior Staff Unions cover those in supervisory and foreman ranks. Employers' Unions advocate for the general interests of employers and represent them in negotiations with labor unions. In terms of governance and scope, unions operate at the Branch, National, and Central levels. Branch unions operate at the grassroots and plant levels, while National unions are nationwide organizations typically organized by industry or sector. Central unions serve as umbrella bodies that encompass both junior and senior employees' national unions. Presently, the Nigeria Labour Congress (NLC) represents all junior staff, as well as some senior staff unions, while the Trade Union Congress (TUC) represents senior staff unions affiliated with it. The structure and regulation of trade unions were governed by legislation such as the 1938 Trade Union Ordinance.³³ Trade unions in Nigeria can be formed at the national, state, and local levels. The Nigeria Labour Congress (NLC) and the Trade Union Congress (TUC) are the two main umbrella organizations for trade unions in Nigeria, coordinating activities and representing workers on a national level.

Membership is typically open to workers in specific industries or sectors. Unions represent a wide range of professions, from public sector workers to those in private industries. Union membership is voluntary, although some sectors might have higher union density due to historical and industrial factors. Collective bargaining with employers on behalf of members to negotiate wages, benefits, and working conditions. Advocacy for labor rights and social justice issues. Providing legal representation and support for members in employment disputes. Trade unions are primarily funded through membership dues. Additional funds may come from donations, grants, and other income-generating activities.

³² Colonial Trade Union Ordinance of 1938.

³³ the Labour Code Ordinance No. 54 of 1945, and the Trade Disputes Act of 1958

7. Legal Framework, Structure, Organization and Development of Trade Unions in Germany

The primary legislation includes the Basic Law³⁴. These laws guarantee the right to form and join trade unions and outline the framework for industrial relations. Trade unions must be registered entities, and their activities are regulated to ensure compliance with national laws. Trade unions in Germany are typically organized along sectoral lines, representing specific industries such as metalworkers, chemical workers, and public services. The Confederation of German Trade Unions³⁵ is the largest umbrella organization, comprising several individual unions. After German reunification in 1991, DGB membership peaked at nearly 12 million members due to the inclusion of East German union members. However, this number quickly declined. Factors contributing to the sharp decrease in the East during the 1990s included job losses from privatization, deindustrialization, the end of the construction boom, reduced labor market participation by women, early retirement, the disappearance of large enterprises, and the rise of SMEs.³⁶ By 2007, DGB membership had fallen below 6 million for the first time. The rate of decline slowed over time: between 2001 and 2010, the DGB lost more than 20 percent of its members, whereas between 2010 and 2020, the decline was 5.5 percent. Among the three major confederations, only DBB saw membership growth over the past two decades, reflecting stable employment among civil servants.³⁷ The overall DGB figures hide significant variations among its affiliates. The police union GdP and the education union GEW (Gewerkschaft Erziehung und Wissenschaft) saw membership increases. IG Metall and the food workers' union NGG (Gewerkschaft Nahrung-Genuss-Gaststätten) stabilized their membership and slowed their rate of decline. However, other unions such as Ver.di, IG BCE, the railway and transport union EVG³⁸ and particularly the construction workers' union IG BAU (Industriegewerkschaft Bauen-Agrar-Umwelt) continued to experience significant membership losses. Unlike the DGB-affiliated industrial unions, smaller professional unions consistently increased their membership. Despite this, overall net union density fell from 23.7 percent in 2001 to 16.3 percent in 2020. Several factors contribute to the long-term decline in union membership. Economic changes, including deindustrialization and the shift towards a service-based economy, significantly affected union strongholds in manufacturing. For example, the phasing-out of the coal industry largely explains the membership decline in IG BCE.

Membership is open to employees and sometimes to unemployed workers and retirees. Union membership is also voluntary, but German unions generally have high levels of organization and influence within their sectors. Collective bargaining is a key function, focusing on negotiating collective agreements that cover wages, working conditions, and other employment terms. Unions are involved in co-determination (Mitbestimmung), where workers have a say in company decisions, particularly in larger companies through works councils (Betriebsräte); providing training, education, and support services for members; funded primarily through membership fees, but also through training programs, educational activities, and other services provided to members.

8. Comparison of the Findings between the Two Jurisdictions

German unions operate within a well-defined legal framework that includes co-determination rights, giving workers a formal voice in company management. Nigerian unions operate in a different legal environment where such formalized co-determination structures are less prevalent. German trade unions tend to have more centralized structures with significant influence in industrial relations and national policy-making. Nigerian trade unions, while influential, often operate in a more fragmented and decentralized context, with varying degrees of power and effectiveness. In Germany, works councils play a crucial role in representing employees at the workplace level, complementing the work of trade unions. In Nigeria, trade unions are the primary representatives of workers without an equivalent system of works councils. The roles of agencies of trade unions in Nigeria and Germany share some commonalities but also exhibit differences due to variations in their respective socio-economic and political contexts. In both Nigeria and Germany, trade unions serve as representatives of workers' interests. They advocate for better wages, improved working conditions, and the protection of workers' rights in negotiations with employers. Trade unions in both countries engage in collective bargaining to negotiate collective agreements with employers on behalf of their members. These agreements cover issues such as wages, benefits, working hours, and workplace policies. Agencies of trade unions in both Nigeria and Germany work to protect workers from exploitation, discrimination, and unsafe working conditions. They may intervene in disputes between workers and employers, provide legal assistance, and advocate for the enforcement of labor laws and regulations. Trade unions in both countries often engage in political advocacy to influence government policies and legislation related to labor rights, social welfare, and economic policies. They may lobby policymakers, participate in political campaigns, and mobilize workers to support their causes. Trade unions in both Nigeria and Germany provide education and training programs to their members to enhance their skills, knowledge, and awareness of labor rights and issues. These programs may include workshops, seminars, and vocational training initiatives. However, there are also differences in the roles of trade union agencies between Nigeria and Germany: In Nigeria, trade unions often operate within specific sectors or industries, focusing on issues relevant to their members in those sectors. In contrast, German trade unions are more likely

34 (Grundgesetz) and the Works Constitution Act (Betriebsverfassungsgesetz) Article 6d of the Act of 16 September 2022 (Federal Law Gazette p. 1454)

35 Ibid p.17

36 P Eisenberg and P F Lazarsfeld, (1938). The Psychological Effects of Unemployment. *Psychological Bulletin*, Spring issue.

1.1 ³⁷ H Dribbusch and P Birke *Trade Unions in Germany April 2019*

38 Ibid p.5.

to organize workers across multiple sectors, reflecting the industrial unionism approach. The legal framework governing trade unions and collective bargaining differs between Nigeria and Germany, influencing the scope and effectiveness of their roles. For example, German trade unions have a more established legal status and greater influence in decision-making processes compared to their counterparts in Nigeria³⁹. The political context in which trade unions operate varies between Nigeria and Germany, shaping their roles and strategies. For example, Nigerian trade unions may face greater challenges in advocating for workers' rights due to political instability, corruption, and weak governance, whereas German trade unions operate within a more stable political environment with stronger legal protections for labor rights. Overall, while the roles of agencies of trade unions in Nigeria and Germany share common objectives of representing workers' interests and advocating for better working conditions, they are shaped by the unique socio-economic, political, and legal contexts of each country.

9. Conclusion and Recommendations

Trade unions play a critical role in advocating for workers' rights and ensuring fair labor practices in both Nigeria and Germany. However, the effectiveness and impact of these unions vary due to differences in their economic environments, labor laws, and industrial relations systems. In trade unions need to navigate challenges such as weak legal enforcement, limited resources, and a large informal sector. By focusing on strengthening legal frameworks, building capacity, enhancing worker representation, and improving dialogue mechanisms, Nigerian trade unions can better protect workers' rights and contribute to national development. In trade unions operate within a more structured and supportive legal and economic environment. To stay relevant, they must adapt to the changing labor markets, strengthen social dialogue, promote inclusivity, and focus on continuous training. By doing so, German trade unions can continue to be a strong force in promoting industrial harmony and economic stability. However, both countries can benefit from a mutual exchange of best practices and experiences to enhance the effectiveness of their trade union movements. Collaborative efforts and international cooperation can help address global labor challenges and improve conditions for workers worldwide.

In Nigeria it will be necessary to enhance the enforcement of existing labour laws to protect workers' rights more effectively. Simplify the process for union registration and ensure that labour dispute resolutions are prompt and fair. Invest in the training and education of union leaders to improve their negotiation skills and understanding of labor laws. Encourage collaboration with international labor organizations for knowledge exchange and technical support. The inclusion of informal sector workers within trade unions to ensure comprehensive representation. Foster gender equality within union leadership and membership to address the specific needs of women workers. Establish regular and structured dialogue platforms between trade unions, employers, and government to preemptively address labor issues. Promote collective bargaining to ensure fair wages and working conditions.

In Germany, Adapt to Changing Labor Markets Focus on representing the gig and digital economy workers to remain relevant in the evolving job market Develop strategies to address the challenges posed by automation and AI on employment. Continue to promote tripartite cooperation among government, employers, and unions to maintain industrial peace and high productivity. Enhance the role of works councils in representing employee interests at the company level. Encourage the integration of migrant workers and address their specific labor issues within the union framework. Foster diversity in union leadership to better reflect the demographics of the workforce. Support continuous professional development programs to help workers adapt to technological advancements and changing job requirements. Collaborate with educational institutions to design courses that align with future labor market needs.

³⁹ Ibid p.6