



ALTERNATIVE DISPUTE RESOLUTION (ADR) IN NIGERIA WORK ORGANIZATIONS: A SITUATION ANALYSIS

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ABSTRACT

This paper centered on Alternative Dispute Resolution (ADR) in the Nigeria work organizations- a situation analysis. The study employed a theoretical –based approach and a conceptual review of related literatures. Three objectives were formulated to guide this study. The study revealed that ADR has a significant influence on organizational and employees' performance in the Nigeria work organizations. The study also revealed that the different methods of ADR such as arbitration, mediation, negotiation, collaboration, compromise, good governance, communication, facilitation, expert determination, mini-trial, etc. if adopted appropriately would have a significant effects on operational efficiency and effectiveness of work organizations in Nigeria. Based on the findings, the study recommended that management and managers should employ the ADR mechanisms such as mediation, arbitration, negotiation, collaboration, compromise and good governance in settling disputes as well as conflicts among parties in the Nigeria work organizations in order to reduce cost, save time and being fast in reaching a consensus agreement or compromise. It was also recommended that the various mechanisms of ADR should be adopted in resolving disputes between management and workers of the work organizations depending on the situation or circumstances, since there is no one best method in solving organizational conflicts and problems.

Key words: Alternative dispute resolution, work organizations, disputes, conflict, Nigeria.

INTRODUCTION

In the past, Alternative Dispute Resolution (ADR) has not been adequately utilized in the arena of settling conflicts involving peaceful and sustainable development in Nigeria work organizations. But today, ADR is a rapidly growing field, due to its popularity as an alternative to long and expensive lawsuits (Stitt, 2000). It involves the process of resolving conflicts and disputes of any kind outside of the judicial system, through negotiation, arbitration, mediation, collaboration, and other processes. Since, work place disputes are unavoidable, an alternative dispute resolution mechanisms must be put in place for effective and efficient resolution of conflicts in the Nigeria work organizations (Oresajor, 2015). ADR is usually a formal, less expensive, and less time consuming than a trial of litigation. It can also give people more

opportunity to determine when and how their disputes will be resolved (California Court, 2019). The basic ideology of ADR is concern about searching for and the application of non-conventional peaceful methods of settling disputes and resolving conflict situations utilizing the least expensive methods in the ways that will satisfy the parties involved and to preserved their relationships after a settlement or agreement have been reached (Natukunda-Togboa, 2017).

ADR is specifically and specially design to serve as the basic alternative to the official conventional mechanism or means of settling disputes that were mainly through the application of litigation and courts, but with special preference for non-violence in Nigeria work organizations. This is because disputes as well as conflicts are endemic and inevitable in nature in Nigeria work organizations, since it involves human beings or people with complex and diverse behaviours and attitudes. To address the situation of disputes, many organizations are turning to the application of alternative dispute resolution mechanisms in resolving workplace disputes and conflicts in Nigeria (Oni-Ojo, Iyiola & Osibanjo, 2014). A pleasant workplace that guarantees satisfaction of workers' and employers' aspirations is very vital for enhanced productivity and when the interest of either or both of the parties involved in industrial relations is unsatisfied, disputes as well as industrial crisis becomes imminent (Osabuohien & Ogunrinola, 2007).

ADR mechanisms are usually generated and administered by the management of an organization, in contrast to more traditional dispute resolution mechanisms that are either generated jointly by managers and union representatives under collective bargaining or imposed by government authority (Lipsky, Avgar & Lamare, 2017). The application of these ADR methods as well as practices also represents an explicit recognition by management of the organizational central role that conflict plays in the workplace, something that organizations are often reluctant to do. These developments, therefore, represent a significant shift in the manner in which many organizations have come to view and to deal with workplace disputes and conflicts (Lipsky et al, 2017). Dispute or conflict in today's world is a continuous process and inevitable in every organization, and there is need to find out how to work out harmonious or agreeable resolution to it without letting it escalate (Oni-Ojo & Roland-Otaru, 2013). And this can be done successfully through the introduction as well as the application of alternative



dispute resolution methods in settling disputes or conflicts among members and organizations in Nigeria.

Disputes are primarily an inevitable and systemic part of human existence that cannot be ignored or avoided in the Nigeria work organizations. Over the years or decades, litigation has been the traditional technique of settling disputes that have not given head way in the work organizations (Omisore & Abiodun 2014). This is because the increasing growth of slow and costly court proceedings have deterred many organizations as well as employers and investors from choosing litigation to resolve their disputes. In spite of the enormous promises of courts reforms, organizations, employees and employers are increasingly looking to alternative dispute resolution in resolving their internal and external disputes and conflicts in the work place. The processes of litigation has become more expensive, time consuming, challenging and cumbersome and increases in the number of courts cases that have created congestion and delays in their settlement. The differences and complexity of court litigation as well as jurisdiction tends to differ tremendously in the ADR approaches or mechanisms and methods in resolving disputes. These methods of arbitration, mediation, negotiation, conciliation, collaboration, compromise, mini-trial and expert determination have not be inculcated in detail in the management of disputes between managers and workers in the Nigeria work organizations. Increase in costs and delays in settling disputes has led disputants to prefer ADR as internal mechanism or strategy in the work organizations in which litigation has not profound sufficient solutions to disputes as well as conflicts situations. But today the methods of ADR has been disdain and neglected in the settlement of disputes between individuals, groups and the organizations in Nigeria. The unwillingness of management to ADR mechanisms in resolving disputes in the

Nigeria work organizations has also posed a challenge.

Apart from these difficulties, conventional difficulties, like undue delay in the dispensation of justice, complicated procedural formalities, transportation of entire evidence and witnesses from one country to the other country, high cost of litigation, judicial imperfection, etc., cannot be ignored. In view of these and other difficulties, either party avoids going to the courts in the Nigeria work organizations of the other party. It is for these reasons that the alternative dispute resolution and its methods are becoming more popular for resolution of disputes between parties belonging to two different units in organization or

different organizations. This is because alternative dispute resolution methods offer distinct advantages over litigation in settling disputes in any given firm.

Statement of the Problem

Nigeria work organizations are the building blocks where all economic and production of goods and services takes place, therefore needs to be peaceful, avoiding tyranny of disputes and conflicts. But, this is not so in the Nigeria work organizations. The Nigeria work organizations have been faced with different types of conflicts and disputes arising from organizational and individual differences, differences in unit orientation and goals, differences in perception and value, work interdependence of activities, power and authority, differences in performance, criteria and reward system, mutual dependence on limited or shared resources, differences in status/positions, environmental and economic changes, inappropriate communication channels, poor organizational structure, management orientation and philosophy, management policies, the types of leadership styles in the organizations. This is accentuated by management ineptitude and managers unwillingness to adopt alternative dispute resolution mechanisms methods in settling disputes and conflicts among workers and managers in the Nigeria work organizations. There results in inefficiency, lack of trust, mutual mistrusts and suspicious which ultimately negatively affects productivity. Therefore, from the above, this paper seek to examine alternative dispute resolution in the Nigeria organizations-a situation analysis.

The concept of Alternative Dispute Resolution

Alternative dispute resolution is an approach that seek to involve the disputing parties in the resolution of their conflict, thereby increasing the probability that each of them will be more satisfied with the outcome than a situation in which a manager or a trial judge imposes a decision (Oni-Ojo, lyiola & Osibanjo, 2014). In conflicts of interest, confidentiality in ADR has become increasingly complex and controversial over the years (Menkel-Meadow, 1997). Thus, ADR has had to forge its own confidentiality protections so that parties may share settlement and other potentially compromising facts with each other without fear that such information will be used outside of the mediation. ADR refers to any mechanism or means of resolving disputes outside the courtroom. It is seen as any method of resolving disputes without litigation (Cornell Law School, 2019). Oddiri (2004) the term alternative dispute resolution is used to describe the methods and procedures



utilized in resolving disputes as well as conflicts either as alternatives to the traditional dispute resolution mechanism of the court or in some cases of supplementary to such mechanisms.

ADR is the procedure for settling disputes without litigation, such as arbitration, mediation, or negotiation (Findlaw, 2019). These processes can include everything from facilitated settlement negotiation, in which disagreeing parties are encouraged to consult directly with each other prior to some other legal process, to arbitration, which can look and feel very much like a standard trial. The most commonly used ADR systems are negotiation, mediation, collaboration, arbitration, communication, good governance, expert determination, mini-trial, etc (Uwazie, 2011). Lawyers often play a major role in ADR processes, either by advising clients on and representing them in proceedings or by serving as adjudicators, arbitrators, conciliators as well as mediators. ADR refers to a variety of processes and techniques designed to help disagreeing parties come to an agreement short of litigation. The alternative dispute resolution centre is established to resolve certain disputes arising from labour, employment, industrial relations, work place, etc, between parties using the process of mediation and/or conciliation techniques to assist parties resolve their dispute and arrive at mutually acceptable agreement in less costly, speedy and efficient manner (National Industrial Court of Nigeria, 2019). The romantic days of ADR appeared to over and many managers are increasingly attracted to it because of its promise of flexibility, adaptability and creativity with the need for ethics, standards of practice and rules as potentially limiting and containing the promise of alternatives to rigid adversarial modes of dispute resolution. This is to said that anyone would engage in ADR must of necessity be a moral, good, creative and of course, ethical person. ADR has become institutionalized and routine; it is now practiced by many different managers, pursuing many different goals in dispute resolution in the Nigeria work organizations (Menkel-Meadow, 1997). ADR has started to articulate in practice, if not in high flying theory, its own institutional competence to provide different kinds of processes and different kinds of situations than those offered by legislatures, courts or administrative agencies. ADR was designed to provide more creative, flexible, particularized as well as participative solutions to disputes than the more traditional and adversary legal system can provide.

ADR rules and procedures are made to be flexible and simple and easily adaptable to various types of disputes. ADR methods help in reducing costs of settling disputes in the organizations. The ADR tribunal is notably quicker in reaching a decision. It helps to reduce hostility and antagonism. It also helps to save business relationships and encourages a continued cordiality between the parties involved, as well as preservation of good business and personal relations. ADR mechanisms are made largely possible because the procedure provides a greater avenue for compromise than litigation.

The process of ADR in the Nigeria work organizations

ADR processes are used to resolve disputes among employees or between employees and the organization (Oni-Ojo, Iyiola & Osibanjo, 2014). The process of ADR normally starts with general preparation for the disputes to be settled. It involves consultations, invitations sent by management or managers to the appropriate parties involved, the gathering of information through investigation, selection of date for the disputes to be settled or resolved. The appointment of the right caliber of participants is followed by a call for silence in the conference hall or office of the organization for effective and efficient resolution. Silence is the representation of the sanctity and dignity of the parties involved in the disputes (Natukunda-Togboa, 2017). The process of ADR is also characterized by openness. It is usually conducted in the open as a means of ensuring that subsequent disputants in the organizations learn the process and value systems of the ADR. For instance, the process of resolving disputes between ASUU and the federal government. And this is why junior workers are advised to listen and observe the seniors in the organizations in order to study the environment and its situations. The ADR seeks to promote the application of non-violent approaches to conflict and dispute resolution.

ADR Mechanisms in the Nigeria work organizations

ADR methods vary and their processes overlap each other but are all designed as alternatives to litigation and also complement each other, which are the most popular form of ADR. The methods include mediation, arbitration, negotiation, collaboration, compromise and good governance. The key factor is that all these methods are designed to assist the parties resolve their differences in a manner that is creative and most suited to the particular dispute.



Mediation: Mediation is an informal alternative to litigation. This is a collaborative process where a mediator works with the parties to come to a mutually agreeable solution (Findlaw, 2019). Mediation is usually non-binding. It is a significant method for resolving disputes between managers and workers in the work organizations. Mediation involves the use of a neutral third party (i.e., the mediator) to act as a facilitator of settlement discussions (Oni-Ojo, Iyiola & Osibanjo, 2014). A mediator does not decide the controversy, but guides negotiations and helps the parties to reach their own agreement. In a typical mediation, the parties personally participate in joint sessions and in private caucuses that the mediator holds with each party and its lawyer. Mediation generally involves a neutral third person to facilitate dispute resolution process. The case of Nigeria workers suggests that the introduction of in-house mediation can lead to a fundamental change in the way in which disputes are handled and conflict is managed and it also provides a number of important insights that inform our understanding of how such a change can occur (Osabiya, 2015). He further stated that the origin of this system lies in the values of human resource managers who saw mediation as a means of improving employment relations and breaking down barriers between management and unions in Nigeria work organizations. Lipsky, Avgar and Lamare, (2017) argue that an organization's use of either mediation or arbitration to resolve workplace disputes is a function of both its strategic approach to ADR and its commitment to the use of such practices. By distinguishing between an organization's underlying strategic orientations and its commitment to ADR.

Arbitration: Arbitration is one of the oldest methods for the resolution of disputes between parties (Agarwal, 2001). This is a process similar to an informal trial where an impartial third party hears each side of a dispute and issues a decision; the parties may agree to have the decision be binding or non-binding. It is a simplified version of a trial involving limited discovery and simplified rules of evidence (Cornell Law School, 2019). The arbitration is led and decided by an arbitral panel. To make this panel, both parties must agree and select one arbitrator from each side, and the two arbitrators will select the third party. Arbitration hearings normally stays between a few days to a week, and the panel only meets for a few hours per day. The panel then deliberates and issues a written decision, or arbitral award. This method has long been used in labour relations, construction and securities regulation, but is now gaining popularity in other business disputes. For the first time in

history of Nigeria that arbitration and other forms of ADR is given constitutional right and backing as a method of resolving disputes in the work organizations (Oddiri, 2004). She specifically stated that section 19(d) of the constitution of the Federal Republic of Nigeria (CFRN), provides for the resolution of disputes by arbitration, mediation, conciliation, negotiation and other mechanisms.

Negotiation: Negotiation is a process in which two or more parties hold discussions in an attempt to develop agreement on matters of mutual concern and benefit (Oddiri, 2004). It can also be seen as a process through which multiple parties work together on the outcome of a dispute (Oni-Ojo, Iyiola & Osibanjo, 2014). According them, the main elements of negotiation include interdependence, perceived conflict, interaction, and agreement. Alternative dispute resolution (ADR) consists of a variety of methods to early intervention and dispute resolution. Negotiation allows the parties to meet face to face in order to settle the disputes and it also give them the opportunity to control the process and the resolution stages. Many of these methods include the use of a neutral individual such as a mediator who can assist disputing parties in resolving their disagreements. ADR increases the parties' opportunities to resolve disputes prior to or during the use of formal administrative procedures and litigation that can be very costly and time-consuming. This is a voluntary and informal process by which the parties to a dispute reach a mutually acceptable agreement (Agarwal, 2001). This implies that the parties seek out the best options for each other which culminates in an agreement. At their option, the process may be private. In this process, they may or may not use counsels and there is no limit to the argument, evidence and interests, which may be canvassed.

Collaboration: This involves the process in which individuals directly confront disputes with favourable attitude that encourages solving the problem at hand as well as generating the best possible solution (Inyang, 2008). A win/win strategy based on problem solving where the interests of all parties can be met. This approach results in maintaining strong interpersonal or inter-group relationships, while ensuring that all parties achieve their interests. The win/win approach to dispute management is one in which the problem is viewed as external to the persons involved. The opposing parties collaborate to seek a high-quality solution that meets their mutual needs while preserving their relationship. The collaborative approach to conflict is to manage it by



maintaining interpersonal relationships and enduring that all parties to the conflict achieve their interests. This attitude toward conflict is one in which the individual acts not only on behalf of his or her self-interest, but on behalf of the other party's interests as well. Upon recognizing that a conflict exists, the individual utilizes appropriate problem solving methods to resolve it. This is a win/win approach, in which the stance of both the parties toward conflict management is win/win.

Compromise: Compromise is an attempt to manage conflict by expecting each person to give up something. This is the mini-win/mini-lost strategy based on a solution that partially satisfies the interests of the parties involved. This approach results in the parties' attempting to win as much as possible while preserving the interpersonal or inter-group relationships as much as possible. The compromise approach to conflict is to assume that a win/win solution is not possible and adopt a negotiating stance that involves a little bit of winning and a little bit of losing, with respect to both the interests and the relationships of the involved parties. Persuasion and manipulation dominate the style. The objective is to find some expedient, mutually acceptable solution that partially satisfies the interests of the parties involved. Through compromise, managers try to resolve disputes by convincing each party in the conflict to sacrifice some valuable objectives in order to gain others. Decisions reached by compromise are not like to leave conflicting parties feeling frustrated or hostile (Anele, 2014).

Good governance: This method of ADR use the system of running the affairs of management and workers in positive and progressive manners that are beneficial to the management and the workers of the organizations, which will delivers the public goods. It is characterized by democratic system or participation in decision making, maintenance of law and policies and order, accountability and transparency, responsiveness on the part of the managers, due process, the management policies, competence, division of work, etc. good governance helps to defuse tensions and remove problems as they resolve disputes in the organizations (Natukunda-Togboa, 2017). Here, decision makers make the right decisions as at and when due.

THEORETICAL FRAMEWORK

The theoretical framework of this study is Frustration-Aggression theory of conflict. This theory was developed by John Dollard and his associates in 1939,

and has been modified by others such as Leonard Berkowitz (1962) and Aubrey Yates (1962). This theory appears to be the most common explanation for violent behaviour stemming from inability to fulfill needs. The theory used the psychological theories of motivation and behaviour as well as frustration and aggression. This implies that where expectation does not meet attainment, the tendency is for people to confront those they hold responsible for frustrating their ambitions. The main explanation that frustration-aggression theory provides is that aggression is not just undertaken as a natural reaction or instinct, but outcomes of frustration and that in a situation where the legitimate desires of an individual is denied either directly or by the indirect consequence of the way organization or society is structured, the feeling of disappointment may lead such a person to express his anger through violence that will be directed at those he/she holds responsible or people who are directly or indirectly related to them.

The assumptions of this theory were that aggression arises as a result of depriving or blocking of people efforts in attaining their personal goals leading to frustration; that the occurrence of aggressive behaviour always precedes or presupposes the existence of frustration and existence of frustration always leads to form of aggression; it also assume that frustration causes aggression, but when the source (s) of the frustration cannot be challenged, the aggression gets displaced onto an innocent target; the theory also assume that while frustration prompts a behaviour or change in attitude that may or may not be aggressive, any aggressive behaviour is the direct result of frustration, making frustration not adequate or sufficient, but a necessary condition for aggression. This is to say that frustration creates a need to respond to, and some form of aggression is one possible outcome of frustration. The theory relates to this study because a particular frustration instigates aggression fundamentally against the expectations of the parties involved or the sources of frustration constituting the primary outcomes of aggression. The ADR will assists to address the problems of individuals' expectations denial by resolving disputes using the appropriate mechanisms of psychological motivational theories for frustration and aggression to be harmonized in a consensus manner in order to reach individual goals' attainment in the Nigeria work organizations.

Empirical review

Over this period empirical evidence has demonstrated that a growing number of organizations have moved away from traditional means of resolving



workplace conflict and have instituted the use of arbitration, mediation, and other dispute resolution methods. Many scholars have maintained that organizations have adopted these techniques, in large part, to address conflicts and disputes without the need to resort to litigation (Lipsky et al 2017; Lipsky et al. 2014, 2015). Rahim (2002) in Osabiya (2015) stated that there is agreement among management scholars that there is no one best approach to how to make decisions, lead or manage conflict. Hotepo et al (2010) conducted a study on empirical study of the effect of conflict on organizational performance in Nigeria. The study adopted descriptive research design and the population was 96 managers. The research revealed that limited resources is the major cause of conflict and that conflicts have both negative and positive effects on organization, but when managed properly, the positive effects can be used to encourage organizational innovativeness and build cooperation among the employees.

Ekwoaba (2016) carried out a study on conflict management in government hospitals in Mainland Local Government Area of Lagos State. A sample size of 100 respondents was randomly selected. The data obtained was analyzed using descriptive statistics such as frequencies, simple percentage with the aid of statistical package for social science (SPSS) version 15.0. The findings revealed that, causes of conflict includes poor working conditions; poor government remuneration; non-fulfillment of promises by management and government; delay in payment of bonuses and allowances; inadequate medical facilities and infrastructures; disagreement between management and workers' representative on management style and refusal of government to implement collective agreement. It is suggested that the negative effects of conflict can be addressed by adopting appropriate mechanisms, styles and strategies of collective agreement implementation; collaboration between management and workers representatives; prompt payment of salaries as well as joint decision making between management and employees.

Mayowa (2015) conducted a study on industrial conflict and its management strategies in selected manufacturing companies. The study revealed that the causes of conflict in manufacturing companies in Lagos State, Nigeria include poor means of communicating grievances to top managers, unfavorable economic and industrial policies, poor employee compensation and welfare among others. Therefore, the study concluded that managers should combine strategies such as bargaining, collaboration and avoidance when dealing with

industrial conflict to maintain cordial and productive labour-management relationship. Osabiya (2015) also conducted a study on conflict management and resolution in Nigeria public sector. Percentages and frequencies were used to analyze the responses collected from the respondents. The study adopted descriptive statistics. The population of the study was 170 employees. The study revealed that conflict management and resolution in public sector showed that conflict can be resolved through compromise between the employees and management. That leadership styles adopted can also lead to conflict in the organizations. The study recommended that workers should be involved in decision-making process in Nigeria public service so as to reduce the rate of disputes or conflict. And that there should be effective communication network between the workers and the management.

ADR in Nigeria work organizations: Should assess these practices (mediation, arbitration, negotiation, collaboration, compromise and good governance) in Nigeria work place.

The practice of Alternative Dispute resolution in Nigeria has the backing of the Nigerian constitution. Section 19(d) of the 1999 constitution states *as* esteem for International Law and treaty obligation as well as the pursuance of resolution for worldwide disagreements through negotiation, mediation, conciliation, arbitration and adjudication. Section 254C (3) as amended states that the National Industrial court may establish an Alternative Dispute Resolution Centre within the court premises on matters which jurisdiction is conferred on the court by this constitution or any Act or Law. The ADR also has the blessings of The Arbitration and Conciliation Act (Cap 19, LFN 1990) as well as the Arbitration and Conciliation Decree II of 1988 and The Arbitration and Conciliation Act (Cap A. 18,) (Nigerian Law Class, 2014). The realization by the government of Nigeria both at the State and Federal level that the courts alone cannot serve the purpose of satisfying settlement of commercial disputes amidst conflicting parties have necessitated efforts to ingrain into the legal system, a framework for alternative dispute resolution (Nigerian Law Class, 2014). This was introduced in Nigeria, which Arbitration and other forms of Alternative Dispute Resolution were also given constitutional backing as a means of resolving of disputes. Basically, Section 19(d) of the Constitution of the Federal Republic of Nigeria (CFRN) 1999, provides for the settlement of disputes by Arbitration, Mediation, Conciliation, Negotiation and Adjudication (Oddiri, 2004). This is in



recognition of the crucial role Arbitration and other forms of ADR now play in the resolution of various types of disputes.

Nigeria is home to both Regional and National Centres for arbitration and other ADR methods and as such is one of the most accommodating countries in West Africa for Alternative Dispute Resolution (Onyema & Odibo, 2017). The judicial framework necessary for the support and further development of ADR exists in Nigeria which is party to the following treaties and conventions, which impacts favourably on investors' decisions to use alternative dispute resolution. The application of most of the ADR strategies in settlement of commercial disputes can be said to be somewhat of general application in more advanced jurisdictions of the world, Mediation, Conciliation and Arbitration are the most common in Nigeria in an extremely limited manner in terms of scope and usage. Such techniques as early neutral evaluation, mini-trials and mediation-arbitration can be said to be of an even more limited application to disputes in Nigeria, if at all. Olufemi (2013) elucidated that the legal profession is gradually recognizing the importance of ADR. In August 2015, the then chief justice, Mahmoud Mohammed, called on those attending the Nigerian Bar Association annual general meeting to engage more with ADR processes. Some local universities and the Nigerian Law School have now included ADR in their curriculum and qualified lawyers can acquire training from specialized ADR centres and arbitration institutions. The NCMG and University of Lagos intend to partner in establishing a College of Negotiation, loosely modelled on the globally renowned Harvard Program on Negotiation. Nigeria would benefit from greater clarity in legislation. It remains possible for ADR to be further integrated into the formal justice system, through recognition under the constitution or laws clarifying their relationship with the state enforcement apparatus (Olufemi, 2013). Such steps would increase disputants' confidence in the process and reassure them that participation in mediation or arbitration is equivalent to having their day in court. It would send the message that parties need not sacrifice expediency for durability. Here, Nigerian lawyers have a particular role to play in reminding Nigerians of their cultural heritage and the benefits of resolving conflict without recourse to the courts. There are still challenges facing institutionalization of ADR in spite of its very many advantages (Olufemi, 2013; Abe, 2013; Onyema & Odibo, 2017). Such challenges include lack of efficient and pragmatic National Courts, uncommon nature of ADR in Nigeria, and the limited scope of the existing

law on it and plead of sovereign immunity and its effect on Arbitration proceedings (Olufemi, 2013).

CONCLUSION

ADR is a proactive and corrective measure employed in the settlement of disputes and conflicts without litigation or outside the courtroom or systems in the Nigeria work organizations. ADR has a significant influence on organizational and employees' performance in the Nigeria work organizations. The ADR mechanisms or methods such as arbitration, mediation, negotiation, collaboration, compromise, good governance, communication, facilitation, expert determination, mini-trial, etc. if applied appropriately would have a significant effects on the peaceful existence of the Nigeria work organizations. ADR is a critical pillar for good governance, given its contributions and vital roles play in complementing formal legal systems in Nigeria by enhancing access to quick justice in terms of costs and time. The study also concluded that arbitration, mediation as well as negotiation have positive influence on employees' relationship with management in the work place.

RECOMMENDATIONS

Based on the findings, the following recommendations were made:

Management and managers should employ the ADR in settling disputes as well as conflicts among parties in the Nigeria work organizations in order to reduce cost, save time and being fast in reaching a consensus agreement or compromise. Management, mangers as well as expert should adopt the various mechanisms of ADR in resolving disputes between management and workers of the work organizations depending on the situation or circumstances, since there is no one best method in solving organizational conflicts and problems. Management and legal department should try to investigate into the needs and satisfaction of the workers in order to avoid unnecessary disputes between the management and workers in the organizations.

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