**A PAPER PRESENTED BY DR. COMRADE LEKE SUCCESS DURING A NATIONAL WORKSHOP ORGANISED BY NATIONAL UNION OF HOTELS AND PERSONAL SERVICES WORKERS**

**THEME:**

**BUILDING SUSTAINABLE MANAGEMENT/UNION RELATIONSHIP FOR INDUSTRIAL HARMONY**

**TOPIC:**

**WORKER’S RIGHT AND MANAGEMENT PREROGATIVES**

**DATE:**

**22ND OCTOBER, 2019**

**VENUE:**

**KIMBIS INTERNATIONAL HOTEL, OPPOSITE FIRST BANK OTUKPO ROAD, MAKURDI, BENUE STATE.**

**Introduction**

Managerial prerogative are considered natural rights that allow employers to manage their employed. They are the discretionary powers left at any moment in the hands of managers. Every acts which a manger or his subordinates can lawfully do, without the consent of the worker organization, is done by virtue of this prerogative. Managerial prerogatives give mangers the power to control the direction in which their business are heading. Employees do not have this powers. However, trade Unions work to aid employees as well as control and regulate these prerogatives.

The manager right to manage is the legitimation in Capitalism, or other industrial society, of the disciplinary powers that manager claims over workers. It is fundamentally related to the property rights of the person claiming to own a particular means and tools of productions.

Employees right on others hand is a term that deals with various practices that provide protection to an employee in an organization. Employee rights vary depending on the organization is entitled to. There are certain rights that are negotiable and law provide an employee with a right to negotiate. However, any sort of negotiation that turn violent is illegal.

**Workers rights**

Written statement of terms and conditions of employments is mandated by law that certain terms and conditions should be provided in writing to an employee within a specific time period as defined by law. For example; salary, offered leave policy, conditions of termination of employment.

* Minimum Wage.
* Maximum numbers of hours work per week.
* Annual Leave.
* Break during working hours.
* Leave on Public Holidays.
* Bereavement Leave.
* Right to refuse to perform work which may cause physical harm/illegal.
* Safety at workplace.
* The employer cannot deduct from the employees salary without stating the reason for the same.
* Freedom from discrimination, for example, age discrimination, Disability, pregnancy, Gender, Sex, Color, Tribe etc.
* Overtime pay.

Although, many employees have been working for years, many are unaware of their true right. If any of this employees right have been violated by your employer, consult your lawyer. Many situation have only a limited period of time that they can be investigated by law. Act quickly and seek your options under the law through your Union secretariat.

**Management prerogatives**

* The right to hire.
* The right to Dismiss (Fire/Termination)
* The right to transfer.
* The right to promote and demote.
* The right to discipline.
* The right to lay down policies.
* The right to establish working hours.
* The right to organize and re-organize.
* The right to reasonable return on investment.
* The right to expansion and growth.
* The right to establish employee performance standards and conduct performance appraisal.

The state affords the constitutional blanket of rendering protection to labour, but it must also protect the right of employers to exercise what are clearly management prerogatives, so long as the exercise is without abuse of discretion.

**DISPUTES OF RIGHTS AND DISPUTES OF INTEREST**

A common restriction on the right to strike consist in granting the right only in respect of disputes of interests and not disputes of rights. A dispute of rights involves the existence, validity or interpretation of a collective agreement or its violation. It thus deal with the application and interpretation of existing legal rights. A dispute of interest, on the other, hand, relates to the establishment and creation of a new right by reconciling conflicting economic interest.

The distinction is made between “economic Disputes” and “Legal Disputes” the Legal Disputes are problems of interpretation or applications of rules, collective or individual contract, while the economic disputes are those which do not have legal questions, but demand about new work condition. Dispute over interest can be referred to as “Major Disputes” while disputes over rights can be referred to as “Minor Disputes”.

The rationale for the distraction is that a dispute of interests would be settled by Collective Bargaining, which would involve the right to strike, and would result in an agreement between the parties which would determined some further disputed condition and terms of employment. That agreement would be legally enforceable and would create rights for the parties.

In 2004, for example, the Nigerian Labour Congress (NLC) declared a strike action against the increase in the cost of fuel price and the imposition of fuel tax; The government obtained a ruling from the Federal High Court which held that the NLC could not exercise the right to strike over fuel price increase as this was not in the view of the court, a matter within the scope of Collective Bargaining for workers Condition of Services.

**Conclusion**

The state respects the doctrine of management prerogative or the company’s business although, subject to certain limitation. In an employer-employee setup, it takes two to tango, so to speak. So the employer and the employee are two side of the same coin.

Employees are integral part of employers success in business, while the employer is a source of income for the employees. It is just wise then to exert utmost effort to achive perfect balance between these two significant force of business. The law cannot uphold the right of the worker to the demise of the employer. Conversely, the law cannot allow business enterprise to flourish at the expense of the abused and exploited workers.

Our laws recognize and respect the exercise by management of certain prerogatives. For this reason court often decline to interface in legitimate business decisions of employers’ judgment concerning the conduct of their business. Management prerogatives, as the supreme court put it, allow employer to “regulate generally without restraint, according to its own discretion and judgment, every aspect of its business recognized that company policies and regulations, unless shown to be grossly oppressive or contrary to law, are generally valid and binding on the parties and must be complied with until finally revised or amended, unilaterally or preferably through negotiation, by competent authority.

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4. OVUNDA V.C OKENE, PHD, Rivers State University of Science and Technology PH. his work on the Disputes of Rights vs Disputes of Interest. (2009).

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**OCTOBER, 2019.**

**GOSSIP CORNER**

1. **YOUTH FEDERATION OF NIGERIA – YSFON**

A Sport federation established by Nigeria government in year 2000. It was established to be the only youth sports custodian in the country for the Nigerian youth. It was created to develop grass roots sports among our youth and raise Global sports talented youths from the country. This youth organization was created to pay much attention to other sport activities other than football. The organization is to raise youth in Taekwondo, Karate, Basket Ball, Volley Ball, Hand Ball, Swimming, Track Event, High Jump Events, Judo, Darts, Dance Sport, Boxing, Table Tennis, Native Wrestling etc.

1. **DEBT MANAGEMENT OFFICE NIGERIA (DMO)**

* Established on 4th October, 2000 to centrally coordinate the management of Nigeria debt.
* Highly autonomous
* To achieve good debt management practices that makes positive economic growth.
* Prudentially raising financing to fund government deficits at affordable cost and managing risks in medium and long term.
* Achieving positive impact on the overall macroeconomic management including monetary and fiscal policy.
* Improving the Nations Borrowing capacity and its ability to manage debt efficiently in promoting economic growth and development.
* Projecting and promoting good image of Nigeria as a discipline as a discipline and organized nation capable of managing its assets and liabilities.

**Nigeria’s Total Public debt portfolio as at March 31, 2019.**

1. Total external Debt - 25,609.63 USD (FGD + State FCT)
2. Total Domestic Debt - 42,721.68 USD (FAN, States & FCT)

**USD 81,274.09**

**Note; this debt is combination of debt service and debt stock.**

1. **ASSET MANAGEMENT CORPORATION OF NIGERIA (AMCON)**

* Established on the 19th July, 2010.
* Created to be a key stabilizing and re-vitalizing at reviving the financial system by efficiently resolving economy.
* Free up resources for more profitable activities and;
* Improve capital position.

**4**. **THE AFRICAN GROWTH AND OPPORTUNITY ACT (AGOA)**

- Established on 18th May, 2000 as public law of the 200th Congress.

- AGOA is reviewed to 2025.

- Enhance market access to the US for qualifying sub-saharan          African countries.

**QUALIFICATIONS**

- Improve rule of Law.

- Human Rights and;

- Respect for labour standards.

**FACTS**

- Total Goods two-way, between US and Saharan African, from $36.9billion                     in 2015 to $ 39billion in 2017.

- US good export to Sub-Saharan African; Machine($2.3billion),Vehicles           ($1.5billion), Mineral Fuels ($1.4billion), electrical ($864million).

- Us investment in Sub-Saharan African stood at $29billion in 2016, the                    largest destination for US investment were Mauritius ($6.7billion), South                    Africa (5.1billion) and Nigeria (3.8billion).

- African Countries supplies to US; South Africa ($7.8billion), Nigeria                    ($7.1billion), Angola ($2.6billion), Cote d'viore (1.2billion) and Botswana                    ($772million).

**NIGERIA ECONOMIC EMPOWERMENT AND DEVELOPMENT STRATEGY (NEEDS)**

- Emphasize creation of employment opportunity (self employment)

- Self reliance economic growth and development.

- Poverty alleviation paper to seek to support, Agriculture, Industry, Small                    and Medium scale enterprise, and oil and gas.

- **NEEDS focus on 3 pillars.**

a. Empowering people and improving social service delivery.

b. Fostering Economic Growth.

c. Enhancing efficient and effectiveness of government.

- NEEDS emphasizes increase in public investment, which address the                     country vast development requirement.

- NEEDS is to match education with industrial needs.

- NEEDS is a home growing economy strategy established by the former                    president Chief Olusegun Obasanjo which is to be adopted by state and                    local Government as SEEDS and LEEDS respectively.

**"THOMAS COOK" GROUP**

- Tourism giant "Thomas Cook" manages, hotels in Rhodes and crete.

- Gone bankrupt leaving tens of thousands of workers without a job           worldwide.

- Working rights are crashed by the competitiveness of monopolies.

- They put burden of losses on the back of workers/families.

- Their profit is left untouched.

- This company was British global travel group.

- It was form 19th June, 2007 by merger of Thomas cook AG and My Travel                    Group.

- They operate as a Tour operator and an Airline.

- On 23rd September, 2019 they went into compulsory liquidation.

- Thomas Cook collapse will grossly affect Gambia Kenya etc.

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