
Wildcat Strike and Collective Bargaining Outcome of Petroleum Marketing Companies in Rivers State, Nigeria

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ABSTRACT: Union strike strategy and collective bargaining outcome are integral parts of industrial democracy. The purpose of this study was to investigate the relationship between wildcat strike and measures of collective bargaining outcome (Terms/conditions of employment, Workplace rules and grievance procedures) as elements of industrial democracy of petroleum marketing companies in Rivers State, Nigeria. The population of the study consists of all the 10 petroleum marketing companies under the petroleum downstream sector in Rivers State, Nigeria, while the sample size is the same as the population because it qualified as small. The correlation survey approach was adopted. The structured questionnaire was developed and 102 copies distributed to managers and union leaders of the 10 petroleum marketing companies in Rivers State, Nigeria. 93 copies were retrieved representing 91.18 percent but 88 copies were usable and represent 94.62 percent. Instruments for the study were tested using the convergence validity test and Cronbach alpha tool for validity and reliability respectively. Analysis included four stages. Bivariate hypotheses were tested using Spearman's rank order correlation coefficient and the multivariate; using the bootstrapping tool. Results from the study show that there exist strong positive and significant relationship amongst wildcat strike and measures of collective bargaining outcome. The results also show that the environment is the parent organism and wildcat strike is the signal that alerts it to intervene and forestall or correct intolerable practices in industry. The study concludes that wildcat strike is the way of influencing or coercing management to the bargaining table when it does not want to; and an action to ensure timely and proper implementation of collective agreement. The study recommends that better and regular workers-management meetings should be enshrined, the study also recommends co-authorship of workplace rules between unions and managements, and that companies should resort to internal and external laid down procedures for settling disputes.

KEYWORDS: Wildcat, lightning, strike, collective bargaining outcome, terms/conditions of employment, workplace rules, grievance procedures.

INTRODUCTION

The industrial or work relationship is made up of parties with disparate interest groups, such as workers (unions) and employers. It is observed that, in most non-unionized organizations, the employer makes largely unilateral or one-sided decisions and rules on issues affecting its labour force, such as salary and benefit (Skripak, Cortes and Walz, n.d). Management invokes the principles of "management's right to manage" and the "right-to-work". Workers on the other hand always strive to attain their physiological, safety, social, esteem and self-actualization needs as depicted in the work of Abraham Maslow, from their labour. To achieve the Maslow, power and status needs, they come under the umbrella of trade unions in order to muster the force they could not get acting individually. The aim is to bring management to the collective bargaining table, this is why Okene (2008) posited that the cardinal interest of unions is to win wage, settle grievance, gain recognition and other concessions from the employer through collective bargaining, failing which strike action could be considered.

Wildcat strike stands out as one of the most powerful tools to compel management to initiate collective bargaining and implement its outcomes such as terms and conditions of employment, workplace rules and grievance procedures, especially when it is a matter of urgency and quick attention is required and/or to disarm compromising union leaders who are always averse to strike.

In this consideration, a wildcat strike also known as a "quickie strike", is a sudden, unexpected strike in which there is no warning by the striking workers and no official support by the union leadership. It is an unannounced industrial stoppage by a section of unionized workers in which there has been no following of the proper procedure in doing things (Market Business News, MBN, n.d). It is an informal strike (Chi and Broek, 2013). It is an agitation and desperation effort against unitary orientation by management and union leadership.

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Depending on unitary, conflict and organismic theories, this study seeks to determine the extent to which wildcat strike affects terms/conditions of employment, workplace rules and grievance procedure among petroleum marketing companies in Rivers State, Nigeria.

This study is guided by the following research questions:

1. To what extent does wildcat strike affect terms/conditions of employment of petroleum marketing companies in Rivers State, Nigeria?
2. To what extent does wildcat strike affects workplace rules of petroleum marketing companies in Rivers State, Nigeria?
3. To what extent does wildcat strike affects grievance procedure of petroleum marketing companies in Rivers State, Nigeria?

Conceptual Framework of Wildcat Strike and Collective Bargaining Outcome

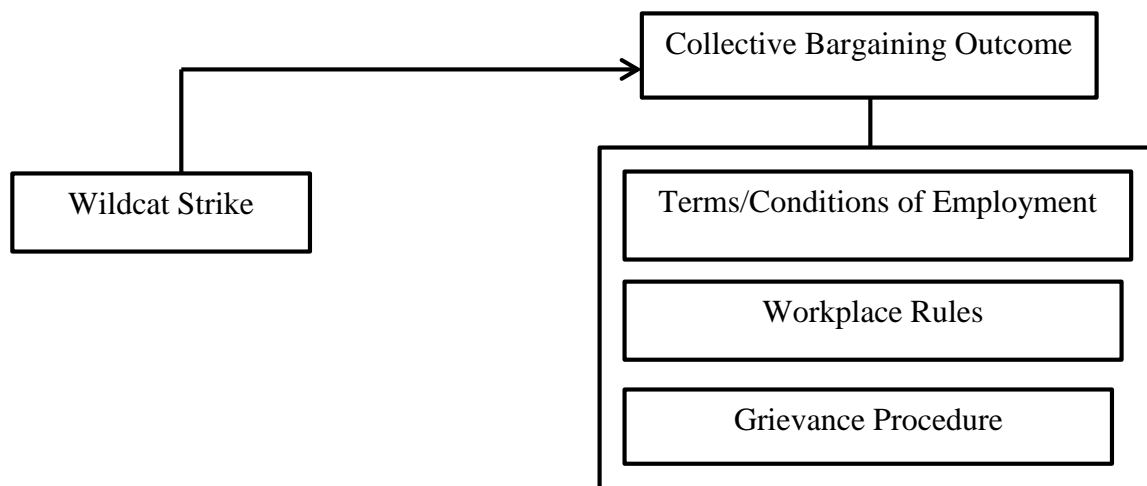


Fig. 1: Conceptual framework of wildcat strike and collective bargaining outcome.

Source: Desk Research (2023).

Baseline Theories: The baseline theories upon which this study is hinged are the unitary, conflict and organismic theories. Armstrong (2009) in Badey and Korsu (2022) asserts that unitary view is essentially autocratic and authoritarian, and has some time been expressed in agreements as “management’s rights to manage”. Gennard and Judge (2005) stated that unitary theory assumes that the organization is harmonized and integrated, all employees sharing the organizational goals and working as members of one team. It assumes that the organization is a group of people with single authority structure (Biriowu, 2022). The link is that it serves as the platform for management’s unilateral authorship of workplace rules, prerogative of “management’s right to manage and denial of existence of genuine multiple interests. The fit is that, as a theory it serves as foundation for emergence of other views including opposing views and sense-making through empirical data. It exposes the need for, and the invitation of strategies for the balance of control of power in the workplace.

Conflict theory, states that tensions and conflicts arise when resources, status, and power are unevenly distributed between groups in society and that these conflicts become the engine for social change (Crossman, 2019). It believes that, because social classes are in constant conflict, revolution is common event; social change and shifts in power dynamics result from sudden, major conflicts rather than continuous adaptation and evolution (Indeed, 2021). The link is that it clearly identifies the groups in industry or at the workplace as the capitalists (ruling class) and the working class (trade unions) and the reasons for their conflicts as “resources, status and power.” The fit is that it explains why unions institute the strategies of strike as the quest to change the behavior of management at the workplace, and damn the consequences. This is as Okene (2008) posited that, by joining forces and acting in concert, workers can be able to change this situation as employer will certainly be concerned about the possibility of losing his employees.

The Organismic Theory: The organismic point of view believes that society is nothing but a kind of living organism, a biological organism, possessing organs, which perform functions analogous to those of plants and animals. It suggests that the environment, proxy by government, must be given its place in the activities and actions of industry including collective bargaining or strike (Otobo, 2000) and in the view of Tunca (2020) and Eesuola (2015) strike is the signal that alerts the intervention of the state to curb any intolerable socio-economic activity by conflicting groups, such as trade union on the one hand and employer on the other (Tuncomag and Centel, 2018). This suggests the moderating role of the state in industrial concerns based on strike signals usually through strikes like wildcat.

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The Concept of Wildcat Strike

Wildcat as a strike strategy and as it operates today can be traced to the end of the 19th century when the conservative view of the classical reformers, such as Sidney and Beatrice Web and Karl Marx (Fashoyin, 2007). Accordingly, these scholars agree that the classical economists did not recognize the agonizing and traumatic experience of the laboring class which they argued could be ameliorated by the institution of trade unionism. In other words, they agreed that the institution of trade union can bring about change but disagreed on the “how”. That is, the strategy. Whereas Marx saw trade unions as revolutionary agents for changing the social order, Sidney and Beatrice Web (Founders of British industrial relations) did not endorse the violent challenge of the social order (Fashoyin, 2007). Wildcat as utilized by trade unions is an effort that adopts the revolutionary or syndicalist view of Marx to achieve the institutional or collective bargaining stance of the Webs. For this reason, Singh (2013) describe wildcat a lightning strike.

A wildcat, a quickie or lightning strike is an unofficial strike, that is, a strike not sanctioned by the union (Singh, 2013). According to Singh (2013), such strikes occur occasionally in violation of no strike pledge in collective bargaining agreement and it is prohibited in most places where notice is needed. However, there have been unprecedented number of informal industrial actions including wildcat strikes (Otobo, 2000: Chi and Broek, 2013). It occurs in form of walkout spontaneously when there is no guaranteeing that terms and conditions of employment would be reached in agreement (Otobo 2000). Creating room for any form of strike, Okene (2009) asserted that in a free market economy, no one is able to achieve economic progress except by clever manipulation of the forces of the market. To deprive workers of their right to engage in industrial action is not only to deprive them of a necessary weapon in their bargaining armoury: the strike plays the same role in labour negotiations that warfare plays in diplomatic negotiations (Okene, 2009). Wildcat is semi-spontaneous work stoppages among unionized workplaces (Anner and Liu, 2015). It is a process involving the disruptive actions of organized groups of employees outside of the formal direction and control of the elected union leadership (Iyayi, 2001). As spontaneous as wildcat strike may connote, it is preceded by antecedents of rumours, visible tensions and gossip (Iyayi, 2001).

Wildcat strike developed out of a violation of previously agreed conditions between workers and employers which comprise part of workers expectations (Isil, 2020). We observe that wildcat strike is an unofficial or radical action by aggrieved members of trade union to awake their elected trade union leaders and management of their workplace to some improperly addressed concerns. Significantly, two resolutions of international labour conference which provided guidelines for ILO policy emphasizes recognition of the right to strike in member states, including Nigeria (Okene, 2007). Accordingly, they are: (a) Resolution concerning the abolition of Anti-Trade Union Legislation in the member states. “This is call for adoption of laws to ensure unrestricted exercise of trade union rights, including the right to strike by workers; and (b) Resolution concerning trade union rights and their relation to civil liberties. Okene (2007:6) noted that this requires paying particular attention, inter-alia right to strike.” The right to strike in Nigeria, as in the UK, stems from the immunities granted to workers and trade unions against criminal liabilities for engaging in industrial action (Okene, 2007).

Collective Bargaining Outcome

Section 91(1b) of the Nigeria Labour Act 2004 defines collective bargaining as the process of arriving or attempting to arrive at collective agreement (NECA, 2013). It is a concept that developed as a result of the agitation for industrial democracy. The initial reaction of any property owner is to say that “I have a right to do what I like with my property or what is mine” (Otobo, 2000:216). Otobo (2000:216) noted, however, that “in producing goods and services in modern economy, the services or skills of others are required, making production a cooperative (collective) effort based on specialization of function and thus division of labour”. Ownership still retains its importance, but it may not on its own produce the goods and services. It is in this broad sense that “industrial democracy” or workers’ participation in decision-making remains a subject of considerable interest. Collective bargaining arose as a result of agitation against unilateral wage determination (Fashoyin, 2007). It is a process through which workers come together and send representatives to negotiate over their terms and conditions of employment (Doellgast and Benassi, 2014). It is a process that emphasizes the democratization of decision making (Biriowu, 2022). It is important to note that, in organizations with unitary orientations and management aiming to get extortionate profit, collective bargaining is deterministically enshrined and executed, in certain measures.

Terms/Conditions of Employment

Terms and conditions of employment arise out of contract of employment. The English Common Law, viewed employment as a contractual relationship that bound the parties to a continuing relationship (Summers, 1984).

Terms of and conditions of employment are delicate, highly legally bounded area of the employment contract, especially in Nigeria (Lambo and Agomuo, 2022). It is also determined by law or collective agreement (Biriowu, 2022: Zeb-Obipi, 2022). They are the responsibilities and benefits associated with a job as agreed upon by an employer and employee and it include work hours, dress code, time off the job, and starting salary (Kopp, 2021). Envisaging what leads to conflict between labour and management,

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Uvieghara (2001) posited that terms of the contract of employment are either express terms that is, those agreed or presumed to be agreed by the two parties at the time of entering into the contract, or implied terms.

We argue that terms and conditions of employment are the express or implied contents of employment contract between an employer and an employee or their organization or the outcomes of collective bargaining including statutory or legal provisions on employment, or case law in a given industry of a given country within a given period of time. Terms and conditions of employment are therefore, actionable outcomes of collective bargaining derived from the fundamental rights of freedom of association provided for in ILO committee on Freedom of Association (Okene, 2008).

Okene (2008) further asserted that the right to bargain freely with employees with respect to conditions of work constitutes an essential element in freedom of association, and trade unions should have right through collective bargaining or other lawful means to seek to improve the living and working conditions of those whom the trade unions represent and public authorities should refrain from any interference which would restrict this right or impede the lawful exercise thereof. We argue that terms and conditions of employment are issues of right which unions can legally take action pre and post its establishment including wildcat strike to improve the conditions of their working lives, especially when management does not want to collectively determine it or when management partially implements or refuses to implement at all.

Workplace Rules

Workplace rules is an outcome of a system (supposedly collective bargaining), in which some actors acting within a given context and bound by an ideology make rules for the regulation or relationships at the workplace (Zeb-Obipi, 2017). The process of setting workplace rules is “industrial jurisprudence” while “workplace rules is a set of work rules, jointly made by the employer and workers’ representatives” (Fashoyin, 2007:116).

Accordingly, these rules specify the rights and obligations of workers individually and collectively, as well as those of management. By this collective rule-making, the employer and trade union undertake that the day to day interaction between them shall be guided by rules that have already been agreed upon. However, in keeping with workplace order set by the collective rules, unions sometimes adopt certain strike strategies. Collaborating our view, Fashoyin (2007:128) warned that “the procedural agreement is precautionary; it serves as a cushion for preventing arguments on procedures which could arise if the mode of relation had not been previously agreed”. This supposes that workplace rules are the glue that binds parties at the workplace. Describing the indispensable values of workplace rules, Dumlo (1958) in Zeb-Obipii (2018) saw the whole essence and responsibilities, relationships of the workplace or industry as the study of the establishment and administration of rules. It is a rule school (Ahiauzu, 1999). The purpose of workplace rule is to define power and authority relationships among the parties as well as regulating all other aspects of employment in the workplace and work community (Ahiauzu, 1999).

Impliedly, any deviation from the rules, conflicts will arise, and the whole essence of industry would have been lost to chaos. Conversely, Zeb-Obipi (2018) identified internal and external forms of regulations affecting the workplace. The external rules guiding workplace are those statutes enacted by parliaments of government or decrees promulgated by military governments, case laws from the courts while the internal refers to managerial regulations, union regulations and collective agreements reached at the workplace (Zeb-Obipi, 2022; Biriwu, 2022). Accordingly, it includes long standing practices at the workplace and social norms.

Grievance Procedure

The Dictionary of English (n.d) defines grievance as the wrong or hardship suffered, which is the grounds for a complaint. Or, a formal complaint, especially in the context of a unionized workplace – violations of regulations or objectionable behaviour. Grievance is an expressed discontent (Zeb-Obipi, 2017). Describing grievance procedure, Zeb-Obipi (2017) posited that it refers to a set of determined steps for the dissolution of grievance and disputes in an organization. Chamberlain in Fashoyin (2007: 204) averred that, “the grievance process performs three basic functions in the day-to-day administration of collective agreements as follows: (1) settling interpretation problems that arise from differences of opinion on the terms of agreement, (2) applying the terms of the agreement to changing and unforeseen situations, and (3) attending to demands for the adjustment of the terms of the agreement to local conditions.” As laudable as the grievance procedure, it is important to state that, conflict or grievance is considered as unnecessary to the capitalist managers who would rather exercise his management’s right to manage ideology, it is the threat of strike or wildcat strike (exposing the precariousness to the government and society) that alerts the state to intervene in industrial actions by establishing and imposing the grievance and statutory procedures as industrial disputes settlement mechanisms as seen in the Trade Disputes Act 1976 in Nigeria. Strike is a sign that internal disputes mediation, conciliation, arbitration and even the national industrial court could not proffer solution (Otobo, 2000: Fajana, 2005).

METHODOLOGY

This study focused on investigating relationship between wildcat strike and collective bargaining outcome. The study adopted the correlation research design. The population of the study consist of all the 10 petroleum marketing companies in Rivers State, Nigeria. A census was conducted, because the population was finite, accessible, enumerable and fell within what could be described as small

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(where $n < 500$) (Zeb-Obipi, 2007; Bryman, 2012). A total of 102 respondents participated in the study. The structured questionnaire served as the research instrument. The instrument was divided into two parts. Part one elicited demographic information while the second part generated data on wildcat strike and collective bargaining outcome. The Cronbach alpha coefficient was adopted to ascertain the reliability of the instrument. A bench mark of $\alpha = 0.70$ was adopted in this study where Cronbach reliability scores of $\alpha < 0.70$ were considered as poor or weak (Sarantakos, 2005; Bryman, 2012). A pilot study was conducted on the instrument to ascertain the feasibility of the study using just 30 participants drawn from key union leadership, managerial and human resource positions within the industry of interest. It was seen that the Cronbach alpha coefficient $\alpha = 0.890$ is accepted and considered good, implying good measurability of the relationship between wildcat strike and collective bargaining outcome. Data analysis adopted was the spearman rank order correlation, because the data was unevenly distributed, and good for the bivariate any analysis. While bootstrapping as non-parametric test tool was used for the multivariate analysis (Preacher & Hayes, 2001). All analyses were aided by the statistical package for social sciences (SPSS) version 22.

DATA ANALYSIS AND RESULTS

4.4.3 Wildcat/Lightning Strike and Measures of Collective Bargaining Outcome

Table 4.23 shows the result of correlation matrix obtained for wildcat/lightning strike and measures of collective bargaining outcome. Also displayed in the table is the statistical test of significance (p - value), which makes us able to answer our research question and generalize our findings to the study population.

Correlations Matrix for Wildcat/Lightning Strike and Measures of Collective Bargaining Outcome

			Wildcat/Lightning Strike	Terms/Conditions of Employment	Workplace Rules	Grievance Procedure
Spearman's rho	Wildcat/Lightning Strike	Correlation Coefficient	1.000	.694**	.828**	.837**
		Sig. (2-tailed)	.	.000	.000	.000
		N	88	88	88	88
	Terms/Conditions of Employment	Correlation Coefficient	.694**	1.000	.504**	.667**
		Sig. (2-tailed)	.000	.	.000	.000
		N	88	88	88	88
	Workplace Rules	Correlation Coefficient	.828**	.504**	1.000	.808**
		Sig. (2-tailed)	.000	.000	.	.000
		N	88	88	88	88
	Grievance Procedure	Correlation Coefficient	.837**	.667**	.808**	1.000
		Sig. (2-tailed)	.000	.000	.000	.
		N	88	88	88	88

** . Correlation is significant at the 0.01 level (2-tailed).

Source: SPSS Output version 23.0

RQ3: What is the relationship between wild cat strike and collective bargaining outcomes of petroleum marketing companies in Rivers State, Nigeria?

DISCUSSION OF FINDINGS

The correlation coefficient (ρ) result in table 4.23 was used to answer research question 3. Table 4.23 shows a Spearman Rank Order Correlation Coefficient (ρ) of 0.694 on the relationship between wildcat strike and terms/conditions for employment. This value implies that a strong relationship exists between the variables. The direction of the relationship indicates that the correlation is positive; implying that an increase in terms/conditions for employment was as a result of the adoption of the outcome of wildcat strike. Therefore, there is a strong positive correlation between wildcat strike and terms/conditions of employment of petroleum marketing companies in Rivers State.

Similarly, Table 4.23 shows a Spearman Rank Order Correlation Coefficient (ρ) of 0.828 on the relationship between wildcat strike and workplace rules. This value implies that a very strong relationship exists between the variables. The direction of the relationship indicates that the correlation is positive; implying that an increase in workplace rules was as a result of the adoption of

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the outcome of wildcat strike. Therefore, there is a very strong positive correlation between wildcat strike and workplace rules of petroleum marketing companies in Rivers State.

Furthermore, Table 4.23 shows a Spearman Rank Order Correlation Coefficient (ρ) of 0.837 on the relationship between wildcat strike and grievance procedure. This value implies that a very strong relationship exists between the variables. The direction of the relationship indicates that the correlation is positive; implying that an increase in grievance procedure was as a result of the adoption of wildcat strike. Therefore, there is a strong positive correlation between wildcat strike and grievance procedure of petroleum marketing companies in Rivers State.

Therefore, to enable us accept or reject hypotheses 7, 8, and 9 as well as generalize our findings to the study population the p-value was used as shown below:

H₀₇: There is no significant relationship between wildcat strike and terms/ conditions of employment of petroleum marketing companies in Rivers State, Nigeria.

Similarly displayed in the table 4.23 is the statistical test of significance (p-value) which makes possible the generalization of our findings to the study population. From the result obtained from table 4.23, the sig- calculated is less than significant level ($p = 0.000 < 0.05$). Therefore, based on this finding the null hypothesis earlier stated is hereby rejected and the alternate upheld. Thus, there is a significant relationship between wildcat strike and terms/ conditions of employment of petroleum marketing companies in Rivers State, Nigeria.

H₀₈: There is no significant relationship between wildcat strike and workplace rules of petroleum marketing companies in Rivers State, Nigeria.

Also displayed in the table 4.23 is the statistical test of significance (p-value) which makes possible the generalization of our findings to the study population. From the result obtained from table 4.23, the sig- calculated is less than significant level ($p = 0.000 < 0.05$). Therefore, based on this finding the null hypothesis earlier stated is hereby rejected and the alternate upheld. Thus, there is a significant relationship between wildcat strike and workplace rules of petroleum marketing companies in Rivers State, Nigeria.

H₀₈: There is no significant relationship between wildcat strike and grievance procedures of petroleum marketing companies in Rivers State, Nigeria.

Also displayed in the table 4.23 is the statistical test of significance (p-value) which makes possible the generalization of our findings to the study population. From the result obtained from table 4.23, the sig- calculated is less than significant level ($p = 0.000 < 0.05$). Therefore, based on this finding the null hypothesis earlier stated is hereby rejected and the alternate upheld. Thus, there is a significant relationship between wildcat strike and grievance procedures of petroleum marketing companies in Rivers State, Nigeria.

Therefore, the results for the set of hypotheses with regards to the relationship between wildcat strike and measures of collective bargaining outcome are stated as follows:

- i. There is a strong positive significant relationship between wildcat strike and terms/ conditions of employment of petroleum marketing companies in Rivers State, Nigeria.
- ii. There is a very strong positive and significant relationship between wildcat strike and workplace rules of petroleum marketing companies in Rivers State, Nigeria.
- iii. There is a very strong positive and significant relationship between wildcat strike and grievance procedures of petroleum marketing companies in Rivers State, Nigeria.

CONCLUSION AND RECOMMENDATIONS

The aim of the study was to examine the relationship between wildcat/lightning strike and collective bargaining outcome. Based on the results of the analysis conducted, the study found that wildcat/lightning strike through terms/conditions of employment, workplace rules and grievance procedures has strong positive and significant influence on collective bargaining outcome. The results mean that when some dissatisfied trade union members expose compromising union leaders and bad conducts of their organization's management via unannounced strike, both trade union leaders and management quickly accept to go to the bargaining table to avoid their reputation and profit being ruined. The results also means that whenever select union members realizes that rules of the workplace ought to be collectively made and then, it shelve its "management's right to manage" and unitary orientation as well as its unilateral authorship of the rules and jointly makes the rules or co-review extant ones with the union.

Finally, the results reveal that wildcat or lightning strike is carried out by irate or disappointed union members, the management agrees to go back to the laid down or existing jettisons her claim of management's right to manage and the "right-to-work" ideologies.

The study therefore recommends that:

1. Better workers-management relationship should be enshrined through regular meetings with a view to finding unions' views on issues relating to terms/conditions of employment before final formulation and execution of those policies;

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2. Since human organizations are social setups with disparate interest groups, workers-management co-authorship of workplace rules should replace unitarist unilateral authorship of workplace rules affecting all interests.
3. Corporate organizations should always resort to internal and external laid down or jointly set and agreed procedures for settling disputes instead of invoking the crises prone management's right-to-management and "right-to-work" ideologies.

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