

THE POWER OF THE MINISTER OF LABOUR AND EMPLOYMENT TO RESOLVE DISPUTE IN NIGERIA UNDER THE TRADE DISPUTE ACT: A LEGAL APPRAISAL

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Abstract

This article investigated the power of the Nigerian Minister for Labour and Empowerment in resolving or settlement of trade and/or labour related dispute under the Trade Disputes Act 1976. The article elucidated the conceptual meaning of some key terms and highlighted on the various trade dispute settlement mechanisms under the Trade Disputes Act; to wit: Negotiation, Mediation, Conciliation, Industrial Arbitration Panel, Board of Inquiry and the National Industrial Court of Nigeria respectively. It revealed the powers vested on the Minister of labour and employment to supervise negotiation and medication processes and to appoint a conciliator, chairman and members of the Industrial Arbitration Panel, Board of inquiry and constitute both the IAP and the Board of inquiry. The minister's power to decide the remuneration and allowances on the approval of the minister of finance was also x-rayed. His power to refer back an award to the arbitration panel for reconsideration and power to direct trade dispute to the national industrial court were considered and the article ended with a conclusion and recommendations.

1.0 Introduction

No doubt, the Nigerian Minister for labour and employment enjoys awesome power in dealing with labour related matters, that is, from general contract of employment, to protection of worker in the factory, workers' remunerations and wages, termination of employment, whether wrongful or not. Especially resolution or settlement of trade and all labour related disputes. Under the Trade Dispute Act 1976, copies of the parties collective agreements are deposited with the Minister of Labour and Employment. The Minister can as well apprehend a trade dispute by writing to notify the disputants or their representatives of his intentions and apprehension, including the steps he propose to take for the purposes of resolving the disputes.

From the recognition of negotiation, which is an agreed method parties adopt to settle their disputes,¹ the supervision of mediation process amongst disputes,² the appointment of a conciliator under section 8 of the Act³ or a reference of disputes or any matter connected or

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¹ TDA 1978, s 4(1).

² Ibid, s 6(1).

³ TDA 1978

relating thereof for settlement to the industrial Arbitration Panel under section 9 of the Act⁴ to a reference of the dispute to board of inquiry under section 33 of the Act⁵. The power of the minister in these regards cannot be overemphasized. The foregoing provisions of the TDA, presupposes that in every trade related matter, bid for settlement in accordance with the provision of the Act,⁶ the labour and employment minister is usually at the center of the resolution or settlement as the case may be. It is trite to observe that these duties of the minister is statutory and therefore qualify as his legal obligation.

Like was observed earlier, the minister appoints a conciliator, under section 8 of the TDA, constitutes the Industrial Arbitration Panel (IAP) under section “A” of the TDA, and appoints chairman and members of the Board of Inquiry under section 33 of the TDA, respectively. It suffices to further observe that the conciliator, Industrial Arbitration Panel and Board of Inquiry all reports every stage of their activities to the Minister of Labor and Employment.

The implication of the forgoing is that the Minister superintends over all processes of labour related disputes, resolutions or settlements. It is argued that the minister can do a direct reference of dispute to the National Industrial Court of Nigeria for adjudication and settlement or where the disputants objects, or reject the outcome or an arbitration award from the panel constituted by the minister.

The article intends to interrogate the supremacy of the power of the Minister of Labour and Employment over the processes and procedures of settlement of all labour related disputes under the Trade Disputes Act 1976. Of course, every step to be taken in resolution or settlement of the industrial or trade disputes under the TDA centers around the minister. In course of this article, the effectiveness of the dispute resolution mechanisms under the minister shall be appraised to ascertain its merit and demerits. The article, no doubt shall also evaluate the conceptual meaning of the key terms and a conclusion drawn with some recommendations.

1.1 Conceptual Clarification of Key terms

a. Dispute

Dispute has been defined as the subject of litigation; the matter for which a suit is brought and upon which issue is joined, and in relation to which jurors are called and witnesses examined.⁷ The term is also defined to mean struggle against or oppose, it can be constructive in nature. Managers and workers in many organizations are placed at variance, as the relationship of master/servant makes them traditional adversaries.⁸ It is defined as a disagreement or argument,

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*

⁷ V. Gale and Others, *West Encyclopedia of American Law* (2nd edn., Detroit Publishers, 2008)

<<https://www.legaldictionary.thefreedictionary.com/disputes>>

⁸ Obi-Ochiabutor, “trade dispute resolution in Nigeria Labour Law” (2002 – 2010) (9) *Nigerian Judicial Review*, 71

<<https://www.unn.edu.ng/wp-content/uploads/sites/12/2016/0814>>

conflict or controversy; a conflict of claims or rights; and assertion of a right, claim, or demand on one side, met by contrary claims or allegations on the other.⁹

Similarly, in *AG Federation v AG Abia State & 35 Ors*¹⁰, Belgore JSC, defined the term under consideration thus: a dispute involves act of argument, controversy, debate, claims as to rights whether in law or facts varying opinion, whether passive or violent or any disagreement that can lead to public anxiety or disquiet.¹¹ In the same vein, per Onu JSC, defines dispute as “A conflict or controversy; a conflict of claims of rights, or demand on one side met by contrary claims or allegations on the other. The subject of litigation, the matter for which a suit is brought and upon which issues is joined and in relation to which jurors and witnesses are examined.”¹²

b. Settlement

Settlement is a compromise or an agreement between litigants to settle the matters in dispute between them in order to dispose of a conclude their litigation¹³. It is also an agreement that ends a dispute and results in voluntary dismissal or any related litigation¹⁴. In the same vein, a settlement is an agreement between parties to a dispute. It is juxtaposed to trial or some other method of dispute resolution in which a third party fact finder ultimately picks a winner and announces a score.¹⁵

The combined effect of the above revolves around the fact that settlement is synonymous with resolution of conflicts. It is therefore a situation where parties by themselves and on their own decides to compromise to allow themselves have their differences resolved amicably. On the other hand, parties to a dispute can accept the intervention of a neutral third party to moderate the process of resolving their conflicts or disagreement as the case may be.

c. Trade Disputes

Trade dispute is the conflict that takes place within an individual organization, where the parties involved in the competition wants to occupy the position of the other irrespective of the fact that they are aware of the incompatibility of their interest.¹⁶ It is that dispute which usually arise from a complaint or a grievance which is left unsettled or unattended to by the authority or management that is charged with the responsibility for settling the grievance at the primary

⁹V. Gale, and others

¹⁰ (2001) 11 NWLR (pt.727)34.

¹¹ *Ibid.*

¹² *Air via Ltd. v. Oriental Airline Ltd* (2004) LPELR 272sc27.

¹³ The editors of Encyclopedia Britannica, “Settlement” Britannica. <<https://www.britannica.com>

¹⁴ “Settlement” LII Cornell Law School. <<https://www.lawcarneel.com>

¹⁵ J.J Prescott and E.S Karthryn, “A comprehensive Theory of Civil Settlement”. Forthcoming, NYU Law Review. 2016 <<https://www.ssrn.com>.

¹⁶ D.P Daluta and Adekeye ; A Comparative Analysis of Trade Dispute/Settlement in Nigeria Public And Private University (2013) (18) *Journal of Law Policy and Globalization*, 31.

level.¹⁷ In the same vein, trade or industrial conflict is the total range of behaviours and attitudes that expresses opposition and divergent orientations between individual owners and managers on the one hand, and working people and their organizations on the other hand.¹⁸

Statutorily, the term is defined as any dispute between employers and employees, including dispute between their respective organization and federations which is concerned with the employment or non-employment of any person, terms of employment and physical conditions of work of any person, the conclusion of variation of a collective agreement, and alleged dispute¹⁹ It means any dispute between employers and workers or between workers and workers, which is connected with the employment or non-employment or terms of employment and physical conditions of work of any person.²⁰

Per Chukwuma – Eneh JSC, defined trade/industrial disputes in accordance with provision of section 48 of the Trade Disputes Act to mean;

Any dispute between employers and workers or between workers and workers, which is connected with employment or non-employment, or the terms of employment and physical conditions of work of any person for emphasis. The foregoing provision has been judicially construed in the case of *National Union of Road Transport Workers v. Ogbodo and Others* (1998) 2 NWLR (pt. 537) 189... It is clear that the following ingredients are not only necessary but inevitable: (a) There must be a dispute (b) the dispute must involve a trade (c) the dispute must be between (i) employers and workers; or (ii) workers and workers (i) the dispute must be connected with (i) the employment and physical condition of workers of any person ...²¹

The foregoing definition further depicts the fact that trade disputes are labour related conflicts which must be connected to workers and employers or employers and employers or their various unions. The main issue must as well be revolving around the terms and conditions of employment.

2.0 The Process of Settlement of Trade Dispute Under the Trade Disputes Act 1976

The Trade Disputes Act 1976, recognizes the inevitability of conflicts between the parties in the industrial relations. It provides for voluntary and compulsory mechanisms for the resolution of trade disputes whenever they arise.²²

¹⁷E. Okongbo, *Strategic Issues on the Dynamics of Industrial Relationships theories and practice* (Ikotu Lagos; Wepoapo Enterprise 2004) <<https://www.researchgate.net/publication/314879138>>

¹⁸A. Kornhauser and others, *Industrial Conflict* (American Economic Association 1954) 467 <<https://www.researchgate.net/publication/341879137>>

¹⁹ National Industrial Court Act 2006, s 54(1).

²⁰TDA 1976 s 48(1).

²¹ *NUUE & ANOR v BPE* (2010) LPELR 1966 SC, 28

²² Oho Khan-Freed, *Labour and the Law* (2nd end. Sterens and Sons, 1977) 17

The legal framework regulating the process and procedure for settlement of all trade and labour related disputes includes, the Trade Disputes Act²³ as the leading law, the Trade Disputes (Essential Service) Act²⁴, the National Industrial Court Act²⁵. Prior to this time government intervention in trade dispute was on invitation or with the consent of the parties under the Arbitration and Inquiry Act.²⁶ At the time, the stakeholders in the industrial relations system bore the primary responsibility of resolving their disputes, using the mechanism of negotiation, collective agreement and where necessary industrial court.

In the contemporary Nigerian situation, the trade disputes Act being the leading legal or regulating instrument and the center of this study has outlined a number of mechanisms and their application in the process of settlement of industrial or trade disputes among the disputants. These mechanisms are mainly alternative disputes resolution processes. It is considered necessary, to examine these alternative dispute resolution process under the TDA (as amended), for the settlement of trade disputes in Nigeria. These processes as envisaged under the TDA, includes, negotiations, mediation, conciliation, arbitration and inquiry.²⁷

2.1 Negotiation

Negotiation is qualified communication process which may involve two or more parties seeking agreement on how issues are to be resolved. It is a voluntary and informal process by which the parties to a dispute reach a mutually acceptable agreement. As the name implies, the parties seek out the best option for each other which culminates in an agreement. At their option, the process may be private.²⁸ The Trade Disputes Act provides that dispute may be settled by the disputants or their representatives on agreed means.²⁹

It is important to observe that the meeting of disputants or their representatives to resolve their dispute amicably is negotiation. It is a process of discussion between the parties and as well reaching a settlement which would be beneficial to them.³⁰ In essence, the foregoing emphasis that most employers or their unions in an organized private sectors have their grievance freely negotiated with the workers for the settlement of disputes.

2.2 Mediation

Mediation is referred to as a method of non-binding dispute resolution involving a neutral third party which tries to help the disputing parties to reach a mutually agreeable solution.³¹ The

²³ Trade Disputes Act 1976.

²⁴ Trade Dispute (Essential Service) Act 1975.

²⁵ National Industrial Court Act, 2006.

²⁶ Arbitration and Inquiry Act, Cap. 201 LFN, 1958.

²⁷ OVC Okene and GG Otutum, 'The National Industrial Court and Adjudication of Labour Disputes: Agenda for Reform' Delta State University Law Review (2017) 3 (1), 205.

²⁸ Owasanoye B, 'Dispute Resolution Mechanisms and Constitutional Rights in Sub-Saharan Africa' (2000) (14) <https://www.unitar.org.dfm_for_other_titles_of_document_series> attentive dispute resolution methods

²⁹ TDA 1976 s 4(1).

³⁰ T.M Yusuf, 'The Dynamics of Industrial Relations: The Nigerian Experience (Oxford University Press 1984) 74.

³¹ B.A Garner (ed), *Black's Law Dictionary* (8th edn, West Publishing Co. Thompson Business, Printed in the United States of America 2004)

TDA allows the intervention of a third party referred to as a mediator who is appointed on behalf of the parties or by them. The person must be knowledgeable in labour matters.³² The mediator, usually meets with the parties separately and bring them together to work out a settlement for themselves and the neutral third party has no authority to make decisions binding on the parties.³³ It is observed that the mediator has about seven days within which to resolve the dispute between the parties, that is, from the date of his appointment or report back to the minister of labour if not settled, within three days of the end of the seven days.³⁴

2.3 Conciliation

Conciliation is one of the processes of trade dispute resolution under the TDA. It is the intervention of a neutral third party appointed by the minister of labour to assist the disputants resolve their conflicts. The Minister appoints a fit person as a conciliator to for the purpose of settling dispute affecting the parties.³⁵ The person appointed enquires into the causes and circumstances of the dispute and endeavours to bring about settlement between the disputants.³⁶ Upon the completion of inquiring and eventual settlement, the conciliator is to report the recorded or memorandum, terms of settlement already signed by the disputants or their representatives to the minister of labour within seven days. From that date or any other specified date the recorded terms therein shall be binding on the employers and workers...³⁷ The implication of the foregoing is that every steps to be taken by the conciliator in the settlement procedure under TDA, the revolves around the Minister.

2.4 Industrial Arbitration Panel

The TDA establishes the Industrial Arbitration Panel for resolution of dispute, where the conciliator was unable to resolve a particular trade dispute between the disputants. Fourteen days into the date wherein the minister of labour receives the report that the dispute could not be resolved by the conciliator, the minister refers the dispute for settlement to the Industrial Arbitration Panel.³⁸ The IAP shall consist of the chairman, a vice-chairman and not less than ten other members all of whom shall be appointed by the minister...³⁹ It implies that the minister of labour points the chairman, vice-chairman and all the members of the IAP and they report to him directly.

In the same vein, the Chairman of the Industrial Arbitration panel constitutes arbitration tribunal in accordance with the relevant paragraphs of the provisions of the TDA to ensure or

³² TDA 1976 (7) s 4(2).

³³ Dele Peters, 'Dispute Resolution Mechanisms' *Fountain Law Journal* (2005)

³⁴ TDA 1976 s 6(1)

³⁵ Ibid, s 8(2)

³⁶ Ibid, s 8(3)

³⁷ TDA 1976 s 9(1).

³⁸ Ibid, s9(2).

³⁹ Ibid, s9(2)

attempt to settle disputes that may be referred to it by the minister.⁴⁰ It is observed that the Industrial Arbitration Panel has only 21 days to make an award from their adjudication.⁴¹ Upon the receipt of tribunal award, the minister may either notify the disputants of the award specifying the time which they may object to it and in the absence of which the award may be confirmed by the minister.⁴²

2.5 Board of Inquiry

A board of inquiry as a fact finding body does not directly settle any dispute, although it may aid the process of dispute settlement. The Trade Disputes Act, provides that, where any trade dispute is apprehended, the minister may cause inquiry to be made into the cause and circumstances of the dispute and, if he thinks fit, may refer any matter appearing to him to be connected with or relevant to the dispute to a board of inquiry appointed for the purpose by the minister....⁴³ A board of inquiry may consist of only one person as chairman or such other persons as the minister thinks fit.⁴⁴ It is argued that the report of the board of inquiry appointed under section 33 of the TDA, make intern reports. However, every report such a board of inquiry, including interim report and any minority report, shall be submitted to the Minister.⁴⁵

3.0 The National Industrial Court of Nigeria

Under the Trade Dispute Act, the minister of labour can in some special cases direct a dispute to the National Industrial Court for adjudication or determination as the case may be. Such cases are where dispute is one to which workers employed in any essential service are a party or that in the circumstance of the case reference of dispute to arbitration tribunal would not be appropriate, then, within seven days of the receipt by the minister of the report under section 8(5) of this Act, the minister may refer the dispute directly to the National Industrial Court.⁴⁶

Section 20⁴⁷ provided thus; there shall be a National Industrial Court of Nigeria, (in this part of this Act referred to as “the court”) which shall have such jurisdiction and powers as are conferred on it by this or any other Act with respect to the settlement of trade disputes, the interpretation of collective agreements and matters connected therewith.⁴⁸

4.0 Power of the Minister Under the Trade Disputes Act 1976

The extent of the powers of the minister of labour and employment and its supremacy cannot be overemphasized. Under the TDA, it has been observed that every steps taken towards the

⁴⁰ Ibid, s9(3).

⁴¹ Ibid, s13(1) (a).

⁴² Ibid, s13(2).

⁴³ TDA 1976 s 33(1)

⁴⁴ Ibid, s 33(3).

⁴⁵ Ibid, s 34(1) & (2).

⁴⁶ Ibid, s 17.

⁴⁷ TDA 1976.

⁴⁸ Ibid.

resolution of any conflict amongst disputants must be directed or confirmed by the minister. For ease of reference, the segment is subdivided as follows; power to initiate and regulate process of dispute settlement under the Act, they include; Negotiation, mediation, conciliation, industrial panel Arbitration, board of inquiry and the National Industrial Court of Nigeria respectively.

A) Power to regulate Negotiation Process

The Trade Disputes Act provides that disputes shall first be attempted to be settled by the disputants or their representatives on an agreed means.⁴⁹ This is a clear case of negotiation process. The Act⁵⁰ further provides thus; notwithstanding the foregoing provisions of this Act, where a trade dispute is apprehended by the minister he may in writing inform the parties or their representatives of his apprehension and of the steps he proposes to take for the purpose of resolving the dispute.⁵¹

The effect of the above is that the minister supervises the process of negotiation and he can as well apprehend a trade dispute for the purposes of resolving them.

B) Power to Initiate Mediation Process

Where the agreed means of settlement of dispute by disputants, which is negotiation fails, the disputants are allowed under the Act to try the means of settlement by a third party mediator. The TDA reiterates thus; If the attempt to settle dispute as provide in subsection (1) of this section fails, or if no such agreed means of settlement are mentioned in the subsection exist, the parties shall within seven days of the date on which the dispute... under the presidency of a mediator mutually agreed upon and appointed by or on behalf of the parties, with a view to the amicable settlement of the dispute⁵².

Similarly, where after seven days from the date on which a mediator is appointed in accordance with section 4(2) of this Act, the dispute is not settled, the dispute shall be reported to the minister by or on behalf of either of the parties within three days of the end of seven days.⁵³ Such report shall be in writing and shall records points of disagreement and describe the steps already taken.⁵⁴

The foregoing presupposes that the mediation process involves the minister of labour, as the mediator reports back the outcome of his attempt to resolve disputes between the disputants,

⁴⁹ TDA 1976 4(1)

⁵⁰ TDA

⁵¹ *Ibid*, sS(1).

⁵² TDA 1976 s 4(2).

⁵³ *Ibid*, s 6(1).

⁵⁴ *Ibid*, s 6(2).

including the steps he has already taken. All these are to be done within seven days of the appointment of the mediator.

C) Power to Initiate and Regulate Conciliation Process

Where the minister is not satisfied with the report of negotiation and mediation as provided for in sections 4 and 6 of the TDA, the minister may appoint a conciliator under section 7 of the TDA. It is provided, that; the minister may for the purposes of section 7 of this Act appoint a fit person to act as a conciliator for the purpose of effecting a settlement of the dispute.⁵⁵

The effect of the foregoing is that the TDA has vested on the minister of labour the power to appoint a conciliator where the attempt to resolve dispute by negotiation and mediation fails. The conciliator enquires into the causes and circumstance of the disputes and by negotiation with the disputants endeavor to bring about settlement.⁵⁶ Note importantly, where settlement of the dispute is reached within days of the appointment of a conciliator, he shall forward the report to the minister and memorandum of terms of settlement already endorsed by the either disputants or their respective representatives.

D) Power to Constitute Industrial Arbitration Panel

The power of the minister of labour and employment to constitute or establish an industrial Arbitration panel is enshrined under the Trade Dispute Act. This panel is a creation of the TDA and is regulating and/or supervised by the minister. The minister shall refer dispute for settlement to the Industrial Arbitration Panel established under this section within fourteen days of the receipt by him a report under section 6 of this Act.⁵⁷

Similarly, the minister has the authority and responsibility to appoint the chairman and members of the IAP.⁵⁸ The minister also supervises the activities of the IAP. They report all their activities and convey their award to the minister.⁵⁹ The minister of labour decides and with approval of the minister of finance pay remuneration to arbitrators or accessory and allowance to those who are public officers.⁶⁰

E) Power to Constitute Board of Inquiry

This Trade Dispute Act vested on the labour minister the power to appoint members of the board of inquiry. Where the minister apprehends any exiting trade dispute, he has the power to cause an inquiry to be made in the circumstance of the dispute. He may refer any matter appearing to him to be connected with or relevant to the dispute to a board of inquiry appoint

⁵⁵ TDA 1976 s 8(1).

⁵⁶ Ibid, s 8(2).

⁵⁷ TDA 1976 s 9(1).

⁵⁸ TDA

⁵⁹ Ibid, s 9(2).

⁶⁰ Ibid, s 13(2).

for the purpose by the minister, and the board shall inquire into the matter referred to it and report thereon to the minister.⁶¹ Matters connected with industrial conditions in Nigeria may be referred to board of inquiry appoint for that purpose by the minister.⁶² The labour minister with the approval of the finance minister may pay to any member of a board of inquiry appointed under this section such remuneration as he thinks fit.⁶³

The combined effects of the foregoing pre supposes that the minister superintends over all issues relating to resolving trade disputes by board of inquiry.

F) Power to Refer Trade Dispute to the National Industrial Court of Nigeria

The Trade Dispute Act has vested on the Minister of Labour and Employment, the power to refer trade disputes to the National Industrial Court of Nigeria for settlement. Section 17, provided thus; if in the case of any trade dispute of which he has received a report under section 6 of this Act, it appears to the minister; (a) that the dispute is one to which workers employed in any essential service are (a) party or (b) that in the circumstance of the case reference of the dispute to arbitration tribunal would not be appropriate The minister shall refer the dispute strictly to the National Industrial Court.⁶⁴

From the foregoing provision is trite to observe that the minister of labour and employment has legal discretion and power to direct a labour related conflict to the National Industrial Court for settlement.

The Minister of Labour and Employment possess the legal authority under the Trade Dispute Act to refer back an award of an Arbitration tribunal, constituted by him pursuant to section 9 of the TDA for reconsideration. Section 13, reiterates that where on the receipt of an award of the tribunal the minister considers it desirable to do so he may refer the award back to the tribunal for reconsideration and shall not exercise his power under subsection (2) of this section until the award has been reconsidered by the tribunal.⁶⁵

5.0 Conclusion

The powers of the Minister of Labour and Employment under the Nigerian labour Jurisprudence is statutory. As part of the dynamic nature of law, it is pivotal to observe by way of criticism that the powers are enormous and excessive and therefore may be abused or not effectively applied to establish substantial justice in the about department. These powers for trade dispute settlements, though derivable from the Trade Dispute Act 1976, did not only allow the minister to administer the process and procedures of settlement of all labour related

⁶¹ Ibid, s 9(6).

⁶² Ibid s 33(1).

⁶³ Ibid, s 33(2).

⁶⁴ TDA 1976.

⁶⁵ TDA 1976 s 13(3).

disputes. It is vested on him the power to appoint conciliators, constitute industrial arbitration panel, Board of inquiry and allows him to activate all other institutional mechanisms for the settlement of trade and/or industrial disputes in Nigeria.

The Minister of labour does not only appoint or activates institutional mechanisms for trade dispute settlement, he supervises every stage of the process, up to the award. The labour and employment minister solely decides and activates the jurisdiction of the IAP and in his discretion decides which matter to refer to the NICN for adjudication and eventual settlement.

It suffices to assert that these processes which the labour and employment minister superintends cannot be effective because they are not only enormous steps and processes to be complied with, the interest of the minister as a member of Federal Cabinet is also a factor. One wonders how these mechanisms can settle trade dispute speedily and disputants getting a lasting and substantial justice. It is also argued that in practice compliance has been very difficult as most of the institutional mechanisms only exists in the letters of the law and not in reality.

6.0 Recommendations

- a. Revision of sections 3, 4 and 6 of the trade Disputes Act is pivoted to relief the minister of labour and employment from interfering on the agreed method of settlement by the disputants and apprehending trade disputes. The minister should wait only a trade related is reported to his office or department before can step in.
- b. The amendment of sections 9,10 and 13 of the trade dispute Act 1976 to relief the minister of the power or expunge the powers of the minister of appoint, supervise decide the remuneration of the chairman and members of the IAP, and super mission & confirmation of the award of the tribunal before being bringing. This way, the tribunal will enjoy a little of independence which required to do substantial justice, especially matters connected to the Federal Government which the minister represents.
- c. There should be a holistic overhauling of the dispute resolution mechanism under the Trade Disputes Act 1976, to ensure speedy resolution of dispute. Disputants should be allowed to make their choice of dispute resolution mechanism to explore, either mediation, negotiation or conciliation with little supervision by the ministry of labour and employment not necessarily the minister. Where necessary disputants can choose to submit to the IAP, this way, trade disputes settlement will be strait and easy to realize.