

9-1978

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Recommended Citation

Basorun, R. O.(1978). CBN joint consultative council: an experiment that need not fail. *CBN Bullion*, 3(3), 6-8

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CBN'S JOINT CONSULTATIVE COUNCIL AN EXPERIMENT THAT NEED NOT FAIL

Joint Consultation has been defined by the Collins Business Dictionary as 'a system of communication between workers and management which enables both to participate in discussions concerning matters of mutual interest such as factory conditions, employee benefits, etc.' The same dictionary defines Collective Bargaining as 'negotiations between employers and trade unions for the purpose of discussing and making agreements on wage rates, working hours conditions of work and any other relevant matters.'

It is clear from the two definitions above that both Joint Consultation and Collective Bargaining are systems of holding discussion between employees and employers to fulfil the industrial relations function of the organisation. But while the collective bargaining is a negotiation exercise between the employers and trade unions (representing the workers) 'for the purpose of discussing and making agreements on wage rates, working hours etc.', the Joint Consultation process is an employee/management discussion forum on 'matters of mutual interest' where agreements need not be reached although some form of consensus decision-making exists in practice. Joint Consultation has aptly been referred to by some industrial relations practitioners as 'toothless dog which can only bark but cannot bite'. In normal practice of industrial relations, Joint Consultation is employed as a complement of Collective Bargaining to specifically take care of non-contentious issues excluded from the normal bargaining process. Such issues include office/factory conditions, employee benefits, uniforms, etc. In the Central Bank of Nigeria it is not a complement, it is the only channel of industrial relations between the management and the staff. This is why it is essential to make the above preliminary clarification so that readers may appreciate the limitations of the Central Bank of Nigeria Joint Consultative Councils (Junior and Senior).

WHY THE JCC's?

Since the inception of the Bank in 1959, it has gone through one form of industrial relations or another. Between 1961 and 1968, there was the Central Bank of Nigeria Staff Association which performed the functions of a JCC. Between 1968 and 1973, three trade unions were formed and registered. They were the Central Bank of Nigeria Employees Union, the Senior Research Staff Association and the Central Bank of Nigeria Senior Employees Union. During this period, disputes arose, some of which resulted in two strikes in 1969. They were eventually resolved through arbitration and court action.



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In 1973, Decree No. 31 titled 'Trade Unions Decree 1973' banned trade unionism from Central Bank of Nigeria, but expressly made provision for the formation of a 'Joint Consultative Committee'. A reproduction of the relevant section of the decree at this stage is pertinent:

"Section 11. (1) This section applies in relation to the following establishments, that is to say -
(a) the Nigerian Army, Navy or Air Force;
(b) the Nigerian Police Force;
(c) the Prisons Department of Nigeria;
(d) the Customs Preventive Service;

(e) the Nigerian Security Printing and Minting Company Limited;
(f) the CENTRAL BANK OF NIGERIA (capitals are mine);
(g) the Nigerian External Telecommunications Limited;
(h) every Federal or State Government establishment the employees of which are authorised to bear arms; and
(i) such other establishments as the Commissioner may from time to time by order specify.

2. It shall not be lawful for persons employed in any of the establishments to which sub-section (1) above relates to combine, organize themselves, or to be members of a trade union, for purposes of employment, but NOTHING IN THIS SECTION SHALL BE CONSTRUED AS PREVENTING THE SETTING UP OF JOINT CONSULTATIVE COMMITTEES IN THE ESTABLISHMENTS CONCERNED (capitals are mine).

3. As from the date of commencement of this Decree, every trade union, which was in existence or which would have continued to be in existence as from that date but for the provisions of this Decree, shall cease to exist and the certificate of registration of such a trade union shall, within 30 days of the coming into operation of this Decree, be surrendered by the trade union to the Registrar, who shall take such steps in relation to the distribution of the assets of the trade union as he deems necessary or in accordance with its rules."

As a result, two Joint Consultative Councils for junior and senior staff respectively, were established by the Bank in 1975. Two separate constitutions were drawn up, discussed exhaustively between the Management and Staff representatives and eventually approved by the Board of Directors in 1975. Perhaps it will not be out of place to reproduce some of the important clauses of the Constitution at this stage. As there is invariably no difference (except in few cases to reflect strength and peculiarities) between the constitutions for the two Councils, the extracts from the

senior staff council constitution reproduced below shall apply to the two Councils.

“CONSTITUTION OF THE SENIOR STAFF JOINT CONSULTATIVE COUNCIL

CLAUSE 1: The Management of the Central Bank of Nigeria, for purposes of deliberation, consultation and communication with the workers, have hereby set up SENIOR STAFF JOINT CONSULTATIVE COUNCIL whose daily affairs shall be handled by Council officials comprising the Chairman of the Council, the Vice-chairman and the Secretary, in accordance with the spirit of the provisions of Section 11(2) of the Trade Unions Decree No. 31 of 1973, and shall be deemed to have commenced from the date of the commencement of Decree No. 31 of 1973.

CLAUSE 2: OBJECTIVES

(a) To provide a regular procedure for consultation between the Management and the employees on matters of mutual interest in order to minimise friction and misunderstanding, and to promote the objectives of the Bank.

(b) To secure the fullest measure of cooperation for the prosecution of measures and policies undertaken in the mutual interest of both parties.

(c) To promote in the employees a wider interest and participation in the design of the environment in which their work is performed.

(d) To promote throughout the Bank a spirit of cooperation so that performance efficiency may be secured, and the contentment of the employees ensured.

(e) To promote the diversification of employees' interest in directions other than normal office duties so that employees may develop a sense of civic responsibility and self-fulfilment.

CLAUSE 3(i) FUNCTIONS:

The functions of the Council shall include discussion or deliberation on matters affecting Management-Employee relations; and recommendations to the Management, which shall be advisory, on the following:

(1) Problems affecting the senior staff which arise in the day-to-day activities of the Bank.

(2) On matters referred to it for discussion by the Management.

(3) The welfare and improvement of working conditions including matters such as lighting, ventilation,

general sanitation, etc.

(4) Improvements in methods and organisation of work including creativity campaigns, performance improvement, optimum utilisation of resources, the setting and achievement of targets, etc.

(5) Accidents and their prevention.

(6) Grievances, that is, those of general and specific nature that may be brought to the notice of the Council.

(7) Services provided to the senior staff by the Bank such as canteen, health clinic, social club and other extramural services deemed to be of benefit to employees of the Bank.

(8) Questions affecting education and training.

(9) Bank rules and regulations including consequences of the breach of such rules and interpretation of official orders or notices.

(10) Questions affecting employees progress in general.

(11) Matters referred to the Council by any established sub-committee of the Bank or by Management.

CLAUSE 3(ii): Any major disagreement on the recommendations of the Council to the Management on (1) to (11) above may be referred to the Board of Directors for a decision by either party after all processes at resolving the disagreement have failed.

CLAUSE 4: MEMBERSHIP

(a) The Council shall consist of the three (3) members appointed by the Management and ten (10) members (now well over ten after representation has been reviewed to reflect both grades, from senior supervisors to Senior Managers, and Departments) elected by the senior staff of the Bank in such a way that elected Council members are drawn from each constituency as provided in Clause (5).

(b) Apart from the fact that the senior staff of the branches and sub-centres are regarded as members of the Domestic Operations Department constituency, each branch will have, in addition, a sub-committee of senior staff comprising one member appointed by the Management from the Head Office as Chairman, and six (6) members elected to represent the senior staff of the branch. The Sub-committee regardless of all matters affected the senior staff being considered in total in the Council, shall have the opportunity of discussing and recommending to the Council matters that are of peculiar nature to the Branch. Such sub-committee meetings shall normally be held in

the Branch and shall precede the meeting of the Senior Staff Joint Consultative Council.

(c) Heads of Department and those acting in that capacity are part of the top Management and shall, therefore, not seek representation on the Council or Sub-committee by election.

CLAUSE 9: OFFICERS

(a) The Chairman of the Council shall be the Chief Personnel Officer (now Director of Personnel) or his Alternate, the Deputy Chief Personnel Officer (now a Divisional Chief). The Vice-Chairman and the Secretary of the Council shall be chosen from among the elected members.

(b) The three officials of the Council shall have the same rights of discussion and voting in all questions as other elected members of the Council except that the Chairman of the Council shall not have any voting right.

(c) The Secretary of the Council shall take the minutes of the Council meetings and arrange for their distribution. Only decisions and recommendations of the Council procedures shall be documented. The Chairman will ensure that Bank's decisions on Council recommendations are duly communicated to the staff.

CLAUSE 10: MEETINGS

(a) The Council shall meet bi-monthly, that is, six (6) meetings will be held in each year; and the first meeting shall take place within fifteen (15) days following the first election. Either the Chairman or one-half (½) of the elected members may initiate action for the summoning of an Emergency Council meeting.

(b) In the event of an elected member being absent from two (2) consecutive meetings without acceptable reason, his seat shall be declared vacant and shall be filled in the manner provided under Clause (7).

CLAUSE 14: POWER TO AMEND THE CONSTITUTION

A motion by at least four members of the Council for amendment of this constitution must be received by the Secretary of the Council at least one week, and thereafter discussed with the Management by the Chairman before a motion on the proposed amendment is tabled either in a General or Emergency meeting of the Council. Amendments to this constitution shall be considered adopted if agreed by at least eight (8) mem-

bers of the Council including representatives of the Management present at the meeting.

Clauses 5, 6, 7, 8, 11, 12, and 13 are not reproduced for economy of space. They deal respectively with Elections, Terms of Office, Vacancies and how to fill them (7 and 8), Quorum, Agenda for meetings and scope of discussion. The Appendix on Election Procedure has also been omitted for the same reason.

PROBLEMS

A quick glance at the achievements of the Councils since they were established three years ago, will seem to give the impression that they did not perform well and thus confirm the view that "they are toothless dogs which can only bark but cannot bite". This may not be entirely true. For, on realistic assessment, the two Councils should be congratulated that they have been able to survive up till today. In retrospect, the events that preceded their coming into being, and, granting the human element factors on the staff and management sides, the performance could not have been better, at least, during the first eighteen months. It may, however, be admitted that the last eighteen months have witnessed a lot of inactivity resulting in little or no achievements by the Councils. This trend might be attributed to a lot of factors some of which are discussed presently.

STAFF

- (1) The staff, still haunted by the events that led to the establishment of the Councils, were always suspicious of management's actions, views or proposals.
- (2) They did not quite appreciate their role in a 'consultative' body like the JCC.
- (3) As a result of (1) and (2) above they never took elections to the Councils seriously, and when representatives are elected, they are usually ill-prepared for meetings.
- (4) Some of them still nurse the idea that without a trade union there can be no useful discussion with the management.

On the management side, the issues involved are:

- (1) Too much of boss-servant relationship.
- (2) Poor information system.
- (3) Irregularity in holding of Councils' meetings.
- (4) Unfulfilled promises.

Some of the above problems are natural in the prevailing circumstances at that time. One would expect considerable change in the

functioning of the Councils in the light of the restructured arrangement and recent events in the Bank. For example, the new structure in the Bank has created an Industrial Relations Division in the Personnel Department which will specifically give more attention to the Councils' meetings and problems. The Chairman will also have more time to call meetings as the number of meetings he used to attend has now been considerably reduced by the new structure. The introduction of the Staff Bus Service, the commencement of two staff Housing Estates (involving over 500 units) in the Satellite Town, proposals in the pipeline to increase staff quarters in all the existing branches (to include all categories of staff), the reversion of the unfavourable decision on standby hospitals and the extension of Group Personal Accident (GPA) insurance policy to all members of staff are recent events to confirm improved atmosphere for better involvement.

OUR ROLE

The Central Bank of Nigeria is a growing organization and one will expect its growth to mean more problems. It had just below 100 staff strength in 1959 but now has well over 3,000 men and women of varied qualification and experience. With the continuous growth in the Nigerian economy, so will the role of the Bank as financial adviser and leader of the financial sector continue to expand. It is an essential ingredient for the sustenance of this role if the relations between the Bank management and its employees are conducive to higher productivity and industrial peace.

Both the management and the staff have separate contributions to make in order to make the best use of the Councils. to achieve the objective of the previous paragraph. I cannot see the Bank isolating itself from happenings all over the world, and even in Nigeria, in the field of industrial relations. While it is talk of industrial democracy (workers' participation) in the advanced countries, at least here in Nigeria, the Federal Government had gone the gamut to overhaul the trade union set-up in order to ensure workers' effective participation in their employment. Central Bank workers and management must wake up and 'take the bull by the horn'. We must make both the Joint Consultative Councils for the junior and senior staff work for the benefits of the present and future employees of the Bank.

The staff must learn fast to break with the past. They should appreciate the advisory role of the Councils and, therefore, work hard to overwhelm the management with convincing facts on every issue brought up for consideration. Such facts are better documented (with every minute detail included) and circulated well in advance before meetings to all members (with permission of the Chairman) in order to get fruitful reception and debate at meetings. This also assists the management to get answers to basic questions in advance. Some measure of seriousness should be attached to elections so that effective and efficient representatives sit on the Councils to air staff view. 'Confidence', says the old adage, 'begets confidence'. Trust the management on all issues, until a fact-based situation prove otherwise.

On the other hand, the management should realise its position of strength and always try to avoid an 'almighty boss' situation at meetings. They should give every staff proposal due consideration before final decisions are communicated. 'Delay', says the lawyer, 'defeats equity'. The best management action, if communicated too late, may result in staff resentment or, even, rejection. Now that the management information system in the Bank has been overhauled, and with the setting up of the Staff Relations Office in Personnel Department, communication should flow either way without hindrance. Meetings should be called regularly as stipulated in the constitution.

CONCLUSION

One major sacrifice the Management and staff have to make is necessarily brought in at this conclusive stage. Bearing in mind that decisions are better made by consensus at Joint Consultative Council meetings and that these decisions are NO AGREEMENTS, recognising the fact that benefits from most decisions, if approved by the Management, shall invariably accrue to all members of staff irrespective of grade (take the case of standby hospital), both sides should discard the idea of scoring points on issues treated at Council meetings if the changes proposed above are to be meaningfully implemented. We shall all then agree that, afterwards, the experiment with Joint Consultative Councils has not been a failure.