**PROMOTING WORKPLACE DISCIPLINE AND RULES: TRADE UNION ROLE**

A PAPER DELIVERED

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**PROMOTING WORKPLACE DISCIPLINE AND RULES: TRADE UNION ROLE**

I take it as a matter of sheer privilege that I am standing in your midst this morning to address the issue of “Promoting Workplace Discipline and Rules – Trade Union Role”. I trust that the end of our deliberation today all of us including myself would have learnt one or two new things that will help unity among the union members and enhance the growth and development of our different places of work. In order to ensure seamless understanding of the topic in view I will like to address some key words hereunder:

**Workplace**

A workplace has been defined by Webster New International Dictionary as a place where work is done. Another source defined it as a place where people are employed. Workplace has also been defined as the location at which an employee provides works for an employer. The first and the third definition appears to explain where a workplace is. A workplace cannot be limited to the place where a worker is employed. There are company with various branches, a worker may be employed in the head office and deployed to another location farther than the place of employment. Hence, place of employment will be too restrictive view of a workplace.

Furthermore, we operate in the hospitality industry where outdoor catering is not strange. It follows that the venue of where the catering services are being provided for the purpose of definition of workplace will be included. Same goes with stewards that are engaged to provide sanitaria services in service apartments, the respective apartment also qualifies as workplace. Workplace could be stationary or in motion. It is unarguable that a driver’s workplace include his employer’s premises, driver’s cabin as well as his car while stationary or on motion.

Discipline – has been described by Black’s Law Dictionary sixth Edition as “instruction, comprehending the communication of knowledge and training to observe and act in accordance with rules and orders”.

Webster New International Dictionary defined discipline to include control gained by enforcing obedience or order, or punishment meted on violators of laid down procedures, regulations and laws. Emphasis will be laid on discipline rules in our place of works and the efficient machinery and procedures and what roles is expected from the workers representatives.

**Union.**

A labour union has been described as an organization that represents the collective interest of workers in negotiation with employers. In Nigeria the category of workers that fall within this category are junior staff, while the senior staff come together as an Association. In Nigeria there is legislative recognition for all the various industrial bodies.

The first trade union legislation in Nigeria was the Trade Union Act of 1938 which allows a minimum of five employees to form a trade union. Section 40 of the Constitution supports the coming together of people to form such association.

A historical perspective of the evolution of trade union legislation in Nigeria will be of great benefit in this treatise. The Trade Unions Act of 1938 was repealed by Trade Unions Act of 1973, it provided more stringent requirements for the registration of trade unions and consequent restructuring of over 1000 trade unions into 42 industrial unions of junior staff, 19 senior staff association and 9 employers association. Subsequent amendments were made to the enactment. Chief among the reasons given for the restructuring was “overlapping and duplication in the objectives of trade unions, which has resulted in numerous court cases; the urgent need to remove all the anomalies in the present structure of trade unions, caused by duplication, amorphous structures and overlapping jurisdiction”. Two or more trade unions may also associate to form a federation of trade union.

By virtue of the Trade Union Act Cap T14 of 2004 there are 29 recognized Trade unions in Nigeria, your Union the National Union of Hotel and Personal Services Workers (NUHPSW) is number 12 on the list. The same law apart from recognizing various senior staff Associations also recognized Employers Association which is Hotel and Personal Services Employers Association (HOPESEA) as the Employers mouth piece.

Even though the registered office of the Trade Union is located at its headquarters, however for administrative convenience branches are allowed at the various plants level. By virtue of a Procedural Agreement executed between the NUHPSW and HOPESEA, it is mandatory for the management of the hotel to recognize the interventionist role of the union at the National level as well as the Branch level.

**The Workplace Rules**

Just like in any society where there is no stipulated offences, no one can commit crime. No wonder what is a crime in one clime could be permissible in order societies. While bigamy is an offence under the marriage regulated by statutes, those who married under native laws and customs as well as Islamic laws could marry more than one wife. Similarly, some roads in certain urban area allows only way through traffic in some other areas motorists are allowed both ways. For all these there are enabling laws. So also in a working environment where workers on one hands relates and on the other hands relate with the employers.

Workplace rules are usually contained in the staff conditions of service, which usually is a product of negotiation between the management and the union. By virtue of the procedural agreement, some items on the condition of service are reserved deliberation at the National level between the two industrial bodies. Nevertheless, most disciplinary issues are left to be negotiated at the plant level.

While disciplinary issues are similar in most hotels, but the disciplinary attached to each issue differs. Not only that, steps to be taken before invoking disciplinary measures are also stipulated. Disciplinary measures also varies ranging from warnings (oral or written), suspension, termination, dismissal even retirement. Retirement on the face of it appears to be a regular issue but there are some retirement that are in fact forced retirement.

**Major Workplace Rules**

Duty to obey all Lawful Instructions

In order to ensure ordinary execution of duties standard procedure are clearly enunciated for the discharge of daily duties, services to guests, relationship with guest, food preparations, collection of money, treatment of UPS, preparation and preservation of food, comportment grooming and hygiene level while on duty. The category of rules are targeted as sustaining workplace standard and brands a violation of which might have dire consequences on the continuity of business.

Duty to be punctual and to remain on duty

Workplace operate on time basis.

There opening and closing time at work places. Rosters are done in anticipation of seamless rendering of services. To this end, there are rules in abundance dealing with duty resumption, exit time. To ensure strict compliance, this angle had been automated through clocking machine that can capture at a glance the hours of work of an employee over a stated period of time.

Leave or other excuse duties are clearly stated and the procedure to earn and utilize same are well stated.

The punishment to be meted on any violation of punctuality at work varies from organization to organization and this can be decipher from their respective staff handbook.

Theft and dishonest behavior.

Employers frown at all philandering attitudes whether in cash form or material wise. Conditions are duly stipulated for staff exiting the premises with the company’s assets. On declaration of sales are rampart at most of F&B outlets. Hence, guests orders are now being taken through automated means that will be difficult to erase or deleted. Most employers have zero tolerance to this misbehaviour and same are met with instant disengagement.

Injuries and unwholesome activities.

To ensure peace in the premises, rules abound forbidden physical, sexual assaults, bullying amongst staff as well as management staff. To allow employees to use physical means to settle scores will result in a state of anarchy. Employees handbook provides adequate provision for grievance procedures.

Unauthorized utilization of customers/guests amenities.

In order to avoid dissipation of the employers resources, usage of guests amenities are seriously restricted. Rooms (even of out of order) cannot be used by any staff without prior management approval. Food and beverage items are no go area except those served at staff canteen.

Restriction against intoxicants

Even though most Hotels sells alcohol, it is usually against the organization rule to take any items that are intoxicant in nature. This is to ensure a peaceful industrial environment and guaranty safe working environment and decent relationship with guests.

There are several other rules, but the above are just the few ones for our discussions.

**Union Roles**

1. Drafting of Conditions of Service.

The standard handbook containing the disciplinary issues in the premises are usually a product of negotiation between the management and union. Although legally speaking such document not personally signed by an employee is not binding on him/her. The more aggressive a union, the less draconic the rules are laid and vice versa. Once the employees are properly protected in the handbook, the less injustice will be meted on them.

2. Ensuring Compliance with the stated disciplinary procedures

In view of the emotions and elevated status of employers and their representation there is every tendencies for them to be dictatorial. The presence of union in the settings is to ensure that all stipulated disciplinary procedures are followed before application of capital punishment i.e. issuance of queries, warning etc.

3. Enlightenment of Staff

Even though almost all the employees have a copy of the handbook, most hardly read it. It is the responsibility of the union to assume the duty of interpreter by enlightening the staff of implication of certain behavior.

4. Participation in Disciplinary Committee

Some handbooks allow constitution of Disciplinary Committee prior to disciplining employees. The union are usually members of such committee and usually intercede for employees in deserving cases. Even when the case is bad, a union with good relationship with the management could ask for prerogative of mercies and to temper justice with mercies.

5. Intermediary between Hostile line Manager and Employees.

Most managers of business are not good managers of men. Most operates by the books, but humans are not machine and cannot operate as automated entity. It is the duty of the union to ensure that managers’ actions carries human face. At times, certain infractions were a product of conditions beyond the control of the persons involved. Hence, a diligent union will marshal all the hidden facts that may not be apparent on the face of answers given to query.

6. Institution of case on behalf of Employee.

Where the management disciplinary action is considered improper and excessive, union could prompt an action in court against such erratic decisions. Many cases had been filed some of which are Management of Union Bank of Nigeria Limited v National Union of Banks, Insurance and Financial Institutions Employees, Management of Metal Construction (W.A.) Limited V Metal Products Workers Union of Nigeria.

**Conclusion**

Disciplinary issues cannot be left to the whips and caprices of the management. The more the mutual relationship that exist between Union and Management, the more the Union would be able to whittle down management absolute prerogative.

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