



JULIA LAW PUBLISHERS, ENGLAND, UK
WWW.JULIAPUBLISHERS.ORG

Peer Reviewed Academic
Article
© All Rights
Reserved

**PRIME JOURNAL OF ADVANCED
LEGAL STUDIES**

Volume 10(1) 2020 28-37

ISSN 045-8495 (Print)
ISSN 2356-8495 (Online)

Received 13/03/2020

Accepted: 30/03/2020

Published: 04/10/2020

**Extending the Frontiers Of Alternative Disputes Resolution As A Tool For The Resolution
Of Industrial Disharmony In The Contemporary Nigeria**

Felix Chukwuemeka Amadi

Faculty of Law, Rivers State University, Port Harcourt, Nigeria.

&

Nuleera Ambrose Duson

Department of Law, Institute of Legal and Global Studies,
Captain Elechi Amadi Polytechnic, Port Harcourt, Nigeria

Abstract

Conflict is an inevitable component of human existence. The approach to conflict resolution can either make or mar a relationship. Industrial disharmony if not properly handled, has the potential to snowballed into avoidable consequences including; decline in national income, low national productivity, unemployment, depression, loss of production/customers among others. Litigation as a means of resolving industrial disputes have proved to be ineffective as it occasioned delay, high cost and non-preservation of relationship. This paper examines the role of Alternative Dispute Resolution as a Panacea for the Resolution of Industrial Disharmony in the Contemporary Nigeria taking into cognizance the numerous advantages a resort to ADR brings. This paper also contends that the use of Alternative Dispute Resolution mechanism in resolving industrial disputes can be made a policy direction in every organization, association or group so as to continuously foster accelerated development and forestall the challenges associated with adversarial litigation processes in the resolution of disputes. It further argues that with the institutionalization of ADR in Nigeria's judicial system, the prospects for the speedy resolution of industrial disputes using ADR is very promising. However, specific measures as enablers for extending the frontiers of ADR in harmonizing industrial disharmony are recommended.

Keywords: Alternative Dispute Resolution, Tool, Industrial Disharmony, Frontiers.

INTRODUCTION

Disputes are generally an indispensable occurrence in every facet of human interaction; they could be commercial or economic in nature, civil, criminal and international or of domestic levels. Concerns over cost, delay in proceedings in addition to post litigation unfriendly relationship between litigants necessitate a resort to a more flexible means of resolving disputes

which brings on board alternatives to court-based litigation, governed by the law and procedure of the state or country.

Several reasons including poor condition of service, poor remuneration, non-implementation of negotiated agreements between the government and labour unions have constantly been adduced as the justification for the frequent and avoidable industrial disharmony in Nigeria. Much of the challenges affecting the labour unions have been subject of litigation without resolution of same since the litigation process is time consuming, expensive and cumbersome and the increase in the number of cases in the courts have also led to congestion and delay in their resolution.

Consequently, this paper argues that with the adoption of Alternative Dispute Resolution, conflicts can be resolved and amicable relationship between the parties still subsists thereafter. This paper further contends that the trite position that justice delayed is justice denied does not apply to the adoption of alternative dispute resolution mechanism, in harmonizing industrial disharmony since delayed justice which characterize court-based litigation is reasonably eliminated as ADR offers the parties opportunity to dispense with their dispute without undue delay and the course of justice served expeditiously.

CONCEPTUAL PERSPECTIVES

The term “Alternative Dispute Resolution” is often used to generally describe a variety of somewhat different but flexible means¹ used in resolving dispute. Sometimes ADR may be used as alternatives to the traditional dispute mechanism of court or in some cases supplementary to such mechanisms. Alternative Dispute Resolution arose largely because the litigation process was and is still unduly expensive, long run and especially prolonged as a result of judicial technicalities embedded in that method of dispute resolution.² The consensual nature of either opting for dispute resolution or deciding the outcome of a dispute by the parties remains a cornerstone element of alternative dispute resolution. In the case of *Cutt v Head*,³ the Court, per Oliver L.J, defined Alternative Dispute Resolution as range of procedures for the resolution of disputes generally but not necessarily involving the intercession assistance of neutral third-party who helps to facilitate such resolution. Therefore, parties prefer ADR because it puts them in the driving seat by giving them the power to design the proceeding in such a way to suit their needs.

As a panacea to the frequent labour union disputes and the governments, ADR can prove to be a valuable option for harmonizing industrial disharmony especially by affording the parties the opportunity to avoid being enmeshed in expensive, time consuming and stressful litigation, getting worried about trial date, wondering about the outcome, polarizing and embittered about parties’ relationship thereafter, which are some of the risks associated with a resort to adversary process like litigation to resolve a dispute bordering on labour and industrial relations.

Industrial disharmony may arise when there is inability among the participating parties in industrial relations to reach peaceful agreements as it affects job rules and conditions of work generally.⁴ Industrial disharmony includes any form of work dissatisfaction that can manifest in

¹ Leslie J. and Kingston J., *Practical Guide to Litigation*, (2nd edn; London: LLP Limited, 1998) Pp. 13 - 14

² *Ibid*

³ (1984) Ch 290

⁴ IProject, ‘The Effect of Industrial Disharmony on the Nigerian Educational System (2020), project.com.ng. Accessed 18 May 2020

several ways such as absenteeism, strike, high labour turnover, among others.⁵ In Nigeria, industrial disharmony is a frequent occurrence and very often led to disruptions in economic activities thereby worsen the already deteriorated economic situation of the country. The parties have always resorted to adversary process like litigation for resolution, yet no end in sight.

Notwithstanding the establishment of the National Industrial Court to adjudicate on a range of labour related disputes such as termination, discharge, dismissal, or retrenchment, casualization thereby bring about harmonious relationship between trade unions, Nigerian Labour Congress and the government, the expected balance has remained elusive with the result that industrial disharmony has remained a prominent feature of the labour unions-government relationship.

Under the Alternative Dispute Resolution as an option for the settlement of disputes other than litigation, there are doors for resolving a dispute which are Arbitration, Conciliation and Mediation. In any of these doors, there are trained lawyers, arbitrators and experts in the various disciplines with sufficient exposure in Arbitration, Conciliation and Mediation.⁶

ARBITRATION

Arbitration is an institution which has its origin in the common law. It emanated from the practice of merchants and traders referring their trading differences which arose among them for settlement to persons selected for this purpose.⁷ The Halsbury's Laws of England defined arbitration as reference of a dispute or difference between not less than two parties for determination, after hearing both sides in a judicial manner, by a person or persons other than a Court of competent jurisdiction. The Supreme Court in the case of *NNPC v Lutun Investment Ltd*,⁸ relied on the definition by Halsbury's Laws of England in defining arbitration. Also, in the case of *CN Onuselogu Ent. Ltd. v Afribank (Nig) Ltd*, the Court of Appeal defined arbitration in the following terms; An agreement where two or more persons agree that a dispute or potential dispute between them shall be resolve and decided in a legally binding way by one or more impartial persons in a judicial manner, upon evidence put before him or them.⁹

From the foregoing definitions, arbitration is a dynamic dispute resolution mechanism varying according to law and international practice. The fundamentals of arbitration include the fact that it is an alternative to Court as a resort to the resolution of disputes. It follows that where parties agree to arbitration, they have removed relationship and dispute from the jurisdiction of the Court. As a private dispute resolution mechanism, arbitration allows the parties the luxury of choosing an arbitrator of their choice. This is in contra distinction to the Court with all the incidence of public awareness. Having elected to use arbitration to settle disputes, parties intend that the arbitrator of their choice will determine the dispute; the entitlements and obligations of the parties in respect of the issues raised.

Arbitration, as a dispute resolution mechanism is selected and controlled by the parties involved. Therefore, party autonomy is the ultimate power determining the form, structure and other details of the arbitration. The applicability of the National laws, if needed, is to give effect to,

⁵ O. Evans and I O Ogunrinola, 'Causes and Effects of Industrial Crisis in Nigeria: Some Empirical Clarifications. <https://www.eprints.covenantuniversity.edu.ng> Accessed 18 May 2020

⁶ O. B. Akinola, 'Basic Principles of Nigerian Law in Practice' (Enugu: Chenglo Limited 2010) 82

⁷ B G Toby and O Ebiemere, *International Arbitral Disputes and Courts Interference: Gains and Regrets in Readings in Law and Policy* (Owerri: Zubic Infinity Concept 2017) 208

⁸ (2006) 12 NWLR (Pt. 96) 504

⁹ (2005) 1 NWLR (Pt. 940) 577

supplement and support the agreement of the parties for their dispute to be resolved by arbitration especially where parties are silent as to some aspect of the arbitration process. Arbitration also affords the parties a decision that is binding and final. By implication, the agreement of parties to resolve their disputes by way of arbitration excludes the strict rules of procedure and the rights of appeal.

MEDIATION

Mediation as a method of dispute resolution is an important instrument for the peaceful settlement of disputes or in the management of conflicts situations at different levels beginning from the inter personal to the international.¹⁰ Mediation is the intervention in a negotiation or conflict of an acceptable third-party who has limited or no authoritative decision-making power but who assists the involved parties in voluntarily reaching a mutually acceptable settlement of issues in dispute.¹¹ Mediation also means a voluntary, confidential process where a neutral third-party (mediator) assists disputing parties to negotiate, suggest and arrive at their own solution to the dispute between them.¹²

From the foregoing definition, mediation involves a deliberate attempt by the parties to resolve their dispute with the aid of a neutral third-party. The mediator's role is advisory with a persuasive effect. He offers suggestions but resolution of the dispute rests with the parties themselves. Here, mediation offers the way to the exploration of options and the development of creative solutions that might not be as apparent when resorting to a more adversarial approach. Mediation can also be interest-based, facilitative and evaluative, helping the disputants to focus on their interests rather than their rights and positions for the examination and settlement of the dispute. Ultimately, mediation can help ensure speed, cost effective, control, relationship, creative and forward looking situations as opposed to the historical analysis of facts, rights and obligations in the case of litigation.¹³

CONCILIATION

Conciliation is regulated by Arbitration and Conciliation Act (ACA)¹⁴ and by the Lagos State Arbitration Law 2009. Conciliation denotes the amicable settlements of a dispute by conciliation on the agreement of the parties to the dispute. It is a process by which one or more independent person(s) is selected by the disputing parties to facilitate a settlement of their dispute through a particular procedure.¹⁵ As an alternative dispute resolution mechanism, conciliation takes mediation a step further and gives the conciliator the power to suggest grounds for compromise and the possible basis for a conclusive agreement. It provides the parties with an appropriate solution in order to resolve the dispute efficiently and effectively, especially in employment related disputes. It remains an affordable mechanism under alternative dispute resolution mechanisms other than the conventional process of litigation in courtroom.¹⁶

¹⁰ S Godong, 'Mediation and the Mediation Process' in Shedrach Group Best (ed), Introduction to Peace and Conflict Studies in West Africa (Ibadan: Spectrum Books Limited 2012) 130

¹¹ C W Moore, 'The Mediation Process: Practical Strategies for Resolving Conflict', (San Francisco: Jossey Base 2003) 589

¹² O B Akinola, 'Basic Principles of Nigerian Law in Practice', (Enugu: Chenglo Limited 2010) 92

¹³ (n12)

¹⁴ LFN 2004

¹⁵ (n6)

¹⁶ 5 Gupta, 'Concept of Conciliation and Role of Conciliator. <https://viamediationcentre.org>. Accessed 20 May 2020

As a third-party, a conciliator tries to bring the disputing parties to an agreement by reducing the tension, improving communication, interpreting issues, providing technical assistance, exploring avenues in order to bring about a negotiated settlement. He does not make decisions for the parties but only assist them. Under Section 42(1) of Arbitration and Conciliation Act, the conciliator may submit his terms of settlement to the parties for consideration.

NEGOTIATION

Negotiation is a problem-solving process in which the parties to a dispute or an imminent conflict voluntarily come together either personally or by their representatives, to discuss their differences with a view to resolving them. In this method, the parties talk and listen to one another with a view to resolving the problem.¹⁷ Negotiation is different from other methods of alternative dispute resolution mechanism as it is devoid of third-party involvement.

Notwithstanding the advantages in the utilization of alternative disputes resolution processes, including; being cheaper and faster than litigation, less formal, preservation of relationship between parties, parties can determine the mediator, conciliator or arbitrator, privacy of parties and promotion of friendliness among others, the use of alternative dispute resolution as a panacea for the resolution of dispute must be justifiable issues triable as civil matters.

NOTABLE MATTERS NOT USEFUL FOR ALTERNATIVE DISPUTE RESOLUTION APPROACH

- In matrimonial cases bordering on nullity of a void marriage, restitution of conjugal rights and dissolution of marriage, alternative dispute resolution can not be used for their resolution.
- Criminal cases are generally not subject matters for resolution using ADR.
- Matters bordering on the strict interpretation of the law, statute or document, the Court remains the only institution saddled with such responsibility.
- Cases seeking immediate relief such as injunction, ADR is inapplicable.

OVERVIEW OF ALTERNATIVE DISPUTE RESOLUTION AND THE CIVIL JUSTICE SYSTEM OF NIGERIA

The adoption of alternative dispute resolution for the settlement and resolution of disputes is not entirely alien to the Nigerian legal environment. The Court of Appeal, per Oguntade JCA while dissenting in the case of *Okpuruwu v Okpokam*¹⁸ stated that; In the pre-colonial time and before the advent of the regular courts our people certainly had a simple and inexpensive way of adjudicating over disputes between them. They referred them to elders or a body set up for that purpose. (----) The right to choose an arbitrator to adjudicate with binding effect is not beyond our native community.¹⁹ Consequently, clan leaders, age-group leaders and association leaders always presided over conflict resolution thereby brought about peaceful resolution of disputes and the reconciliation of the disputants.

Section 19(d) of the Constitution recognized the adoption of alternative dispute resolution mechanisms such as arbitration, mediation and negotiation in the resolution of disputes. Some

¹⁷ Chinyere A. C., Principles of Negotiation and Mediation', in Epiphany Azinge *et al* (edn) Anatomy of conflict, (Abuja: Nigeria Institute of Advance Legal Studies Press, 2012) Pp. 34

¹⁸ (1988) NWLR (Pt. 90)

¹⁹ *Ibid*

federal statutes²⁰ also give credence to the use of alternative dispute resolution in resolving disputes. Such recognition ensures trust and reliability in the use of ADR in dispute resolution. The Supreme Court in the case of *Agu v Ikwibe*,²¹ also accorded due credence to the use of ADR when it stated that; “Disputing parties are allowed to settle their differences in a manner acceptable to them and persons with judicial authority under native law and custom are included”.²²

The Federal High Court Act²³ provides to the effect that the Court may promote reconciliation among parties and encourage and also facilitate amicable settlements. Under the Matrimonial Causes Act,²⁴ a Court is obliged to give consideration to the possibility of reconciliation by nominating a suitable person with experience in marriage conciliation with the consent of the parties to help the parties settle their dispute. At the state level, most of the High Courts laws²⁵ have also recognized the use of alternative dispute resolution.²⁶

HIGH COURT OF LAGOS STATE (CIVIL PROCEDURE) RULES AND ADR

Lagos State remains in the forefront in efforts aimed at bringing contemporary innovations into the judiciary. Consequently, the High Court of Lagos State (Civil Procedure) Rules 2004 pioneered the unequivocal attempt to make judges refer parties to ADR or offer ADR services under the multi-door courthouse concept.²⁷ Despite its replacement by the 2012 and now 2019 Rules, the objectives of the new High Court of Lagos State (Civil Procedure) Rules 2019 are in furtherance of its preamble, namely; just determination of matters, speedy dispensation of justice by elimination of unjustifiable expense and delay, and promoting amicable resolution of disputes by use of ADR mechanisms.²⁸

Order 27 of the Lagos Rules contains a myriad of techniques aimed at efficient and speedy dispensation of justice.²⁹ To this end, the Order titled “Case Management Conference and Scheduling” contains forecasting devices which enable the parties and their legal teams to examine their position against a predicted judicial determination, which may facilitate negotiation rather than a strict determination of legal rights. Furthermore, the judge could sanction a party or its legal representatives if they fail to attend or obey a scheduling or case management conference order or if they are substantially unprepared to participate in the conference or fail to participate in good faith.³⁰ Order 28 makes provision for the adoption of Alternative Dispute Resolution proceedings by the parties and empowered the Court to compel the use of ADR without necessarily seeking the consent of the parties because at the commencement of the action; All

²⁰ Including; Industrial Inspectorate Act, s 4, Cap 18 LFN 2004, Environmental Impact Assessment Act, s 33(2), Cap E12 LFN 2004 and Mineral and Mining Act, s 255 Cap M12 LFN 2004

²¹ (1991) 3 NWLR (Pt. 180) 385

²² *Ibid*

²³ Section 17, Cap F12 LFN 2004

²⁴ Section 11(1), Cap M7 LFN 2004

²⁵ High Court Law of Lagos State, s 34 Cap 113, Laws of Lagos State 2003, High Court Law of Rivers State s 28 Cap 62, Laws of Rivers State 1999, High Court Laws of Akwa Ibom State, s 25 Cap 51 Laws of Akwa Ibom State, 1999 among others State High Court Laws.

²⁶ B Faturobi, ‘Institutionalized ADR and Access to Justice: The Changing Faces of the Nigerian Judicial System, (2014) 14(1) *Journal of Comparative Law in Africa* 74

²⁷ (n26)

²⁸ *Ibid*

²⁹ Similar Provisions abound in Fewers, Akwa Ibom, Kaduna, Ogun, Oyo, Osun, Bayelsa, delta and Kwara States

³⁰ High Court of Lagos State (Civil Procedure) Rules 2012

originating process shall upon acceptance for filing by the Registry be screened for suitability for ADR and referred to the Lagos Multi-Door Courthouse or other appropriate ADR Institutions or Practitioners in accordance with the practice directions that shall from time to time be issued by the Chief Judge of Lagos State.³¹ However, it must be noted that, where an action is not resolved via ADR, the ADR judge shall issue a status report and the matter subsequently remitted for assignment to a trial judge.

LAGOS MULTI-DOOR COURTHOUSE (LMDC)

The Lagos Multi-Door Courthouse, LMDC was established as a public-private partnership between the High Court of Justice, Lagos State and the Negotiation and Conflict Management Group in 2002. The LMDC is described as the home of ADR in Nigeria and the first Court connected ADR centre in Africa.³² According to Section 2 of the LMDC law, the objectives of the LMDC are to;

- (a) enhance access to justice by providing alternative mechanisms to supplement litigation in the resolution of disputes;
- (b) minimize citizen frustration and delays in justice delivery by providing a standard legal framework for the fair and efficient settlement of disputes through Alternative Dispute Resolution (ADR);
- (c) Serve as the focal point for the promotion of Alternative Dispute Resolution in Lagos State; and
- (d) Promote the growth and effective functioning of the justice system through Alternative Dispute Resolution methods.³³

From the aforesaid objectives, LMDC is built on the bedrock of providing a sustainable judicial system which encompasses access to justice, efficiency and fairness. Consequently, the enabling law has not only entrenched the centre but ensured a formidable bridge to link its activities with the formal justice system. Therefore, cases are initiated through (i) party walk-ins, (ii) Court referrals or (iii) direct intervention of the centre where public interest is involved.³⁴

Furthermore, some judges now have their roles widened as they are designated as ‘ADR judges’ with the strict duty to promote ADR within the judiciary and ensure the actualization of the objectives of the LMDC.

Nature and Dimensions of Industrial Disharmony in Nigeria

Industrial disharmony generally ensued when there is inability among the participating parties in industrial relations to reach peaceful agreement as it affects job rules and conditions of work generally.³⁵ Industrial disharmony means a loss, both to the employers and the employees even when the latter scores a victory and the society is not left out of the consequences.

Collective Industrial Disharmony

Collective industrial disharmony occurs where there is a denial of right that is perceived to affect a group of employees in an organization. It is often an issue with employees collectively in an

³¹ High Court of Lagos State (Civil Procedure) Rules 2019, Order 28

³² B Faturobi, ‘Institutionalized ADR and Access to Justice: The Changing Faces of the Nigerian Judicial System’, (2014) 14(1) *Journal of Comparative Law in Africa* 74

³³ *Ibid*

³⁴ LMDC, Article 2

³⁵ (n4)

organization whether there is a union or not.³⁶ Subject of disputes here always centered on non-remittance of pension deduction, wages and salary, allowances and other working conditions.

Individual Industrial Disharmony

The denial of individual right, that is base on what individual think he/she is entitled to as an employee in an organization often leads to this type of industrial disharmony. This may center on denial of confirmation of appointment or promotion upon satisfactory performance.³⁷ This form of dispute could result to collective dispute.

Interest Industrial Disharmony

This revolve around issues pertaining to enablers of industrial disharmony such as in collective industrial disharmony except in the case of some individual professional who have strong bargaining power based on their expertise.

Right Industrial Disharmony

This could be in form of individual or collective disharmony. It is often from interpretation and application of thorny employment and non-employment issues as contained in either offer letters or collective agreement.³⁸

The role of ADR in industrial disharmony is premised basically on the perpetual quest to find an inexpensive, reliable, expeditious and satisfactory dispute settlement mechanism which ADR offers. Litigation, which is commonly adopted in the resolution of disputes has proven to be ineffective in resolving the unique nature of industrial disharmony. It is therefore pertinent that the establishment of an Alternative Dispute Resolution Centre for the National Industrial Court as provided for by the Constitution of the Federal Republic of Nigeria (Third Alteration) Act, 2010 remains a step in the right direction.

The Role of ADR in Resolving Industrial Disharmony

Conflicts remain an inescapable component of human existence. It is capable of manifesting in multi-dimensional form with varying degree of impact. Disputes, unlike wine, do not improve by aging, rather their impact might occasioned retarded development.

National Industrial Court of Nigeria Alternative Dispute Resolution Centre

Section 254(3) of the Constitution of the Federal Republic of Nigeria 1999, empowers the NICN to establish, within its premises, an Alternative Dispute Resolution (ADR) centre to aid in the speedy disposition of cases that come to the Court. It specifically states that; The National Industrial Court may establish an Alternative Dispute Resolution Centre within the Court premises on matters which jurisdiction is conferred on the Court by this Constitution or any Act or Law.³⁹

This provision became necessary consequent upon the fact that the NICN was no longer to share with any other Court jurisdiction over labour trade and industrial relations disputes. It was thus

³⁶ J. O. Akinbode, 'Industrial Disputes in Nigeria' (2019).

<<https://www.researchgate.net/publication/330533262-industrial-disputes-in-Nigeria>. Accessed 23 May 2020

³⁷ (n36)

³⁸ *Ibid*

³⁹ CFRN, 1999 s 254 (3)

expected that NICN will be overwhelmed with an upsurge in the number of cases instituted before it.⁴⁰ Therefore, the constitutional provision allowing the Court to open more doors for dispute resolution within its legal framework is therefore a welcome development and a further demonstration of the relevance of ADR in the resolution of conflicts.

Whereas the adjudicatory process in Nigeria is expensive, time consuming and inefficient in justice delivery, resolving issues of public concern such as trade disputes through the use of ADR can bring about speedy resolution of disputes. Interestingly, the National Industrial Court of Nigeria ADR Centre, being the first and only Court connected ADR centre derives its existence statutorily from the combined provisions of Sections 1(2)(a) and 20 of the National Industrial Court Act, which empower the President of the Court to administer the Court and also encourage the promotion and use of ADR in the Court.

The Court in *Coca-Cola Nigeria Ltd v T. Akinsanya*,⁴¹ held to the effect that; ‘employment and its terms and conditions are not only incidental to, but integral matters in labour law’. Consequently, under the Trade Dispute Act 2004, the first stage in the process of resolution of trade dispute is for the parties to explore internal procedures made available within the organization, or between the parties. If and when this initial attempt fails the next alternative is that the parties jointly agree on the appointments of a neutral and impartial third-party known as the mediator.⁴² This, without doubt brings to limelight the significance of mediation as a veritable ADR mechanism for the resolution of trade disputes.

The Supreme Court in the case of *Skye Bank PLC v V. A. Iwu*⁴³ stressed the position that; The Constitution of the Federal Republic of Nigeria (Third Alteration) Act, 2010 recognized the National Industrial Court as a specialized Court and saddled with the exclusive jurisdiction over all labour and employment issues.⁴⁴ Therefore, with the establishment of the Court Alternative Dispute Resolution Centre, the National Industrial Court is strategically positioned to resolve certain disputes arising from labour, employment, industrial relations, workplace, among others. This institutionalized settlement of disputes carry the same force of law as judgments handed down by judges and non-compliance also amount to contempt.

CONCLUSION

The establishment of the Court Alternative Disputes Resolution Centre by the National Industrial Court has helped to amplify the frontiers of the Alternative Disputes Resolution mechanisms as veritable platforms for the resolution of industrial disputes in Nigeria. Additionally, it has ensured the institutionalization of ADR thereby dispel the uncertainty which hitherto surround the resort to ADR for the resolution of industrial disputes. The inclusion in States High Court (Civil Procedure) Rules of ADR methods as options available to parties has continued to grow in Nigeria. This has helped judges to decide or facilitate amicable resolution of disputes or adopt ADR inclusion without being seen as interested parties or descending into the area of disputes.

⁴⁰ M Dugeri, ‘Resolution of Labour Disputes by Alternative Means’ (2019). <www.linkedin.com. Accessed 23 May 2020

⁴¹ (2017) 17 NWLR (Pt.1593) 74 at 131-132

⁴² J A Ajonumah and E O. Edison, ‘The Applicability of Alternative Dispute Resolution Mechanisms to Labour Disputes in Nigeria’, (2019) IJBLR 7(1). <https://www.sea-hipay.org> Accessed 23 May 2020

⁴³ (2017) 16 NWLR (Pt. 1590) 24 SC

⁴⁴ CFRN (Third Alteration) 2010, s 254C

Moreso, the impact of industrial disharmony negatively affects the economy, employer and employee and often times the innocent members of the society. To the economy, it leads to decline in national income, low national productive, and unemployment to the employee, it leads to job insecurity, unstable/unguaranteed income and depression. To the employer, it occasion image issues, loss of production, customer and other avoidable costs. Therefore, a resort to ADR can be the needed bridge to forestall the consequences associated with industrial disharmony where such is subjected to the adversarial legal processes for settlement.

RECOMMENDATIONS

Harmonious industrial relations can help foster accelerated development in the contemporary Nigeria with a deliberate and sustained resort to the use of ADR for resolution of industrial disputes. Specific measures in extending the frontiers of ADR in harmonizing industrial disharmony include:

- Enthronement and promotion of industrial democracy.
- Sustained/effective channel of communication between the stakeholders in industrial disharmony.
- Use of Alternative Dispute Resolution (ADR) platforms as a policy direction in resolving disputes.
- Harmonization of rules governing the adoption of ADR in industrial disharmony.
- Disputants should inculcate a win-win approach in dispute situation.