

Effect of Alternative Dispute Resolution Dimensions on Employees' Performance in Nigeria Work Organizations: A Theoretical Perspective

Augustine Augustine Ele

Department of Business Management

Faculty of Management Sciences

University of Calabar

Calabar- Nigeria

P.M.B 1115

E-mail: elenoble2000@yahoo.com

Anono Vitien Auquasama

Department of Business Management

Faculty of Management Sciences

Ebonyi State University, Abakaliki, Nigeria

E-mail: anonoauqua@gmail.com

Abstract

This research work focused on the effect of alternative dispute resolution dimensions on employees' performance in Nigeria work organizations using a theoretical perspective. The information was sourced from text books, journal articles and internet materials. The study revealed that alternative dispute resolution dimensions or mechanisms such as mediation, arbitration, facilitation, conciliation, negotiation, collaboration, compromise, mini-trial, expert determination, good governance and communication has a positive and significant effect on employees' performance in Nigeria work organizations. It also found that alternative dispute resolution has a significant influence on employees 'performance in the workplace. And there is also a substantial correlation between alternative dispute resolution and employees' performance in Nigeria work organizations. The study recommended that management as well as administrators should adopt ADR mechanisms/dimensions in resolving disputes or conflicts among parties in Nigeria work organizations in order to reduce cost, save time or avoid delay and being fast in reaching a consensus agreement as well as compromise.

Keywords: Alternative Dispute Resolution, Work Organizations, Disputes, Employees' Performance, Nigeria.

1. Introduction

The origin of alternative dispute resolution (ADR) movement started in 1970 that was launched in United States when the American Bar Association sponsored the national conference on the causes of popular dissatisfaction with the administration of justice. And the conference concluded that the pressure on the congested legal system can be eased by using alternative forms of dispute resolution. It begins as a social movement to resolve community-wide civil rights disputes through mediation, arbitration and as a legal movement to address increased delay and expense in litigation arising from an overcrowded court system. The acronym ADR has become a strategic or fundamental concept of conflict resolution management strategy following this conference and ADR has grown rapidly and has evolved from experimentation to institutionalization with the support of the American Bar Association, academics, courts, the U.S. Congress and state governments (Onuorah, 2019). ADR help to fosters communication, creativity and cooperation, to resolve workplace conflict. Alternative dispute resolution approaches 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 result than a situation in which a manager or a trial judge imposes a decision on the disputing parties (Onuorah, 2019). But individual differences possibly will cause misunderstanding and conflicts between individuals and groups in Nigeria work organizations due to disagreements in one opinions and interest.

ADR dimensions, measures or mechanisms are generally spawned or created and administered by the management of work organizations, in contrast to more traditional dispute resolution instruments 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, thus, represent a substantial shift in the way in which many work organizations have come to view and to deal with workplace disputes as well as conflicts situations (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 among workers in an organization is inevitable. If it is managed properly, it will bring catalyst for change and can have a positive effect on employee performance in organization. But if it is not managed properly it will negatively affects both employee satisfaction in addition to job performance (Onuorah, 2019). He further stated that the inability of managers to view and manage workplace disputes systematically has thus rendered conflict dysfunctional in many organizations. This is evidenced by the high occurrence of strike action, unhealthy competitive or conflict between and among sub-units and individuals within an organization, sabotage at workplace, slow work, labour turnover, absenteeism, lack of productivity, general inefficiency, high rate of industrial accident, low morale, withholding of vital knowledge and a host of others that are being perpetrated by workers in workplaces (Onuorah, 2019). Critical examples are the situational issues of academic staff union of universities (ASUU) strike action of 5th November, 2018, that lasted for 4 months, to February, 2019; NLC agitation on new minimum wage since 2018-2019, medical doctors' strike action, another ASUU strike which started February, 2020 till date and other unions industrial actions in Nigeria.

Thus, suitable methods to resolve dispute or conflict need to be addressed and employed in order to resolve conflicts and to produce a better and harmonious working environment. The ability to resolve conflicts successfully is probably one of the most vital social skills and conflict resolution that can be taught of like any other skills in which alternative dispute resolution dimensions or strategies are (Aiza, Morni, Bohari & Sahari, 2013). These dimensions or methods of alternative dispute resolution are mediation, arbitration, facilitation, conciliation, negotiation, collaboration, compromise, mini-trial, expert determination, good governance, and communication. The effects of dispute or conflict can either be positive or negative, even disastrous, depending on how one confronts it. Conflict can assist to raise and address problems, energizes work to be on the highest or best suitable issues as well as aiding people to learn how to gain benefits from their differences (Aiza, Morni, Bohari & Sahari, 2013; Ajike, Akinlabi, Magaji & Sonubi, 2015). Nwadike (2019) dispute or conflict management is the engine room of every organization, since it provides a level play-ground for inters and intra-organizational communication yielded towards firms' productivity as well as employees' performance.

2. Statement of the Problem

Disputes are primarily an inevitable and systemic part of human existence that cannot be ignored or avoided in 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. 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, particularly towards arbitration 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 dimensions or 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.

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, facilitation, 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 dimensions or mechanisms in resolving disputes in Nigeria work organizations has also posed a challenge. Therefore, this study seeks to examine the effect of alternative dispute resolution dimensions on employees' performance in Nigeria work organizations using a theoretical perspective.

3. Theoretical Framework

The theoretical framework of this research work was anchored on Frustration-Aggression theory of conflict. This theory was developed by John Dollard and his associates in 1939, and has been reformed or amended by other scholars 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. In an attempt to explain aggression to mean the difference between what people feel they want or deserve to what they actually get-the-want-get- ratio, and difference between expected need satisfaction and actual need satisfaction (David, 2006). 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 the frustration-aggression theory provides that aggression is not just undertaken as a natural reaction or instinct, but it is 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.

In situations where feelings of frustration become widespread among the parties and the feeling is that people are getting less than they deserve, the most common advice is that government or political leaders can do is to find out what the expectations of such individuals and groups are and to seek ways of negotiating with them. However, in most situations, those in a position of authority believe that giving in to public demands or entering into negotiations is a sign of weakness, just in the cases of ASUU and federal government as well as NLC and federal government in Nigeria. However, a typical example of the manner in which frustration leads to aggression that in turn creates disputes can be seen in the ongoing crises in the Niger Delta area of Nigeria. After waiting patiently and peacefully agitating for what the people of the region considered as a fair share of the oil wealth that is exploited from their land, youths now take the law into their own hands by vandalizing oil pipelines, kidnapping oil workers for large amount of money and generating problems for those they believe are responsible for their predicaments.

The value of this theory in the study is that 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' achievement or fulfillment in Nigeria work organizations.

4. Review of Related Literature

4.1 The Concept of ADR

Alternative dispute resolution is frequently used to define a wide variety of dispute resolution mechanisms that are small of, or alternative to, complete court processes. It also refer to the whole thing from facilitated settlement negotiations in which disputants are encouraged to negotiate directly with each other preceding to some other legal processes such as arbitration systems or mini-trials that have attributes of a courtroom process. ADR remains an enduring feature of the legal system in the society and as an adjunct to courtroom adjudication, that holds promise for an improved and qualitative access to justice for all citizens, while serving as an attractive feature for economic development (Uwazie, 2014). ADR refers to any means of settling disputes outside of the courtroom involving early neutral evaluation, negotiation, conciliation, mediation, and arbitration (Block, 2016). It all encompassing term which refers to multiple non-judicial methods of handling conflict between parties such as mediation, arbitration, neutral evaluation, negotiation, and conciliation (Block, 2016).

Dispute is inevitable among humans or man be it at home, church or in organization, especially when there is an interaction between two or more individuals, groups or organizations, and this is mainly caused by differences in individuals' perception, goal, interest, ideas, feelings, values, etc., that conflict with each other affairs (John-Eke & Akintokunbo, 2020). Disputes arises when there is a change in situations where change is seen as a threat to be confronted and efficient and effective management of disputes is fundamental to the development of any society, but the prevailing situations in Nigeria work organizations constitute a setback of this truth (Emerole & Ukah, 2018). ADR is used normally use to denote procedures and mechanisms for conflict resolution that provide alternatives either to litigation or resort to administrative tribunals established under statute in such areas as equal opportunities and employment discrimination (Teague, Roche, Gormley & Currie, 2015). The adoption of ADR practices and conflict management systems is seen as a function of proactive and strategic decisions and not simply a reaction to external and internal pressures (Lipsky, Avgar, Lamare & Gupta, 2012; in Teague, Roche, Gormley & Currie, 2015).

4.2 Conflicts in Nigeria Work Organizations

Conflicts are inevitable part of organizational life since the goals of different shareholders such as managers as well as workers are often incompatible, and it is an unpleasant fact in any organization as far as people compete for jobs, resources, power, recognition and security (Hotepo et al, 2010). Organizational conflict can be regarded as a dispute that occurs when interests, goals or values of different individuals or groups are incompatible with each other (Henry, 2009; Hotepo et al, 2010). Conflicts or disputes are part of human nature and it is extremely essential to study it not only for theoretical purposes but also for organizational practice (Ikeda, Veludo-de-Oliveira & Campomar, 2005; in Hotepo, et al 2010). Conflict is one of the most significant threats to sustainable development in addition to poverty alleviation and world security (Oni-ojo & Roland-Otaru, 2013). They further stated that there is a close relationship between development and conflict. Conflict is a process in which one party suggests that its interests are being opposed by another party, and it is an inseparable part of people's life as well as a perpetual gift of nature or life in the Nigeria work organizations (Omisore & Abiodun, 2014).

Oni-Ojo and Roland-Otaru (2013) the conflict situations in Nigeria today particularly in Nigeria but also at the international scene. The devastating effects of these conflicts such as killings, agitations for resources control, kidnappings of innocent citizens and foreigners' alike, political protest, destruction of lives and properties, ethnics and tribal violence have become a source of major concern to the government. Most of these conflicts arise as a result of social political, economic, religious, cultural, or ethnic and environmental differences. Conflict is a reality across organizational boundaries and affects individuals, groups and disciplines. Conflict can initiate productive change and vitality if well managed. The consequences of conflict will inevitably be determined by how well it is managed. If not properly managed, it may cause unquantifiable damage to the organizations (Ekwoaba, 2016). Oni-Ojo and Roland-Otaru (2013) there have been various cases of conflict in Nigeria since her independence in 1960. The Niger Delta crisis in Nigeria, for instance which started as some form of agitation for resource control has escalated to higher proportions. There are also other centers of tension in the country which began from very fundamental agitations. The net effect of disputes and conflicts in Nigeria and other African nations is the upsurge in insecurity which threatens human development. In organizations, there have been a lot of disputes, for instance, ASUU strikes, NLC strikes demanding for increased in salaries and wages, medical doctors strikes actions, and other unions' industrials actions in Nigeria.

4.3 The Process of ADR in the Nigeria Work Organizations

ADR processes are utilized or applied 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 advice 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 management and dispute resolution.

4.4 Measures or Dimensions of ADR in Nigeria Work Organizations

ADR methods vary and their processes overlap each other but are all premeditated or planed as alternatives to litigation and also complement each other, which are the most generalpractice of ADR. The variety of ADR methodologies allows for adaptability to address issues between parties (Block, 2016). Theseapproaches include mediation, arbitration, conciliation, negotiation, collaboration, compromise, mini-trial, expert determination, good governance, communication, etc. 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.

- i. **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 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.
- ii. **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 leaded 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.
- iii. **Facilitation:** This is an informal process in which a third party (often someone familiar to the disputing parties, such as a manager) attempts to facilitate communication and the development of an interest-based resolution to the dispute. It involves the process when neutral third party enters into discussions with the parties in order to help the disputing parties resolve the disputes towards consensus agreement. In this

method, the facilitator focuses majorly on the salient issues or points to improve their chances of reaching an agreement or settlement.

- iv. **Conciliation:** This is an informal process in which a passive third party is positioned between the disputing parties to create a channel for communication. This is generally done by conveying messages between parties who are unwilling to meet face to face, to identify common interests and to eventually re-establish direct communication. Conciliation is the process by which one or more independent person(s) selected by the parties to an agreement generally by mutual consent, either at the time of making the agreement or subsequently when a dispute has arisen between them, to bring about a settlement of their dispute through consensus between the parties by employing various persuasive and other similar techniques (Agarwal, 2001). This involves the process of having confidence and faith with the disputing parties. Conciliation is an effective means of alternative dispute resolution and can be usefully deployed for organizations, society as well as domestic disputes.
- v. **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 to 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 gives 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 culminate 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.
- vi. **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 ensuring 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.
- vii. **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). Management or employee having compromising style acts to serve as intermediary in concern with self and others, which means a reciprocal relationship to make a mutually acceptable decision (Abbas & Karage, 2015).

- viii. Mini-Trial:** The resolution of disputes through this alternative dispute resolution method is called mini-trial. It is relatively a new tool for the resolution of disputes among workers and management in an organization (Agarwal, 2001). This is also called exchange of information. Mini-trial method is a form of evaluative mediation system, which is a non-binding ADR process that assists the parties to a dispute to gain a better understanding on the issues in the conflicts and it enables them to enter into negotiation of settlement on a more informal basis. It is intended to facilitate the exchange of information among members/parties to reach a settlement or agreement. Mini-trial is often meaningfully employed after negotiation has failed.
- ix. Expert determination:** This is a voluntary process in which a neutral third party or outsider, who is usually expert in the field in which the conflicts or disputes arises, and gives a binding determination on the issues in dispute. It is fast, less costly and private method of resolving disputes. ADR allows for more sensitivity towards cultural issues, as well as complete confidentiality of the proceedings in minimizing the publication of questions to claims of title and very real damage to valuation arising from litigation (Block, 2016). Alternative dispute resolution allows interested parties to explore options, beyond traditional judicial intervention, to handle both local and global commercial and intellectual property disputes.
- x. 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.
- xi. Communication:** This involves the process of sharing and exchanging information between individuals, groups and potential parties in settling a dispute situation. It also involves the process of interacting and relating with others, meaning that parties to a dispute situation still talk. This exchange and sharing of information can help to remove doubt, suspicion and contribute to the process of confidence building in peace keeping among workers and management in an organization. Communication is an essential elements of peace building and peace education. It relates to the presence and sharing of accurate information about a dispute or conflict situation, being able to discuss about feelings and concerns of parties, talking about what disputants would like to exchange and discussing the nature and type of dispute, touching on the positions, interests, needs and fears of parties involved. Here, communication assumed increased significance following the ASUU strike action of 5th November, 2018, that lasted for 4 months. The role of communication in conflict prevention and crisis management stems from the fact that most disputes as well as conflicts have to do with perceptions, assumptions, stereotypes and attitudes, which have been industrialized by disputant parties and others (Natukunda-Togboa, 2017). Wilson (2019) revealed that poor communication between individuals and groups, personality clashes, poor management policies, scarcity of resources, and non-implementation of service circulars, are the major causes of the conflicts in public hospitals of Port Harcourt, Rivers State.

4.5 The Concept of Employees' Performance

Employees' performance can be defined as an art of assessing an organization through measuring the output with the corresponding input equivalence (Nwadike, 2019). She further stated that continuous performance is the objective of any organization because only through this, can organizations grow and progress. Specifically, it has been argued that more emphasis needs to be placed on early responses to individual employment disputes and the increased use of alternative dispute resolution processes in order to increase employees' performance in an organization (Osabiya, 2015). Performance is a cornerstone of productivity and individual performance contributes to the accomplishment of organizational objectives. Performance is the function of ability in a multiplicative relationship with motivation, and the elements of performance consist of effectiveness, efficiency, economy, quality, productivity and behavioural performance. However performance can be seen as the way of job or task is done by an individual, a group or an organization to improve its corporate objectives.

4.6 Empirical Review

Onuorah (2019) conducted a study on conflict management and organizational performance in Nigeria public organization in Anambra State. The study was designed to examine the influence of collective bargaining and alternative dispute resolution on organizational performance in Anambra State teaching hospital. Survey research design was adopted in the study. The population was 1752. Sample size was 337 determined through the application of Borg and Gall (1973) statistical formula. Primary data were engaged using a structured questionnaire as the instrument for the study. The study adopted descriptive analysis of multiple regression analysis and correlation analysis using SPSS version 21 to test and analyze the data. The study revealed that collective bargaining has a significant influence on organizational performance. Alternative dispute resolution has a significant effect on organizational performance. The study recommended that management should adopt collective bargaining in managing conflicts in their organization as they are found to be effective in managing conflicts in organization and management should also employ alternative dispute resolution management strategies in their policy formulation as that will ensure that conflicts that may occur within the organization are quickly resolved without disrupting the activities of the organization. The study concluded that conflict management has a positive significant effect on organizational performance in public organizations in Anambra State.

Nwadike (2019) had a study on conflict management strategy and performance in the Nigerian Breweries Plc in South-East, Nigeria with particular reference to the Nigerian Breweries Plc in Onitsha, Owerri, Enugu and Aba. The objectives of the study were basically to investigate the effect of accommodating strategy, avoiding strategy, collaborating strategy and compromising strategy on organizational performance. The study adopted the survey research design. The population of the study was 1752 respondents of the Nigerian Breweries, Plc in the South-East zone of Nigeria. A sample of 337 respondents was drawn from the population using Borg and Gall (1973) formula, while the questionnaire response rate was 300(80.65%). The hypotheses were tested by the use of Pearson Moment Correlation Coefficient and Multiple Regression analysis through SPSS computer software version 21. The study revealed that accommodating strategy had a significant positive effect on organizational performance of Brewery companies in Nigeria, and that avoiding strategy had a significant negative effect on organizational performance. The study also revealed that collaborating strategy had a significant positive effect on organizational performance, and that compromising strategy had a significant positive effect on organizational performance. The study recommended that management of organizations should adopt collective bargaining in managing conflicts in order to be effective in solving organizational problems, and that organizations should try to adopt an inclusive collaborating strategy in conflict management and at the same time strive to involve union leadership/employee representatives in vital decisions that affect the workforce.

Ekwoaba (2016) had 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 used of statistical package for social sciences (SPSS) version 15. The study 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.

Osabiya (2015) conducted a study on conflict management and resolution in Nigeria public sector. The study adopted experimental survey design. 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 can be resolved through compromise between the employees and management. That leadership styles adopted can also lead to conflict in the organization. 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. It was concluded that there should be effective communication network between the workers and the management.

Wilson (2019) examined empirical analysis of the causes and effects of workplace conflicts in public hospitals in Rivers State, Nigeria, 2009-2014, using University of Port Harcourt Teaching Hospital (UPTH) and Braithwaite Memorial Hospital (BMH). The population was 240. The sample size was 224 respondents from the two hospitals. The data was presented using table with percentages of frequency. The study found that poor communication between individuals and groups, personality clashes, poor management policies, scarcity of resources, and non-implementation of service circulars, are the major causes of the conflicts in the public hospitals. The study also revealed that conflicts have a significant impact on the operations of the UPTH and BMH. The study

recommended that strategies should be adopted to reduce workplace conflict and enhance productivity in Rivers State public hospitals.

Said, Mori, Bidrul, Ali, Yusof and Mat (2016) had a study on the relationship between workplace conflict and job performance using staff in Terengganu higher learning institution as a case study. The study adopted convenience sampling technique. The study adopted Pearson Correlation Coefficient and multiple regression analysis to test hypotheses. The study revealed that conflict in communication, organizational structure and personality affect job performance in an organization. The study also revealed that communication is the major factor that affect conflict and job performance. The study also showed that there was a moderate positive relationship existing between communication and job performance. The study recommended that the organization should increase their level of communication in order to reduce the conflict among employees so that employees can perform well in their jobs.

Mayowa (2015) carried out 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. 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.

Hotepe, ASokere, Abdul-Azeez and Ajemunigbohun (2010) had a study on empirical study of the effect of conflict on organizational performance in Nigeria. The study adopted cross-sectional survey 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. The study also revealed that the most used means of managing conflict among managers in Nigerian service industry is bargaining, collaboration, and avoidance. And concluded that when conflicts are properly managed in organizations, it will lead to the attainment and achievement of organizational goals and objectives.

5. Methodology

The methodology of this research work was drawn on a theoretical-based approach by sourcing out information from journals, text books, internet materials, and other related sources of information. The study is also supported by experience and observation of the researchers on effect of alternative dispute resolution dimensions or methods on employees' performance of Nigeria work organizations using a theoretical perspective.

6. Discussion of Findings

The study revealed that ADR has a positive and significant influence on employees' performance in Nigeria work organizations, since conflicts or disputes are resolve without delay and wasting of time. The finding is supported with the findings of Onuorah (2019) which revealed that alternative dispute resolution has a significant effect on organizational performance, and advice that management should also employ alternative dispute resolution management strategies in their policy formulation as that will ensure that conflicts that may occur within the organization are quickly resolved without disrupting the activities of the organization. His study further revealed that collective bargaining has a significant influence on organizational performance. Ekwoaba (2016) also 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. He advised 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.

The study also revealed that the various ADR dimensions or methods such as mediation, arbitration, facilitation, conciliation, negotiation, collaboration, compromise, mini-trial, expert determination, good governance and communication has a positive and substantial effect on employees' performance as well as the overall corporate performance of Nigeria work organizations. The result agreed with the findings of Nwadike (2019) which revealed that accommodating strategy had a significant positive effect on organizational performance of Brewery companies in Nigeria, and that avoiding strategy had a significant negative effect on organizational performance. She also found that collaborating strategy had a significant positive effect on organizational performance, and that compromising strategy had a significant positive effect on organizational performance. Wilson (2019) found that

poor communication between individuals and groups, personality clashes, poor management policies, scarcity of resources, and non-implementation of service circulars, are the major causes of conflicts in the public hospitals.

Hotepeo, ASokere, Abdul-Azeez and Ajemunigbohun (2010) also 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. They also revealed that the most used means of managing conflict among managers in Nigerian service industry is bargaining, collaboration, and avoidance. Mayowa (2015) 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. Osabiya (2015) revealed that conflict can be resolved through compromise between the employees and management. Said et al (2016) revealed that conflict in communication, organizational structure and personality affect job performance in an organization. They also revealed that communication is the major factor that affect conflict and job performance, and that there was a moderate positive relationship existing between communication and job performance.

7. Implications of the study

The study will contribute to effective resolution of disputes among parties with the implementation of ADR dimensions and its due process without delay and wasting of time. ADR dimensions or mechanisms such as mediation, arbitration, facilitation, conciliation, negotiation, collaboration, compromise, mini-trial, expert determination, good governance and communication have a significant effect on employees' performance in Nigeria work organizations. Arbitration, mediation, communication, collaboration as well as negotiation have positive influence on employees' relationship with management in the Nigeria work place. ADR methods or mechanisms help to enhance employees' performance and productivity in the work organizations continuously.

8. Conclusion

The fact has been appropriately established in this study that ADR dimensions or mechanisms such as mediation, arbitration, facilitation, conciliation, negotiation, collaboration, compromise, mini-trial, expert determination, good governance and communication, if properly applied in the settlement of disputes among parties, will enhance employees' performance/productivity as well as organizational performance. This is because, if organizations do not employ ADR methods in resolving conflicts between employees and management or among workers, employees' performance and productivity may continue to decline. Therefore, the establishment of the National Industrial Court of Nigeria ADR Centre and its associated rules is seen as a welcome development and a positive departure from the previously regime of inflexible approach to disputes' issues in Nigeria work organizations. ADR dimensions as well as mechanisms have long been incorporated in some advanced jurisdictions of the world and our country cannot be exempted, but it has existed long ago specifically in the traditional mode of dispute resolution. 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 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.

9. Recommendations

Based on the findings, the study recommended that:

- Management as well as administrators should adopt ADR mechanisms/ dimensions in resolving disputes or conflicts among parties in Nigeria work organizations in order to reduce cost, save time or avoid delay and being fast in reaching a consensus agreement and compromise.
- Management, managers 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, managers as well as legal experts should adopt or apply the various ADR dimensions/mechanisms/methods based on the nature and type of the disputes in the organization, etc.

References

- Abbas, S. M. S. & Karage, A. I. (2015). Workplace conflict management style: Comparative study of Indian and Nigerian employees. *European Journal of Business and management*, 7(23), 44-54.
- Abe, O. O. (2013). The legal framework for the institutionalization of international commercial arbitration in Nigeria: A critical review. *AfeBabalola University Journal of Sustainable Development Law and Policy*, 1(1), 132-147.
- Agarwal, V. K. (2001). Alternative dispute resolution methods. Paper written UNITAR Sub-Regional Workshop on Arbitration and Dispute Resolution (Harare, Zimbabwe 11th to 15th September, 2000). *DocumentSeries*, 14, 1-27.
- Aiza, J., Morni, A., Bohari, D. F. A. & Sahari, S. H. (2013). Conflicting environment at workplace: UITM Sarawak's lecturers. *Procedia - Social and Behavioral Sciences*, 101, 554 – 563
- Ajike, A. O., Akinlabi, B. H., Magaji, N. & Sonubi, A. O. (2015). Effect of conflict management on the performance of financial service organization in Nigeria: An empirical study of Access Bank Plc. *International Journal of Economics, Commerce and Management*, 3(7) 260 – 272.
- Anele, C. A. (2014). *Fundamental of industrial and labour relations*. Enugu: RhyceKerex Publishers
- Block, M. J. (2016). The benefits alternative dispute resolution for international commercial and intellectual property disputes. *The Digital Journal of Reutgers School of Law*, 44, 1-20.
- California Court- the judicial branch, (2019). *Alternative dispute resolution*. Retrieved from www.courts.ca.gov/307
- Cornell Law School, (2019). *Alternative dispute resolution*. Retrieved from www.law.cornell.edu/we
- David, J. F. (2006). *Peace and conflict studies: An African overview of basic concepts*. In Gaya, S. B. (2017). *Introduction to peace and conflict studies in West Africa*. Ibadan: Spectrum Books Limited.
- Emerole, G. A. & Ukah, F. O. (2018). Conflict management for effective performance in an organization: The case of federal medical center, Owerri. *International Journal of Education Humanities and Social Science*, 1(1), 59-70.
- FindLaw, (2019). *Alternative dispute resolution*. Retrieved from www.hirealawyer.com
- Henry, O. (2009). Organizational conflict and its effects on organizational performance. *Research Journal of Business Management*, 2 (1), 16-24.
- Hotepo, O. M.; ASokere, A. S. S.; Abdul-Azeez, I. A. (2010). Empirical study of the effect of conflict on organizational performance in Nigeria. *Business and Economics Journal*, 10(1), 1-9.
- Ikeda, A. A., Veludo-de-Oliveira, T. M. & Campomar, M. C. (2005). Organizational conflicts perceived by marketing executives. *Electronic Journal of Business Ethics and Organization Studies*, 10 (1), 22-28.
- Inyang, B. J. (2008). *Organizational behaviour: A managerial perspective (2nd Rev. Ed.)*. Calabar: Merb Publishers.
- John-Eke, E. C. & Akintokunbo, O. O. (2020). Conflict management as a tool for increasing organizational effectiveness: A review of literature. *International Journal of Academic Research in Business and Social Sciences*, 10(5), 299–311.
- Lipsky, D.B., Avgar, A.C., Lamare, J.R., & Gupta, A. (2012). *The antecedents of workplace conflict management systems in US corporations: Evidence from a new survey of fortune 1,000 companies*. Ithaca: ILR School, Cornell.

- Lipsky, D. B., Avgar, A. C., & Lamare, J. C. (2017). *Organizational conflict resolution and strategic choice: Evidence from a survey of fortune 1000 companies*. Cornell University of ILO School. Retrieved from <https://pdfs.semanticscholar.org/a04a/65e88f47a15bbb76bbb964f5be2b76>.
- Menkel-Meadow, C. (1997). *Ethics in alternative dispute resolution: New issues, no answers from the adversary conception of lawyers' responsibilities*. Retrieved from <http://scholarship.law.georgetown.edu/facpub.com>.
- Mayowa, S. O. (2015). Industrial conflicts and its management strategies in selected Nigerian manufacturing companies. *Journal of Organizational Leadership*, 4, 430-439.
- National Industrial Court of Nigeria. (2019). *Alternative dispute resolution*. Retrieved from www.nicn.gov.ng/adr-centre.com.
- Nwadike, R. O. (2019). Conflict management strategy and performance in the Nigerian breweries Plc in South-East, Nigeria. *International Journal of Management and Entrepreneurship*, 1(1), 103-123.
- Oddiri, R. E. (2004). *Alternative dispute resolution*. The Annual Delegates Conference of the Nigeria Bar Association, Abuja. Retrieved from www.nigerianlawguru.com.
- Olufemi, A. (2013). The challenges of institutionalizing alternative dispute resolution in Nigeria. *EkitiStatate University Law Journal*,
- Omisore, B. O. & Abiodun, A. R. (2014). Organizational conflicts: Causes, effects and remedies. *International Journal of Academic Research in Economics and Management Sciences*, 3(6), 118-137.
- Oni-Ojo, E. E. & Roland-Otaru, C. (2013). Alternative dispute resolution strategies for sustainable development in Africa: Insight from Nigeria. *Journal of Management and entrepreneurial Development*, 3(1), 37-54.
- Oni-Ojo, E. E., Iyiola, O. O., & Osibanjo, A. O. (2014). Managing workplace conflicts in business environment: The role of alternative dispute resolution (ADR). *European Journal of Business and Management*, 6(26), 74-83.
- Onuorah, A. N. (2019). Conflict management and organizational performance in Nigeria public organization. *International Journal of Research in IT and Management (IJRIM)*, 9(1), 18-33.
- Oraegbunam, K. E. & Okafor, C. (2013). Problems of litigation in settlement of maritime disputes for Nigeria today: The preference for arbitration. *NnamdiAzikwe University Journal of International Law and Jurisprudence*, 4, 1-10.
- Oresajor, N. (2015). Conflict management in school organization in Nigeria. *International Journal of Development and Management Review*, 10(1), 22-28.
- Osabiya, B. J. (2015). Conflict management and resolution in Nigeria public sector. *Review of Public Administration and Management*, 4(8), 107-120.
- Onyema, E. & Odibo, M. (2017). How alternative dispute resolution made a comeback in Nigeria's courts. *Africa Research Institute- Understanding Africa Today*. Retrieved from <https://www.africaresearchinstitute.org/newsite/publications/counterpoints/alternative>
- Rahim, M.A. (2002). *Managing organizational conflict /a non -traditional approach*. New- York: Prentice Hall.
- Said, N. S. M., Mori, S. F. C., Bidrul, S. A., Ali, S. R. O., Yusof, H. S. M., & Mat, K. A. (2016). The relationship between workplace conflict and job performance: A study of staff in Terengganu higher learning institution. *Journal of Applied Environmental and Biological Sciences*, 6(35), 27-32.
- Stitt, A. J. (2000). *Alternative dispute resolution for organizations: How to design a system for effective conflict resolution*. Harvard: Wiley Publishers.

- Teague, P., Roche, W. K., Gormley, T., & Currie, D. (2015). *How should workplace conflict be managed? Contrasting pathways in the Literature*. London: Labour Relations Commission.
- Uwazie, E. (2014). *Alternative dispute resolution and peace building in Africa*. United Kingdom: Cambridge Scholars Publishing.
- Uwazie, E. E. (2011). Alternative dispute resolution in Africa: Preventing conflict and enhancing stability. *A publication of the African Center for Strategic Studies- Africa Security Brief*, 16, 1-6.
- Wilson, G. (2019). Empirical analysis of the causes and effects of workplace conflicts in public hospitals in Rivers State, Nigeria, 2009-2014. *International Journal of Research in Arts and Social Sciences*, 7(2), 230-239.

Copyrights

Copyright for this article is retained by the author(s), with first publication rights granted to the journal. This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/4.0/>).