

The Influence Of Disputants Perceptions On The Process And Outcome Of Negotiation

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ABSTRACT

The purpose of this study was to investigate the influence of the perceptions of the representatives of the Academic Staff Union of Universities (ASUU) and the representatives of the Federal Government of Nigeria (FGN) on the process and outcome of labour negotiation. In order to achieve the objectives of this study, a qualitative approach was adopted. A total number of 42 participants were engaged in this study, 23 participants from FGN, 19 participants from ASUU. Findings from this study revealed that ASUU and the Nigeria government have not been able to achieve a fruitful labour negotiation due to the government insincere and dishonest behaviour in-terms of the implementation of the agreement reached with ASUU. Result from this study also indicated that ASUU perceived FGN as a greedy and selfish negotiator, this attitude from the government often influences the process and the outcome of the negotiation between parties two parties. This study concluded that, disputants cannot achieve an integrative outcome on the negotiation table without sincere and honest communication between the two parties. In addition, negotiators cannot reach a satisfactory win-win settlement point without cooperation and compromise from both sides.

Keywords

Disputants' Perceptions, Distributive, Integrative, Negotiation Process and Outcome

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Introduction

The frequent occurrence of labour disputes between employers and the employees has been a major concern for academia and researchers because of its effects on the organizational productivity (Adewole & Adebola 2010;

Antonioli, et al., 2011; Oni-Ojo et al., 2014). Evidence from empirical studies (e.g, Oni-Ojo at el., 2014; Booth, et al., 2016) reported that when there is an unresolved labour dispute between employees and employers, it might frustrate employees, leading to lack of focus on organizational tasks.

Furthermore, employees may quit their job and seek for employment in other organization. This is capable of affecting organizational accomplishment, growth and development due to lack of qualified and experienced workers (Bello & Kinge, 2014; Oni-Ojo et al., 2014; Odoziobodo, 2015). For these reasons, employment dispute needs an urgent attention.

Evidence shows that labour dispute can be resolved through alternative dispute resolution such as negotiation, mediation and conciliation (Hiltrop, 1985; Dawe & Neathey, 2008; Hale et al., 2012 Philip & Adeshola, 2013). According to past studies (see, Reif, 1990; Bingham, 2004; Gibbons, 2007; Goltsman et al., 2009; Quoc Bao

Vo & Radulescu, 2012; Shinde, 2012; Chand, 2015; Booth et al., 2016) conciliation and mediation have been successful in the resolution of labour dispute between disputants.

On the contrary, Odoziobodo, (2015); Okene, (2010) and Maidald (2015) reported that negotiation have not been effective resolving dispute between employers and employees. Hence, this study investigated the influence of FGN and ASUU different perceptions of each other on the process and outcome of negotiation which have to date received only a remarkably small quantity of empirical investigation by the existing literature.

Empirical findings from previous studies (e.g., Tremblay, 2016; Pon 2014; Olekalns et al., 2014; Aquino & Becker 2005; Lewicki 1983)

reported that there are several factors which prevent successful negotiation outcome between disputants. Some studies (e.g. Sinaceur & Tiedens, 2006; Tomlinson et al., 2004; Van Kleef et al., 2004a, 2004b), found anger as a common factor which jeopardizes the success of negotiation outcome. Based on these studies, negotiators who are not willing to make a greater concession on the negotiation table, often leaves their counterparts dissatisfied, worn-out or alienated. This may generate anger, thereby preventing both parties from reaching mutual negotiation outcome (Fisher, Ury, Ury & Patton, 2011; Nelissen et al., 2011; Van Dijk et al., 2008; Kopelman et al., 2006; Sinaceur & Tiedens, 2006). In the same way, other studies (e.g., Van Kleef et al., 2004; Morris & Keltner (2000); Valley et al., 1998; Foroughi, 1998; Lewicki and Stevenson;1998; Lewicki & Stark, 1996; Lewicki and Bunker, 1995; Dees & Cramton, 1995; Ury, 1993; Thompson, 1990; Fisher, Ury, Ury & Patton, 2011), reported that disputants might succeed when they express their anger on the negotiation table for the first time, however, they may not succeed for the second time when they employ similar emotion. The reason is because the recipient of this emotion may also get upset which might lead to confrontation.

In contrast, Okene (2010); Maida (2015); Muhammad (2014); Heald (2016; Gall (2007); Gomez et al., (2003) reported lack of honesty as another infuriating factors to successful process and outcome of negotiation between disputants. According to these scholars, disputants cannot reach an agreement on the negotiation table without honest communication between both parties. This is because when the disputants manage to reach an agreement, they may not honour the terms and conditions of agreement afterward. This non-implementation continues to endanger the negotiation outcome between parties in dispute (Ogwuana, 2016; Odoziobodo, 2015; Harrison, 2004; Edralin 1999; **Baron & Neuman,1996**).

Bello and Kinge (2014) conducted a study on negotiation with the result indicating that negotiation between employers and employees in the Nigeria Labour Congress Taraba state chapter have been successful because of the disputant's

sincerity on the negotiation table. On the contrary, Wilson (1992); Donohue (1996); Barsade (2002); Frantz and Bennis (2005); Van Kleef and Côté (2007); Elfenbein et al., (2007); Vo, Padgham and Cavedon (2007) and Van Kleef et al., (2010) found that lack of cooperation between the disputants weakens and undermines the Successful process and outcome of the negotiation. According to these studies, negotiators cannot cooperate with each other on the negotiation table when they adopt different strategies.

Based on theory of labour negotiation by (Walton & McKersie 1965) disputants often come to the negotiation table with two different strategies to press home their demands. These different strategies are integrative and distributive. Integrative strategy is a collaborative efforts negotiator adopt to achieve collective agreement with their counterparts on the negotiation table (Walton & McKersie 1965). On the other hand, distributive strategy is a competitive approach disputant adopt for the purpose of personal achievement rather than collective accomplishment. Distributive negotiators often perceive negotiation as a contesting ground where they struggle to achieve larger portion of the negotiated agreement (**Barclay et al., 2005**; Walton & McKersie 1965).

Furthermore, when disputants come to the negotiation table with the combination of distributive and integrative approach, the negotiation process becomes competitive rather than cooperative for positive negotiation outcome (Walton & McKersie 1965). This creates situation where both parties cannot reach settlement point (Lewicki,1983; **Barclay et al., 2005**; **Skarlicki & Folger 1997**; **Tripp & Bies 1997**; Maiwald, 2015). The reason both parties cannot achieve positive outcome is that, distributive negotiators often behave noncooperatively on the negotiation with the intention to achieving larger portion of the negotiation (Walton & McKersie 1965; Goering, 1997).

By contrasts, integrative negotiators emphasize on the importance of building and maintaining positive relationship with their counterparts. Because of this reason, they often make a greater concession to reach an agreement with their partners (**Barclay et al., 2005**). **In addition**, they

also show high level of cooperation for collective agreement with their partners on the negotiation table (Lewicki 1983; Aquino and Becker 2005; Pon 2014; Olekalns et al., 2014; Tremblay, 2016).

Furthermore, integrative negotiators are sincere on the negotiation table since their intention is look for a logical solution to integrative outcome (Kern et al., 2005). However, the bottom line is that when these two parties come to the negotiation table to negotiate, both parties cannot reach mutual agreement (Walton & McKersie 1965; Lewicki 1983; Lewicki & Bunker 1995; Goering 1997; Valley et al., 1998; Lewicki & Srevenson 1998; Paese & Gilin 2000; McGinn 2005).

In relation to the Academic Staff Union of University (ASUU) and the Federal Government of Nigeria (FGN) empirical evidence from the existing studies, for example, Bendix (2011); Muhammad (2014) and Ajay (2014) revealed that ASUU and FGN have engaged in a series of labour negotiation, but both parties have not been able to reach a successful mutual agreement for many years. This is because the government consider ASUU demands as unrealistic and unjustifiable which compelled ASUU indulge in a several industrial strikes. Below are some of the classical examples of ASUU strike:

The continues occurrence of the industrial strike action by ASUU has posed a devastating challenge on Nigeria as a nation (Omisore, 2011). The strike often weakens learning, research, and administration of the Nigerian Universities.

According to Onah, Ayogu and Paul, (2016) the strike often inspires undergraduates' students who are idle at home to indulge in internet fraud, an online pornographic viewing (Scheuer, 2014). Parents are also a victim to the strike because they must pay their children's tuition fees during the strike period, which their children stay at home. This result to waste of resources, placing more burdens on their household's economies (Ogwuana, 2016).

Evidence also shows that ASUU strike action has risen the number of students attending night clubs with high risks of contracting deadly diseases and constant drug abuse as well as alcohol (Lynch, 2003). Moreso, the strike has brought several pains to companies as they lose earnings and possibly market share (Ikeanyibe & Onyishi, 2010) (Ikeanyibe & Onyishi, 2010).

Methods Of The Study

Research Design

The research paradigm for this study was qualitative research. The main aim of the study was to investigate the influence of different perceptions of the representatives of ASUU and the Nigeria Federal government on the process and outcome of negotiation. This study adopted this design to explore different perceptions of representatives of ASUU and the representatives of the Nigeria government on the negotiation table. This was to understand how these distinctive perceptions influence the process and outcome of the negotiation between both parties. Thematic analysis was used to analyse the data which was categorized based on the disputant's various perceptions on the negotiation table.

Research Population

The target population for this study was the representatives of the Academic Staff Union of Union Universities (ASUU) and the representatives of the Federal Government of Nigeria (FGN) who are familiar, with sufficient experience of labour negotiation.



Figure 2.1: ASUU Strikes Adopted from Odoziobodo, 2015 (page, 304).

Despite the number of strikes above, FGN does not want to be insincere with ASUU in-terms of the implementations of the agreement reached in 2009.

Sampling and Data Collection

The study sampled ASUU representatives and the representatives of the Nigeria federal government from the ministry of Labour and Employment in the Nigeria Federal capital Abuja. The participants ASUU and the representatives of the Nigeria government were selected using purposive sampling to seek for a specific group of participants who have experienced the phenomenon under investigation. The study drew on a face-to-face in-depth interview of a total number of 19 ASUU representatives and 23 representatives of the Nigeria government were interviewed.

Ethical Consideration

Before the main data collection of this study, the researcher contacted the Ministry of Employment and Labour in the Nigeria Federal Capital seeking for their approval to permit the researcher to gather data from the participants. The researchers also explained the purpose and importance of the research to the participants. The participants were also given consent forms to read and sign. Additionally, permission was also given to those participants who wish to withdraw from the interviews in the course of the research data collection. Data provided by participants who withdrew from the interview could only be useful with their consent.

Data Analysis

The process of data analysis was as follows after the data collection of this study, the researcher took a first step by transcribing all the data gathered from the participants, that is from structure, unstructured or narrative interviews to a written or textual form as the data was still fresh in her memory. After that, there was a comparison of words, an emphasis on participants' comments, consistency of comments, and the specificity of responses in follow-up probes. Similar thoughts and experiences across the participants were identified, coded and grouped together through the use of software known as NVivo. By doing so, the researcher arrived at the conclusion of the major themes necessary for the analysis of this study. Furthermore, there are several commonly used

software to manage a qualitative data. This software includes Atlas, Tams Anazyler, Maxqda and Dedoose. However, this study made use of NVivo software because according to Babbie (2004) and Silverman, (2010) Nvivo is the best software for a qualitative data analysis, this is because of its strong ability to analyse unstructured text, audio, video and image data from either focus group or face to face interview of identifying themes in texts. NVivo also possess other important features which include the playback ability for audio and video files, for easy data transcription

Results and Discussions

Based on the interview response from the participants of this study, the representatives of ASUU and the representatives of the Nigeria government. This study discovered some distinctive perceptions that the two parties have about each other in the negotiation process.

These different perceptions usually influence the successful outcome of the negotiation between both parties. Lack of sincerity and honesty as well as lack of apology and explanation are identified as common perceptions of ASUU representatives about the representatives of the Nigeria government on the negotiation table. In contrast, this study also identified greed and selfishness as well as lack of compromise as the perceptions of the representatives of the Nigeria government about the representatives of ASUU on the negotiation table.

One of the major findings which serves as a theoretical contribution of this study is that, not all negotiation problems have the potential to be resolved with an integrative approach (soft way). This study discovered that the representatives of ASUU adopt a combination of both distributive (hard bargaining tactic) and integrative (soft bargaining tactic) in their negotiation with the representatives of the Nigeria Government.

The reason ASUU employ hard bargaining approach is to remain firm in achieving all their demands which they believed to have been taken for granted by the Nigeria Government for not just cause. Though, evidence from ASUU showed that they have no intention to use this kind of approach at the initial stage of the negotiation, but they find

this strategy necessary due to the deceptive and empty promises from the Government which portrays a good example of distributive conduct on the negotiation table.

Furthermore, this study uncovered that even though ASUU employ a hard negotiation approach in the bargaining process with the representatives of the FGN, they also maintain a soft bargaining tactics through follow-up steps such as letter writing and phone calls as a soft reminder to the Government to fulfil her agreement. But all these efforts from the representatives of ASUU seems to be in vain, as the Nigeria government does not want to react to ASUU messages or calls.

For this reason, both parties continue renegotiating, but the negotiation has not yielded any fruitful outcome. In contrast, this study found that the Nigeria Government employ a distributive bargaining approach through fake promises as a means to deprive ASUU from achieving some of their important demands. ASUU however, continue to resist this behaviour from the government as they continue to struggle for the implementation of the previous agreement, this continues to create a situation where both parties cannot resolve their differences.

Despite these observations, it is most unlikely to display hard bargaining behaviours at the negotiation table to achieve fruitful results. This is because negotiators with hard bargaining style place a strong attachment to self-importance, without considering the satisfaction level of their partners at the negotiation table. This study documented that when negotiators exhibit this kind of extreme behaviours on the discussion table, it obstructs the potential of integrative (win-win) resolution between the disputants. Therefore, in the spirit of equity, and to avoid prolonged labour dispute, both parties need to drop their preconceived idea about the negotiation process and jointly look at their problem in a simple way so that both parties can reach a constructive agreement.

Lack of Sincerity and Honesty

This study observed lack of sincerity and honesty during the interview process by all ASUU representatives as their fundamental perceptions about the representatives of the Nigeria federal

government in the negotiation process. Based on the responses from ASUU representatives, evidence showed that ASUU classified the representatives of the Nigeria federal government as a dishonest and insincere people at the negotiation table. This is as a result of their experience with the government's inability to fulfil her promises for many years after reaching an agreement with ASUU. This kind of consistent re-occurrence of deceptive behaviour from the side of the government, especially in terms of the implementation of the agreement reached with ASUU, portrays a typical distributive trait which often prevents both parties from resolving their labour dispute. In an in-depth interview with a 50-year-old participant A, an ASUU representative who has been actively involved with the union activities for 15 years, noted that; *"The Nigeria government are not honesty and sincere to us, they are just playing with the union like toys in the negotiation. they are always making a deceptive offer and fake promises to reach an agreement with us over our disputed issues. when we reached an agreement over our disputing issues such as fractionalization of salaries in public universities, fund for the revitalization of public universities, arrears, allowances and pension, the government hardly implement or may take longer than expected to implement the agreement. that is why we were not able to resolve this endless trade dispute. we will continue to embark of strike as our only weapon to press home our demands because we are not father Christmas to render free service as we need to carter for our family's daily needs"*.

Similarly, while searching for more information from ASUU representatives about their perceptions of the Nigeria federal government in the negotiation process, participant B, aged 40-year-old lamented that:

"we cannot continue to renegotiate what was already agreed on since 2009, so the best thing is let the government be truthful and honest to go and implement all the aspects of the agreement as they had earlier promised us themselves. once that is done, i am confident that it will engender confidence among our members and our members nationwide will be able to review the situation at any moment and take appropriate decision. our demands never change they include revitalization

fund that we have been asking for, the retirement of academics with full components of their salaries and others. nothing is new''.

Under a normal circumstance, whenever the two negotiators renegotiate over the previous agreement at the negotiation table which include payment of pension, allowances, fractionalization of salaries in public universities, fund for the revitalization of public universities and also improvement of the overall conditions of work, both parties will as well agree on a specific timeframe for the implementation of the agreement. Indeed, evidence from this study shows that, when both parties reach an agreement on the negotiation table, the government will not honour or respect the negotiation terms or framework. This type of dishonest behaviour from the Nigeria government continue to influence the positive outcome of the negotiation between both parties for several decades.

During the interview process with ASUU representatives, there was a clear indication which shows that when ASUU representatives notice that the agreed time for the implementations of their agreement with the government is about to lapse, ASUU normally take some follow-up steps which include phone calls and letter writings to the government negotiating teams, especially the top officials such as the Minister of Labour and Employment and Minister of education. The purpose of their follow-up steps is to plead with the government to execute her promises at the negotiation table.

Evidence from ASUU representatives pointed out that when the government refuses to pay attention to such follow-up steps to fulfil their promises, ASUU has no other alternative than embarking on national strike as their only bargaining power to compel the government to fulfil their agreement. The result of this study shows that the reason for ASUU engagement on national strike is to gain the support from the students' unions across the Nigeria public universities. They also seek to gain support from the parents of the students to put more pressure on the Nigeria federal government so that they will honestly and sincerely implement the agreement reached with ASUU. The result of this study attested that; the representatives of the Nigeria Government often enter an insincere

agreement with ASUU representatives which they cannot later fulfil after the negotiation. This simply means that the negotiated agreement between the representatives of ASUU and the Nigeria government is mainly on paper rather than its implementation.

This kind of dishonest behaviour from the side of the Government is considered as an unethical and inappropriate negotiation behaviour, which continue to affect the positive outcome of the negotiation between the two parties. Furthermore, this study also found that when the Nigeria government fail to sincerely and fairly implement ASUU's demands, the representatives of ASUU usually feel disrespected and mistreated. These feelings will later compel ASUU to retaliate through strike action as their major bargaining weapon against the government unfair and insincere behaviour. Findings of this study reveal that, the purpose of this retaliatory behaviour from ASUU is to compel the Nigeria government to make a greater concession at the bargaining table for a better and fruitful negotiation outcome. This finding is in line with studies reported by other researchers Baron and Neuman (1996) that when negotiators are not sincere and honest with their counterparts at the negotiation table, the dishonest negotiators will not fairly implement the agreement reached with their partners. This creates a chance for the negotiators whose demands have not been implemented to engage in retaliatory behaviours such as strike action as a means of retaliation against their counterpart unfair behaviour.

The findings of this study are also in congruence with findings reported by other researchers Okene (2010); Maida (2015); Muhammad (2014); Heald (2016; Gall (2007); Gomez et al. (2003) on the bases that negotiators cannot achieve a constructive result at the bargaining table without a sincere and honest communication during the negotiation process. According to these authors, a significant number of labour negotiations between employers and employees crumble due to lack of honest and sincere interaction between the negotiators.

In fact, even though the Nigeria Government has not been sincere and honest with the Academic Staff Union of Universities at the negotiation table. The representatives of the Government believed

that ASUU are always greedy and selfish at the bargaining table.

Greediness and Selfishness

Notwithstanding, this study found greed and selfishness from all the representatives of the Nigeria federal government as their major perception about the representatives of ASUU at the negotiation table. The result of this study revealed that the Nigeria government representatives perceived the representatives of the Academic Staff Union of Universities (ASUU) as a greedy and selfish bargaining partner in the negotiation process. This is because according to the government representatives, ASUU representatives often come to the negotiation table with an extreme and unjustifiable demand, which they have to receive irrespective of whether the government can afford to fulfil these demands or not. In line with this statement, a 46-year-old participant A, on the government representative explains that:

“It is difficult to reach an effective agreement with ASUU because they are greedy in terms of their demands. this behaviour makes it difficult for us to negotiate and reach a fruitful agreement with them. they think they can win all the negotiation outcome while we be the loser and of course we cannot accept all their demands as they are too much. some of the demand are not necessary to us and they are not ready to change their negotiation behaviour s about what they are demanding, hence sincere and honest negotiation cannot be reach”

Another response from a 58 years old participant B, on the Nigeria government representative also echoed a similar tone in relation to own's perception about ASUU in the negotiation process that:

“We are not able to reach an acceptable agreement with ASUU due to their selfish and greedy demands. they don't want to reduce their demands so that we can mutually reach agreements with them. because they want to eliminate their poverty through us and be rich. it is impossible for us to resolve our differences because they always come to the round table with the same set of demands and cannot agree because we cannot afford such expensive demands, they are not the only

organization we need to cater for their well-being in Nigeria”.

Empirical observation from the Nigeria government representatives have shown that the reason the Nigeria government cannot implement all the demands of ASUU is due to that fact that, the government representatives those demands as unnecessary and extreme and does not have sufficient fund and budgetary allocation to implement all those demands. For this reason, the government pleaded with ASUU severally to compromise and lower their demands even though both parties have once reached an agreement over those demands.

However, ASUU are not interested in compromise as they believe that, compromise at the negotiation table can only be possible when both parties have not yet, enter an agreement, but not when the two parties have already reached an agreement. ASUU also believe that all their demands are reasonable and justifiable, and that was why the government in the first instance reached an agreement with them in 2009. A 55year-old participant D on the Government representative shared a similar opinion that:

“We are not able to reach an agreement with ASUU because they want everything, they don't have primary and secondary demands because all their demands are important to them and they don't show any commitment to compromise with us by reducing those demands, so that we can mutually reach agreements with them. They want to eliminate their poverty through us and be rich which is not possible because we cannot agree to fulfil such expensive demands, we cannot give what we don't have. They are not the only organization we need to cater for their well-being in Nigeria”.

This finding is consistent with the existing studies (e.g, Muhammad, 2014; Ajay, 2014; Bendix, 2011) based on the ground that negotiators cannot achieve a satisfactory result when the negotiating parties continue to be selfish and greed with their demands on the negotiation table. The reason is that, when the other parties perceived this greedy and selfish behaviour from their counterparts, they become reluctant for further negotiation as they may not afford to fulfil all their request of the negotiators with greedy and selfish habits.

Lack of Explanation and Apology However, this study found a lack of explanation and apology as the second major findings of this study, which serve as significant perceptions of the representatives of ASUU about the representatives of the Nigeria Federal Government at the negotiation table. The result of this study shows that when the Nigeria Government fails to implement their promises, it is expected that the government provides ASUU with a clear and justifiable explanation on why the Government fail to fulfil the negotiation agreement.

Empirical evidence shows that ASUU also expect the government to offer a sincere apology as a sign of admitting their act of breaching their negotiation agreement. Such apology should also come with a sincere promise that such breach of the agreement will not repeat itself again in their future negotiation. This serves as a means of enhancing a better negotiation deal between the two parties. This view or perception was captured by a 59-year-old participant C, an ASUU representative who expressed that: *“The government are not serious to honour our demands and they never provide an honest explanation on why they have not been able to fulfil our demands with sincere apology to us.*

They are responsible for the poor outcome of our negotiation with them for many years now and this dispute will continue to manifest until the day they decide to dearly apologize and go and implement our agreement with them”.

Contrary to the above mentioned ASUU perception of lack of explanation and apology from the Government in the negotiation process. This study found that the Government representatives, however in the interview process admits that the Government have never apologized to ASUU because the Government have not in any form exhibit a dishonest behaviour that will warrant an apology.

Evidence from the government representatives clearly indicated that they believed to have provided ASUU with enough explanation on why they cannot fulfil all their demands. This is since, the government perceived those demands as unnecessary and unrealistic demands. However, ASUU representatives continue to insist on meeting all their demands at all cost. This continues to influence the successful negotiation

outcome between the two disputing parties. This perception was captured by a 45-year-old participant Q government representative who expressed that:

“ASUU don’t deserve apology, we have explained to them severally that the government cannot afford to implement all those demands as they are many and expensive, but this union continue to pressurize us through strike action to press home those demands. They have to be considerate with their demands if we are to reach a satisfactory agreement.

Findings on lack of explanation and apology is a new finding by this study which to the best of our knowledge have not be found by the existing literature. This may be due to geographical location or the methodological differences that was used.

Conclusion

Negotiation is a give and take process between two or more disputing parties where each party have their own aims, interest and point of views for the purpose of seeking for common ground and reach a satisfactory agreement over their interest in the dispute.

However, the success and the failure of negotiation depends much on the informational involvement, the disputant’s perceptions, honest and sincere communication between the disputing parties. This study based on its findings highlighted that disputants cannot succeed in reaching a constructive agreement on the negotiation table without the principle of sincerity and honesty.

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