

Strategies for Management and Resolution of Employer-Employee Conflict and Workplace Crimes: Lessons from Africa

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Abstract

Conflicts between employers and employees, as well as workplace misconduct, are widespread across organisations globally. These issues often result in decreased efficiency, high employee turnover, and legal expenses. However, when managed effectively, such conflicts can have positive outcomes. This paper explores approaches to managing and resolving conflicts and workplace misconduct within the African context, referencing both literature and case studies. Key strategies include collective bargaining, clear communication, negotiation, mediation, and arbitration. The paper highlights instances where these methods have been successfully implemented in African countries such as South Africa, Kenya, and Nigeria. Moreover, the discussion underscores the significance of cultural awareness, adherence to legal frameworks, and pro-active interventions in minimizing and resolving conflicts. The paper concludes by emphasizing the need for continuous learning, evaluation, and improvement of strategies for managing and resolving employer-employee crises and workplace crimes

Keywords: Mediation, Employer-Employee, Legal Compliance, Cultural Sensitivity, Workplacecrime.

Introduction

In every organisation, be it public or private, workers maintain a formal relationship which is purely for operational purposes. Every organisation has its set objectives which guide its operation. The organisation must achieve these objectives before it can be regarded as a productive venture. Customarily, these objectives cannot be achieved without an effective cordial relationship between the employer and the employees. The success of an organisation is not only measured by the amount of profit the company makes but also by the degree of peace and coexistence that can be maintained; therefore, employers of labour must pay more attention to the needs of labour so as to maintain high performance and increased human relations amongst all levels of staff. Most often, individual goals and targets tend to conflict with organisational goals and sometimes the goals of the individual worker in the organisation conflict with one another, and there is, therefore, bound to be disagreement and conflict, which vary from minor differences in opinions to an intense dispute and discord.

The African continent, characterised by its diverse cultures, economies, and legal systems, presents a complex landscape for workplace dynamics. Amidst the continent's rapid development, challenges such as employer-employee conflict and workplace crime have emerged as significant obstacles to organisational effectiveness and societal progress (Mbiti, 2015). Employer-employee conflict and workplace crimes present significant challenges to organisations across the globe. These issues are particularly pronounced in Africa, where diverse cultural, economic, and social factors intersect to influence workplace dynamics (Val Livingston, Breshell Jackson-Nevels and VelurVedvikash Reddy, 2022). In many African countries, the legacy of colonialism, coupled with contemporary challenges such as economic inequality, corruption, and weak institutional frameworks, has created environments where workplace conflicts and crimes are common (Okafor, 2008). If these conflicts are not effectively handled, they can result in significant consequences such as decreased productivity, legal issues, and even an increase in criminal activities in the workplace.

The employer-employee relationship is vital for organizational success, but conflicts and workplace crimes are inevitable. Issues like discrimination, harassment, unfair treatment, policy violations, and inadequate

compensation can escalate into crises influenced by human behavior, attitudes, and personality traits. Leadership styles, approaches, and attitudes toward policy implementation can exacerbate these conflicts if poorly managed, potentially leading to workplace crimes. Adediran and Adeniyi (2018) describe such crises as dysfunctional, noting their negative impact on workplace morale, organizational performance, and reputation. To maintain stability and productivity, employers must implement effective strategies for managing and resolving these crises. Considering the positivity in employer-employee conflict, it has been observed that if properly managed, employer-employee crises can benefit both parties and prevent workplace crime from happening. The conflict that is beneficial to the interest of the parties involved is referred to as functional conflicts. Robbins (1978) noted that such conflicts can enhance organizational goals and performance. Azamoza (2004) added that tensions between employers and employees might ultimately fortify the organization and boost its efficiency. It's important to recognize that managers, regardless of their position—be it lower, middle, or top—will encounter conflict as long as they engage with people. Therefore, rather than fearing conflict, managers should strive to transform challenges into opportunities for organizational growth (Adediran and Adeniyi, 2018).

Conversely, Olukayode (2015) stated that politics in the organisation give rise to conflict as employees or groups of employees influence the goal and decision-making of an organisation to their selfish interest, usually at the expense of some other employees within the organisation. Therefore, we agree with the term that conflict is an evitable feature of organisational life. In addition, Osabiya (2015) added that the state of the strength of an organisation lies along a continuum that ranges from a conflict-free organisation to a conflict-ridden organisation. This is evident in the work of Edwards and Hodder (2022), who posit that in any circumstances where two or more people co-exist to form an organisation, conflict is anticipated.

The Concept of Conflict

A crucial responsibility of management is to establish an atmosphere that fosters collaboration among individuals and groups to attain both their objectives and the overarching goals of the business. One enduring issue inside companies is the struggle among individuals and work groups for scarce resources, power, and status, which can disrupt or even boost collaborative efforts (Folger, J. P., Poole, S. M., & Stutman, R. K. (2016). These competitions, whether detrimental or beneficial, are commonly termed conflicts. Conflict is an inherent aspect of management and organisational behaviour, often associated with power dynamics and political factors. Mullins (2005) defines conflict as behaviour aimed at hindering the attainment of another individual's objectives. The position of this paper is that conflict stems from incompatible objectives and emerges from competing behaviours. It can be examined at the individual, group, or organisational level. This essay conceptualizes organisational conflict as the competition among individuals and groups for organisational resources and rewards. Industrial relations primarily focus on the interactions among different stakeholders in the workplace, necessitating an analysis of the causes and consequences of conflict, as well as ideas into optimising drive the organisation. Occasionally, the organisation's external surroundings undergo changes that need a re-organisation of goals and distribution of resources among internal divisions. These changes also trigger adjustments in the distribution of power and patterns of influence across these divisions. Hence, rather than evading conflict, organisations should strive to effectively handle or diminish them for the advantage of the organisation.

The Concept of Workplace Crime

Workplace crime encompasses all unlawful activities that take place within or have links to the work setting. This encompasses offences perpetrated by individuals in positions of employment, those in positions of authority, or external individuals, which lead to detrimental consequences for individuals, establishments, or the broader community. Green (1997) defines workplace crime as a type of crime that is characterised by its specific location and the connection between the person committing the crime and the organisation. White-collar crime frequently entails the exploitation of professional positions and the breach of trust, rendering it an especially deceitful type of criminal conduct. The understanding of workplace crime has transformed as work environments have grown more intricate and interrelated. Historically, workplace crime mostly encompassed tangible offences such as theft

or vandalism. With the expansion of organisations and the adoption of digital technologies, workplace crime has become more diverse, encompassing advanced types of fraud, cybercrime, and corporate misconduct (Vaughan, 1999).

Employee-Employer Conflict with Work Crime

Workplace crimes often emerge from unresolved tensions and conflicts between employees and employers. These conflicts may stem from a variety of issues, including unmet expectations, perceived injustices, and power imbalances within the workplace. When such conflicts are not adequately addressed, they can foster an environment where employees feel justified in engaging in criminal activities as a form of retaliation or survival (Vaughan, 1999). Research has shown that unresolved conflicts can create a breeding ground for such rationalizations, particularly in environments where employees feel powerless or oppressed (Punch, 2018). The strain from these unresolved issues often pushes individuals toward criminal behavior as a means of coping or achieving what they believe is owed to them.

One of the common outcomes of unresolved conflicts is employee disengagement, which can significantly contribute to ethical lapses within an organization. When employees feel disconnected from their work or perceive that their efforts are not recognized or valued, their commitment to the organization's ethical standards may diminish (Schein, 2010). Disengaged employees are more likely to engage in or justify unethical behavior, including workplace crimes, to address their grievances or assert control over their situation. This creates an environment where there is a significant disconnect between management and staff, often resulting in an "us versus them" mentality. (Trevino, Weaver, & Reynolds, 2006).

Theoretical Frameworks

Karl Marx's Conflict Theory and Elton Mayo's Human Relations Theory are considered as most appropriate in the context of this research. While Conflict theory argues that societal and workplace conflicts arise from the unequal distribution of power and resources, Human Relations Theory emphasizes the importance of interpersonal relationships and social dynamics in the workplace. In workplaces, employers prioritize profit maximization, while employees seek fair wages and better working conditions, creating a natural tension. The Conflict Theory highlights the imbalance of power, where employers hold significant authority, often exploiting employees. Such dynamics may lead to covert resistance, like absenteeism, reduced productivity, or workplace crimes like theft (Marx & Engels, 1848; Aina, 2018). On the other hand, the Human Relation theory emphasises that employees are not solely driven by economic incentives but also by positive interactions and recognition (Mayo, 1933; Obi, 2020).

Based on Conflict theory, it has been argued that in African contexts, workplace power dynamics reflect broader societal inequalities, shaped by colonial economic structures. Employees who face unsafe conditions and low wages despite generating significant revenue, often protests against exploitation (Eze, 2017; Obi, 2020).

Conversely, Human Relations Theory underscores the role of informal social groups, especially in African workplaces where cultural and social identities influence behavior. Managers who prioritize empathy, collaboration, and employee well-being are better equipped to resolve workplace conflicts constructively, particularly in environments shaped by communal values and shared cultural experiences (Aina, 2018; Mba & Udo, 2019).

Conceptual analysis on Employee-Employer Conflict with Work Crime

Munduate and Bennebroek Gravenhorst (2003) emphasize that the nature and intensity of these conflicts can vary depending on the organizational culture, management style, and the socio-economic environment. In some cases, conflicts can be constructive, leading to improved processes and innovation. However, when conflicts are poorly managed or ignored, they can escalate, resulting in more severe consequences such as workplace crimes. This

progression from conflict to crime highlights the importance of effective conflict resolution mechanisms within organizations. Work crime, also known as occupational crime, refers to illegal or unethical activities that occur within the workplace, perpetrated by individuals who exploit their professional position or access. Vaughan (1999) defines work crime as actions that violate legal and ethical standards within an organization, committed by employees at any level, from lower-tier workers to top executives. These crimes can include fraud, embezzlement, theft, harassment, sabotage, and other forms of misconduct. Friedrichs (2010) expands on this definition by categorizing work crime into white-collar crimes, typically involving financial misconduct by professionals or executives, and blue-collar crimes, which might involve physical theft or violence by manual workers. Corporate crimes, where illegal actions are sanctioned by the organization or its leadership, also fall under this category. The common thread among these crimes is the breach of trust and violation of legal or ethical standards, often driven by conflicts or pressures within the workplace.

Workplace Crime Prevention and Conflict Resolution Strategies

The place of a positive approach in organisational conflict cannot be wished away. It is necessary. Accordingly, opposition to ideas should be explicitly encouraged and both the stimulation and resolution of conflict should be encouraged. Even if this view is not held by management of conflict in organisations is inevitable. This inevitability of conflict is caused by forces residing both inside and outside the organisation. The external environments of the organisation sometimes change in ways that necessitate a reshuffling of priorities and resource allocation among internal subunits and stimulate shifts in the balance of power and patterns of influence between them. Therefore, instead of avoiding conflict, organisations should endeavor to manage or reduce them to the benefit of the organisation. There are several managerial strategies used in managing conflict, and essentially, they are directed at its cause, these include: Controlling the Context: To minimize conflict that arises out of organisational design and layout strategies, management must formulate sound procedural strategies to institutionalise and channel conflict. If conflicts are inevitable and normal in organisational life, then proper procedures for solving them must be established

Effective Communication

Establishing Open Channels of Communication between employers and employees provides an avenue for expressing concerns and resolving conflicts. Ashkanasy and Dorris (2017) highlight the importance of open communication for addressing conflicts and creating a harmonious work environment. Regular feedback can be co-explained with proper clarification of expectations. Clear communication of expectations and roles helps prevent misunderstandings and conflicts. Employers should effectively communicate their expectations to employees, and employees should express their concerns or seek clarification when expectations are unclear using the channels of communication that are laid down. (Jehn and Mannix 2001)

Active listening, which involves attending to verbal and non-verbal cues, seeking clarification, and demonstrating empathy, is a key aspect of effective communication. De Dreu and Gelfand (2008) highlight its importance in reducing negative emotions and fostering constructive conflict resolution. Employees feel valued when their concerns are heard, promoting a feedback system essential for resolving conflicts. Constructive feedback, as noted by DeShon et al. (2012), aids in understanding, encourages self-reflection, and supports collaborative solutions. Employers can facilitate dialogue through staff meetings, suggestion boxes, and surveys while ensuring communication remains culturally sensitive, respectful, and professional.

There are many instances in African nations where effective communication was deployed as a strategy to de-escalate and eventually resolve employer-employee crises. For example, in Kenya, effective communication has been used to resolve conflicts in the public sector, leading to improved service delivery and employee satisfaction (Mugambi, 2018). The crisis between The National Union of Metalworkers of South Africa (NUMSA) and the Automobile Manufacturers Employers' Association (AMEO) of South Africa is another copious example.

Negotiation

In the context of employer-employee conflicts, negotiation can be used to address a range of issues, such as salaries, working conditions, promotions, and benefits. Negotiation allows the parties to reach a mutually acceptable agreement that takes into consideration the interests and concerns of both the employer and the employee. Through negotiation, the parties can work towards a solution that benefits the organisation rather than just one party. Negotiation also plays a significant role in maintaining positive relationships between the employer and employee and preventing workplace crime. When conflicts arise, they can create tension and strain on the working relationship between the parties. However, by engaging in negotiation, the parties can work towards a solution that is acceptable to both parties and, in doing so, strengthen their relationship.

Lewicki, R. J., Saunders, D. M., & Barry, B. (2015) identified some strategies for effective negotiation that can be used to resolve employer-employee conflicts. The first approach is to focus on the interests and needs of both parties. By this, negotiators can work towards a solution that meets the needs of both parties. The second identified strategy is to explore options that satisfy both parties. These strategies involve brainstorming potential solutions that are acceptable to both parties and evaluating the pros and cons of each option. Through this approach, negotiators can identify a solution that meets both parties' interests. A third negotiation strategy is to build trust and rapport between the parties. Doing this involves creating an environment of mutual respect and trust, which can be achieved through active listening, open communication, and a willingness to understand the perspectives of both parties.

Mediation

Mediation is a process of bringing together a neutral third party to help employers and employees resolve their disputes. Mediation can be particularly useful in cases where there is a breakdown in communication between employers and employees. The mediator can help to facilitate communication, clarify issues, and identify common ground. For example, in Kenya, the Employment and Labour Relations Court has been successful in mediating disputes between employers and employees, resulting in amicable settlements (Kaimenyi, 2020). Mediation empowers both employers and employees by giving them control over the outcome of their dispute. Unlike a court ruling or arbitration decision, mediated agreements are based on the voluntary agreement of the parties involved. This sense of ownership increases the likelihood of compliance with the agreed-upon solutions and promotes a positive work environment. Lamare, J., & McAuliffe, D. (2017).

Arbitration

Arbitration, as defined by Gary B. Born (2014), is the act of involving an impartial third party to examine evidence and render a decision that is legally enforceable for both parties involved. Arbitration is especially beneficial when attempts at negotiation and mediation have been unsuccessful and the parties are unable to come to a mutual agreement. An instance of this can be observed in Nigeria, where the Lagos Multi-Door Courthouse has had notable success in settling conflicts between employers and employees using arbitration (Akinbode, James 2019).

Cultural Sensitivity

Cultural sensitivity is an essential tool for addressing and resolving employer-employee conflicts effectively. It involves understanding, respecting, and accommodating diverse cultural perspectives, values, and practices. By fostering cultural sensitivity, organisations can create an inclusive and harmonious work environment, enhance communication, and mitigate conflicts between employers and employees. According to research by Chua, Morris, and Ingram (2019), cultural sensitivity plays a crucial role in improving communication between employers and employees. By developing an understanding of each other's cultural backgrounds, individuals can navigate potential communication barriers, such as language differences, nonverbal cues, and varying communication styles. Cultural sensitivity positively impacts cross-cultural communication, leading to increased trust, empathy, and mutual understanding among diverse individuals in the workplace.

Cultural sensitivity helps challenge stereotypes and biases that can lead to employer-employee conflict by fostering inclusivity and respect. Rudolph, Rauvola, and Zacher (2020) highlight its role in reducing biases, mitigating conflicts, and promoting equity, leading to enhanced employee engagement and productivity. Homan, Buengeler, Eckhoff, van Ginkel, and Voelpel (2015) found that culturally sensitive workplaces improve employee satisfaction, commitment, and performance by recognizing and accommodating cultural differences. This approach also enhances teamwork and conflict resolution. Tremblay, Blanchard, and Taylor (2017) emphasize the effectiveness of strategies like active listening, empathy, negotiation, and compromise in resolving conflicts through understanding and mutual solutions. Failure to be culturally sensitive can lead to misunderstandings and exacerbate employer-employee crises. For example, in Zimbabwe, the government has developed a National Employment Policy that emphasises cultural diversity and inclusivity in the workplace (Brighton Nyagadza, Aaram Gwiza & Precious Kuziva Hove).

Legal Compliance

Employers need to comply with relevant laws and regulations in managing and resolving employer-employee crises. Employers and equally employees must abide by the legal framework of policies and procedures for resolving conflicts in the workplace. These policies outline the steps that employees should take when they have a grievance, including who to report to and the timelines for resolutions. This can help to prevent conflicts from escalating and ensure that grievances are addressed promptly and effectively. In Nigeria, the National Industrial Court has been instrumental in resolving employer-employee disputes by enforcing labour laws and providing a platform for the resolution of conflicts (Adewunmi Afolasade, 2013).

It should be noted that before exploring the litigation process, there are some conflict resolution bodies saddled with the responsibility of resolving labour-related cases through mediation. In Nigeria, the Joint Industrial Council (JIC) is responsible for resolving conflicts between employees and employers. The JIC is a neutral body that mediates and resolves disputes amicably. The JIC has been successful in resolving several disputes in the Nigerian manufacturing industry (Opute 2020).

Collective Bargaining/Joint Consultation:

Joint consultation, as described by Abolade (2014), involves discussions between employees and employers focusing on shared interests rather than bargaining power, addressing topics like welfare, safety, and productivity for mutual benefit. The Trade Disputes (Amendment) Act of 1977, building on the Trade Disputes Act of 1976, provides a structured process for resolving disputes beyond internal mechanisms. Section 3 mandates that, if internal resolution fails, parties must meet within seven days—directly or through representatives—with a mediator to seek amicable solutions. Collective bargaining, rooted in voluntarism, emphasizes the willingness of both employees and management to resolve conflicts collaboratively.

Research Findings

Below are some of the findings during this study:

1. Employer-employee conflicts and workplace misconduct are common across organizations worldwide, leading to reduced efficiency, increased employee turnover, and financial costs, including legal expenses.
2. In African contexts, strategies such as collective bargaining, clear communication, negotiation, mediation, and arbitration have proven effective in managing and resolving workplace conflicts and misconduct.
3. Countries like South Africa, Kenya, and Nigeria provide practical examples of how these conflict resolution strategies can be successfully applied, demonstrating their adaptability to local contexts.
4. Understanding cultural dynamics and adhering to legal frameworks are critical to minimizing conflicts and ensuring sustainable resolutions in African workplace environments.
5. The research highlights the need for pro-active interventions, continuous learning, and the regular evaluation and improvement of conflict management strategies to address evolving workplace challenges effectively.

Conclusion

As evident in the discussion thus far, it is evident that in any workplace, employer-employee work crime crises are inevitable. Effective management and resolution employer-employee conflicts and workplace crimes are critical to maintaining a productive and harmonious work environment. As identified critical strategies such as the use effective communication, negotiation, and mediation as can be deployed to prevent, manage employer-employee conflicts and resolve workplace conflicts. African countries such as South Africa, Kenya, and Nigeria have successfully used these strategies to resolve employer-employee conflicts, leading to improved staff morale, productivity, and service delivery. Employers and employees must work together to establish open channels of communication and clear policies and procedures for conflict resolution to ensure a productive and harmonious work environment.

Recommendation

1. Organizations should adopt participatory management styles that value employee input in decision-making. This includes regular consultations, feedback sessions, and creating channels for employees to express their concerns. Inclusive leadership not only fosters trust but also reduces perceptions of exploitation or favoritism, addressing one of the root causes of workplace conflict.
2. Organizations must incorporate culturally appropriate conflict resolution mechanisms. For instance, community-based mediation or consensus-building methods that align with local traditions can facilitate amicable resolutions.
3. Transparent and equitable organizational policies are crucial for preventing disputes. Employers should clearly outline expectations, grievance procedures, and disciplinary actions. At the national level, governments should enhance labor laws to protect workers' rights, ensuring that employees can address concerns without fear of retaliation.
4. Providing training in emotional intelligence and conflict management equips leaders with the skills to address disputes effectively. Managers should learn to recognize early signs of conflict, communicate empathetically, and resolve issues before they escalate.
5. Organizations must ensure fair wages, benefits, and opportunities for advancement.

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