



## AN OVERVIEW OF THE ISSUE OF STRIKE IN THE HEALTH SECTOR: THE NIGERIAN PERSPECTIVE\*\*

### Abstract

It is very important to note that strike actions are in recent times used as viable means by the employees of organized sectors to compel their employer to listen and do their biddings mostly after failed negotiations. This normally happened when employees felt that their rights, whether social or economic rights have been denied and without adequate provision to correct the abnormality. The medical and health professional also adopted strike as alternative means to fight for their entitlement without considering dangers imposed by the strike action on the patients who they swore to protect while taking medical oath. Agitations occur when employees feel their rights and welfare are being neglected, tampered with or ignored by their employers and the only viable means by which their grievances can be heard and attended to is by resorting to strike action after failed negotiations. The paper examined the laws regulating strike actions in Nigeria in order to know whether the right to strike actually exists and whether the medical and health professional can embark on strike action considering the nature of essential services they render to the public. The term strike was considered from the point of view of judicial decisions and statutory provisions. The doctrinal research method was employed, which involves research into law as it is provided for by relevant legislations. This paper analysed, the various segments which covered the introduction, the legality of strike action by medical doctors, causes of health workers strike, the Hippocratic Oath and the medical doctor strike, ethical analysis for medical doctors' strike, liability for exercising the right to strike, recommendation and finally, conclusion where it was observed that, the right to strike actually exist under the Nigerian legislation and has not been abolished by any other legislations, however, there is need for the review of the legislation to specifically qualify the right of medical practitioners to embark on strike on only matters related to their welfare, salary and remuneration and all other social related matter should be handled by the Medical and Dental Council of Nigeria through arbitration process or provide a better alternative platform where their grievances can be addressed without actually embark on industrial strike which actually endangered the lives of the average Nigerian patient using the medical facilities, during the strike action.

**Keywords:** Strike, Health Sector, Nigeria, Negotiations, Medical Doctors, Hippocratic Oath

### 1. Introduction

The health workers' services are considered as an essential service to the public and generally to the national growth, because a country with poor health care services will hardly do well in the comity of nations. As a result of the importance of medical or health personnel to health delivery of a country the persistent strike action by the health worker has negative effect on health service delivery and negative effect on the economic growth of the nation.

The use of industrial strike action by the Nigerian health workers to draw the attention of government for the purpose of claiming their rights, though an effective means by the health worker to secure the government compliance, has negative effects on the general public that access the health facilities on a daily basis. The Nigerian health sector is riddled with strikes by state employed

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(federal and state governments) physicians and this tends to subvert the realization of the Hippocratic Oath, which considers the patient first in their dealings.<sup>1</sup>

Section 48 (1) of the Trade Disputes Act,<sup>2</sup> defined “strike” as:

The cessation of work by a body of persons employed acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons employed to continue to work for an employer in consequence of a dispute, done as a means of compelling their employer or any person or body of persons employed, or to aid other workers in compelling their employer or any person or body of persons employed, to accept or not to accept terms of employment and physical conditions of work.<sup>3</sup>

Strikes imply a temporary stoppage of work resulting from the pursuance of grievance(s) by a given group of workers.<sup>4</sup> Strikes are a strategy used by an employee or group of employees in an attempt to force an employer to meet their demands whether economic or otherwise.<sup>5</sup>

In the case of *Tram Shipping Corporation v Greenwich Marine Incorp.*,<sup>6</sup> Lord Denning stated that a strike is “a concerted stoppage of work by men, done with a view to improving their wages or conditions of employment, or giving vent to a grievance or making a protest about something or sympathizing with other workmen in such endeavor. Also in the case *Federated Motor Industries (Division of UAC Ltd) v automobile Boatyard Transport Equipment and Allied Workers Union*,<sup>7</sup> the court held that ‘a go-slow’ action constitutes a strike action. In ‘a go-slow,’ the workers deliberately work at a slow pace and it results in a maximum loss to the employer.

Cessation of work from the above definitions of strike implies deliberate working at less than usual speed or with less than usual efficiency and ‘refusal to continue to work’ include a refusal to work at usual speed or with usual efficiency.<sup>8</sup> Therefore, strike implies deliberate stoppage of work either partially or in full operation by workers to compel employers to accede to their demands after a failed negotiation.

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<sup>1</sup> Ndukaeze Nwabueze. ‘Strike by State-Sector Doctors, the Dual Mandate and Inherent Contradictions in Public Health Management’ (2014) *International Journal of Humanities Social Sciences and Education*; Volume 1, Issue 11, 12

<sup>2</sup> Now Cap.T8, L.F.N.,2004

<sup>3</sup> Trade Disputes Act Cap 432, LFN 1990, Now CAP T8 LFN 2004

<sup>4</sup> KO Osakede & SA Ijimakinwa, ‘The Effect of Public Sector Health Care Workers Strike: Nigerian Experience’ (2014) *Review of Public Administration and Management*; Vol. 3, No. 6

<sup>5</sup> SL Thompson and JW Salmon, ‘Strikes by Physicians: A Historical Perspective toward an Ethical Evaluation’ *Int J Health Services* (2006), Vol 36: 331-354.

<sup>6</sup> [1975] ICR 261

<sup>7</sup> [1978-2006] DJNIC,48

<sup>8</sup> IAM Audi. ‘Strike and the Law of Nigeria’ *Ahmadu Bello university Law Society Journal*. [2007](26) 58.



## 2. Legality of the Strike Action by the Medical Practitioners

Section 40 of the 1999 Constitution guarantees the right to freely associate and this enables the medical doctors and other health professionals to join a Trade Union. Similarly, the International Labour Organization (ILO) and Article 20 of the Universal Declaration of Human Rights 1948 also recognize the freedom of association by workers. Both guarantee the right of employee to freely associate with any trade union without any form of coercion by their employers or any authority.<sup>9</sup> Trade unions' major objective is to fight for the improved welfare and condition of services for workers through a collective bargaining.<sup>10</sup>

Some authorities opined that the right to strike is a fundamental human right because “the right to strike is so important to the functioning of a democratic society that its suppression would be unjustified.<sup>11</sup> The right to strike was given momentous attention by Lord Wright in *Crofter Handwoven Harries Tweed Co v Veitch*,<sup>12</sup> where he said “where the rights of labour are concerned, the rights of employers are conditioned by the rights of the men to give or withhold their services. The right of workmen to strike is an essential element.”<sup>13</sup>

This significance of strike was given by the constitutional Court of South Africa in the case of *NUMSA v Bader Pop (Pty) Ltd* when the Court opined that: The right to strike is of both historical and contemporaneous significance. In the first place, it is of importance for the dignity of workers who in our constitutional order may not be treated as coerced employees. Secondly, it is through industrial action that workers are able to assert bargaining power in industrial relations. The right to strike is an important component of a successful collective bargaining system.<sup>14</sup>

It has been argued that the introduction of Section 18 of the Trade Disputes Act<sup>15</sup> has taken away the right of the Nigerian worker to embark on a lawful strike. Other statutes that equally impinge on the right of the Nigerian worker to strike are section 31 (6) (e) of the Trade Unions Act (TUA) 2005, section 43 (1) Trade Disputes Act (TDA) and section 1 Trade Disputes (Essential Services) Act (1976). These Acts empower the President and Commander-in-Chief to proscribe any trade union or association and the omnibus provisions of Section 45 of the 1999 Nigerian Constitution. It is argued that with the introduction of Section 18 (1) of Trade Disputes Act, 2004 a new vista of trade dispute resolution mechanism has been opened and the question is whether the Nigerian worker still has a right to embark on a lawful strike in the light of these provisions. Many

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<sup>9</sup> B Giame, U Awhefeada and O Edu, ‘An Overview of the Right to Strike in Nigeria and some Selected Jurisdictions’ Beijing Law Review (2020) vol.11 <<https://www.scirp.org/journal/paperinformation.aspx?paperid=99995>> accessed on 4<sup>th</sup> August, 2021.

<sup>10</sup> Dada John Omoniyi, Lecturer Faculty of Law, Ekiti State University, ‘Ado Ekiti Strike Action and Industrial Dispute in Nigeria: Socio Economic effect on National Development.’

<sup>11</sup> OVC Okene, ‘Derogations and Restrictions on the Right to Strike under International Law: The case of Nigeria’ *The International Journal of Human Rights*, (2009)13:552-580

<sup>12</sup> (1942) A.C 435,463.

<sup>13</sup> EK Agomo, *Nigeria Employment and Labour Relation Law and Practice*, (Lagos, Concept of Publication 2011).

<sup>14</sup> Ndukaeze Nwabueze, ‘Strike by State-Sector Doctors, the Dual Mandate and Inherent Contradictions in Public Health Management’ *International Journal of Humanities Social Sciences and Education*, (2014) Vol. 1, Issue 11, 12.

<sup>15</sup> LEN (2004)



learned authors have submitted that with this new statute in force, the Nigerian worker has totally lost his right to strike.<sup>16</sup>

However, there are contrary views to the above submission on the ground that the provision of Section 18 (1) of the Trade Disputes Act, does not take away the right of the Nigerian worker to embark on strike, but emphasized the essence of the provision of Section 40 of the 1999 Constitution, the right to peaceful assembly and association and in particular to form or belong to any trade union is protected.<sup>17</sup> The section provides that every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests.<sup>18</sup>

It has also been noted that for there to be lawful strike in the face of Section 18 (1) of the Trade Disputes Act, Subsection (1) of the section stated the condition precedent before a lawful strike could be embarked in Nigeria.

The Act provides that an employer shall not declare or take part in a lock out and a worker shall not take part in a strike in connection with any trade dispute unless;<sup>19</sup>

- a) The procedure specified in S. 4 or 6 of this Act has been complied with in relation to the dispute; or
- b) A conciliator has been appointed under S. 8 of this Act for the purpose of effecting a settlement of the dispute; or
- c) The dispute has been referred for settlement to the Industrial Arbitration Panel under S,9 of this Act; or
- d) An award by an arbitration tribunal has become binding under S. 13(3) of this Act; or
- e) The dispute has subsequently been referred to the NIC under S. 14(1) or S.17 of this Act; or
- f) The NIC has issued an award on the reference.

This is supported by subsection (2) which criminalizes the act of any party who circumvents the subsection of the Act. This was the position of the Court in *Eche v state Education Commission* where the court held that it is only when one of the conditions enumerated in the subsection has been complied with that a strike action can be said to be lawful.<sup>20</sup> The Trade Disputes Act, 2004 by the provision of Section 18 provide the condition precedent which must be strictly adhered to before embarking on any lawful strike, the Act introduced both voluntary and compulsory settlement of disputes, workers are expected to explore all the statutory requirement for settlement of their trade disputes in Nigeria by themselves before embarking on industrial strike.<sup>21</sup> Similarly, in the case of essential services in which the medical doctors and health practitioners belong, section 18 of the Trade Disputes Act still applies, though section 41 of the

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<sup>16</sup> B Giame, U Awhefeada and O Edu, 'An Overview of the Right to Strike in Nigeria and Some Selected Jurisdictions' *Beijing law Review*, (2020) Vol. 11

<<https://www.scirp.org/journal/paperinformation.aspx?paperid=99995>> accessed on 4<sup>th</sup> August, 2021.

<sup>17</sup> *ibid*

<sup>18</sup> Section 40 1999 Constitution.

<sup>19</sup> Section 18 Trade Disputes Act, 2004

<sup>20</sup> B Giame, U Awhefeada and O Edu, 'An Overview of the Right to Strike in Nigeria and Some Selected Jurisdictions' *Beijing law Review*, (2020) vol. 11

<<https://www.scirp.org/journal/paperinformation.aspx?paperid=99995>>Accessed on 4<sup>th</sup> August, 2021.

<sup>21</sup> AB Ahmed, 'A Critical Appraisal of the Right to Strike in Nigeria'. *International Journal of Humanities and Social Science* (2014) Vol. 4 <[http://www.ijhssnet.com/journals/Vol 4 No 11 1 September 2014/32.pdf](http://www.ijhssnet.com/journals/Vol%204%20No%2011%201%20September%202014/32.pdf)> accessed on 4<sup>th</sup> August, 2021.



Act requires fifteen days' notice to be given by the workers to their employer before ceasing work. Section 41 provides that:

Without prejudice to section 18 of this Act, if any worker employed in any essential services ceases, whether alone or in combination with others, to perform the work which he is employed to perform without given his employer at least fifteen days' notice of his intention to do so, he shall, unless he proves that at the time when he ceased to perform that work he did not know, or had no cause to believe, that the probable consequences of his or their doing so would be to deprive the community or any part of the community either wholly or to a substantial extent of that or any essential service, be guilty of an offence and be liable on conviction to a fine of N100 or to imprisonment for a term of six months.

It is therefore, the right of workers to embark on industrial strike is recognized in Nigeria and such right must be exercised within the ambit of laws for it to be recognized as a lawful strike.

### 3. Causes of Medical and Health Workers Strike

The incoherent, policy inconsistencies and wrong placement in organizational priorities on the part of the management were attributed to causes of industrial action in Nigeria and medical worker are not excluded in this regard. When employers place higher premium on capital input far above the workers without appreciating that the latter makes the former productive, would brood industrial rancor. Poor remuneration may be a strong cause of industrial crisis, low level of workers' motivations with respect to remuneration (both promptness and total package) has been a bone of contention between the workers and employers.<sup>22</sup>

The following factors are recognized as major causes of medical and health worker industrial action:

- (a) On-going changes in organization of healthcare services beginning from the middle of 20th century to the present.<sup>23,24</sup>
- (b) Failure by employers to honour collective bargaining agreements for improved wages and conditions of service.<sup>24</sup>
- (c) 'Disempowered' doctors and who feel unable to provide the best possible care for their patients because of inadequate facilities, drugs, and lack of support by employers especially elected Government officials.<sup>25</sup>

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<sup>22</sup>D Fashina, 'Nigerian Tertiary Education: What Future' in S Jegede, A Ale and E Akinola (eds.), *Nigeria's Tertiary Institution and Human Rights*, (Ikeja: Committee for Defence of Human Rights (CHDR)) 18-24

<sup>23</sup> SL Thompson and JW Salmon, 'Strikes by physicians: A Historical Perspective toward an Ethical Evaluation' *Int J Health Services* (2006), Vol. 36: 331-354.

<sup>24</sup> SN Keith, 'Collective Bargaining and Strikes among Physicians' *J Natl Med Association* 1984, 76:1117-1121.

<sup>25</sup> B Sears, 'Temple Healthcare Workers Strike for Dignity, Patient Care Peoples world (2010).

<http://www.peoplesworld.org/temple-health-careworkers-strike-for-dignity-patient-care> accessed on the 4<sup>th</sup> August, 2021



The above reasons were among other issues that the Nigerian Medical Association, NMA, an association of all medical doctors in Nigeria engaged the Federal Government of Nigeria to find solution to and that led to industrial strike embarked on, on first of July 2014. In an open letter to the Secretary to the Government of the Federation, Pius Anyim, on June 11, 2014 the association listed 24 'minimum point' demands which it expected government to meet before its members would return to work.<sup>26</sup> Among the major reasons raised in the letter were issues bothered on welfare, remuneration, appointment, call duty allowance for Honorary Consultants, compliance with circular agreed upon with the Government, immediate release of the circular for the retirement age for medical doctors as agreed with the Federal Government, the endless circle of incomplete salary payment of our members in many hospitals in the name of shortfalls in personnel cost etc. These demands remains unattended to by the government and study shows that, several industrial actions were held by the medical personnel since 2014 till date and the demands are always the same. With the resent strike action by the Nigerian medical doctors and taking the previous strike actions into the consideration, it is clear that the major causes of medical and health workers' strike actions are issues of poor remuneration, salary, allowances, welfare package and maybe improvement of the medical facilities in the Hospitals. And these factors remain the major factors and causes of medical and health workers' strike for over a decade and the factors remained unresolved either as a result of poor implementation, bargaining agreement by the government at all levels or over demand of medical and health worker practitioners. The recent strike action by the National Association of Resident Doctors (NARD) shows that the failure of the Government to abide by collective bargaining agreement and inordinate policy of the government were the major causes of the industrial strike. The failure of the government to implement the collective bargaining agreement resulted in the ongoing industrial action by the National Association of Residence Doctors (NARD). It is surprising that instead of the Government to implement the agreement previously signed by the Federal Government by the Hon. Minister of Labour and Productivity and Minister of Health on behalf of Federal Government they are rather negotiating new agreement with the doctors. This attitude shows inordinate and insincerity on the part of the government to permanently resolve the causes of the strike action among the medical personnel in Nigeria.

#### 4. Hippocratic Oath and the Medical Doctors Strike

Hippocratic Oath is an age long practice developed around 1747 by physicians who pledge to practice medicine according to the ideals and moral principles laid down by the ancient Hippocrates.<sup>27</sup> This make doctors to be careful, humane and adopt professional approach to the service rendered to the patient in their care.<sup>28</sup> The ideal of Hippocratic Oath is to direct the mind of the medical practitioner to care for the patient in their care, but this however can be jeopardized as a result of incessant strike action by the medical and health professionals. The medical

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<sup>26</sup> Nnenna Ibeh, 'These are the 24 reasons Nigerian doctors are on strike' *Premium Times*: of August 18<sup>th</sup>, 2014<<https://www.premiumtimesng.com/news/166930-these-are-the-24-reasons-nigerian-doctors-are-on-strike.html>>accessed on 4<sup>th</sup> August, 2021.

<sup>27</sup> Ndukaeze Nwabueze, 'Strike by State-Sector Doctors, the Dual Mandate and Inherent Contradictions in Public

Health Management' *International Journal of Humanities Social Sciences and Education*, (2014) Volume 1, Issue

11, 12

<sup>28</sup> *ibid*



practitioners abandon their responsibility and duty post once the strike action has been ignited by the association without care of what becomes of patients in their care or facilities whom they swore to care for and to save their lives.

It was observed that the Oath only placed the interest of the patient first in medical practitioner discharging their responsibility but is silent on the working conditions of the doctor as care giver. This is considered a very key factor in doctors' attitude toward discharging their responsibility towards the patients and more so the expectations of the doctors while in training are always far from reality in practice considering the rigors of training and number of years spent in school. These and other factors may compel the reason for embarking on strike as the only and last tool to ensure compliance from their employee to improve their status.<sup>29</sup>

### 5. Ethical Analysis for Doctors' Strikes in Nigeria

The medical services are considered essential services and the concept of 'essential service' connotes those certain services that are essential to the very existence of the community, that their stoppage may have devastating effects on the health, safety or welfare of members of the society.<sup>30</sup> Therefore, the importance of medical doctors in national development cannot be over emphasized, and considering the medical ethics of the profession one may consider the medical doctor's strike unethical because of the importance of the services rendered by the practitioners to the society. It may also be considered unethical for a medical practitioner to desert his duty post and abandon the patient he or she swore an oath to care and protect at all times without adequate or alternative care for the patient.

However, as noted above a number of factors warranted the medical doctor to embark on industrial action and thus abandon their medical ethics in pursue of their rights to better salary and allowances, uplift their welfare, working condition and the hospital status for the betterment of the facilities users. But one may also consider the Hippocrates oath and doctor/patient relationship which is considered a very important and special bond and termed fiduciary relationship.<sup>31</sup> The Black's Law Dictionary defines a fiduciary to be "a person who is required to act for the benefit of another person on all matters within the scope of their relationship; one who owes to another the duties of good faith, trust, confidence and candor. Fiduciary is a vague term, and it has been pressed into service for a number of ends."<sup>32</sup>

The fiduciary relationship ascribes huge responsibility on the doctor for his patient which cannot easily be discharged on the altar of industrial strike. Where however it is mandatory for the doctor to embark on the industrial strike there is an ethical bond on the doctor to inform the patient under his care and proffer alternative treatment by way of referral to another medical facility that can manage the patient's health condition after much consideration and with patient's consent.

While industrial strike can be considered unethical considering the services rendered by the medical practitioners and the effect of the strike on the patient at the medical facilities, one should not totally condemn the rights of doctors to pursue good condition of living, good working

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<sup>29</sup> *ibid*

<sup>30</sup> Sylvester C Chima, *Global medicine: Is it ethical or morally justifiable for doctors and other healthcare workers to go on strike?* 2013, <S5 <http://www.biomedcentral.com/1472-6939/14/S1/S>>

<sup>31</sup> Uwakwe Abugu, *Principles and practice of medical law and ethics* (Pagelink Nigeria Limited Abuja) 94.

<sup>32</sup> *B.A. Garner Black's Law Dictionary* 6<sup>th</sup> Edition: Thomas West Publishing Co. (2004) U.S.A. 658



conditions and better welfare packages and as such those rights should not be allowed to suffer on the ground of essential services. There should be a meeting ground where both the right of patient to good medical health care from the health practitioner and the right of medical practitioner to good condition of leaving should be protected.

## 6. Liability for Exercising the Right to Strike

Nigeria in addressing the issues of liability arising from industrial strike action followed the orthodox English common law that a strike by an individual worker amount to a fundamental breach of contract of employment leading to dismissal.<sup>33</sup> This means that the stoppage of work can have some serious impact on the contract of employment of the individual employee. In particular, the impact upon pay, time off in lieu, determination of the relationship or even dismissal in extreme cases.<sup>34</sup> In *Anene v J Allen & Co. Ltd.*<sup>35</sup> on the effect of strike on the contract of employment, Brett, JSC said:

*Prima facie*, a striker intends to return to work once the objects of the strike have been attained and although this may involve a fresh contract of service an intention to repudiate the existing contract is not necessary to be presumed; on the other hand, the whole of the circumstances, including the duration of the strike, may be such as to warrant the employer in treating the striker as having manifested an intention to repudiate. It is therefore impossible to lay down any rule of universal application, and each case must depend on its own fact.<sup>36</sup>

Similar decisions were reached in *Federated Motor Industries (Division) of U.A.C Ltd v Transport Equipment and Allied Workers Union*<sup>37</sup> and *(Division) of U.A.C. Ltd v Automobile Boatyard, Transport, Equipment and Allied Workers Union*. The court decisions reiterated the fact that any employees who take part in any strike action risk being dismissed from work for a fundamental breach of contract of employment.<sup>38</sup> Even where the employees complied with the Trade Union Act before embarking on the strike, they will still not be immune from liability.<sup>39</sup>

The adoption of no work no pay is also a major liability measure implored by the employer being State or Federal Government to check the medical personnel from embarking on strike and section 43 of the Trade Disputes Act states that where any worker takes part in a strike, he shall not be entitled to any wages or other remuneration for the period of the strike, and any such period

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<sup>33</sup> As in *Simon v Hoover* (1977) 1 ALL E.R. 777, and *National Coal Board v Galley* (1958) 1 WLR 16

<sup>34</sup> *ibid*

<sup>35</sup> (1975) 5 UILR (Part IV) pg. 404.

<sup>36</sup> (1968) 3 ALL E.R. 152.

<sup>37</sup> (1978–79) NICLR 152–169.

<sup>38</sup> OVC Okene, 'Derogations and restrictions on the right to strike under international law: The case of Nigeria' *The International Journal of Human Rights* (2009) 13, 552-580

<sup>39</sup> *ibid*



shall not count for the purpose of reckoning the period of continuous employment and all rights dependent on continuity of employment shall be prejudicially affected accordingly.<sup>40</sup>

### **7. Conclusion**

The failure of the government to respect free bargaining agreement entered into with medical practitioners is a major cause of the strike actions, as the medical practitioners have lost trust in the governments' ability to comply with the gentleman agreement. I think the government can do more in this regard.

Considering the nature and importance of the services provided by the medical and health workers practitioners in Nigeria and their contribution to human development, the government/ employers should have a special interest in resolving all matters relating to medical services without allowing it to degenerate to the extent of strike actions by the medical practitioners.

### **8. Recommendations**

The 1999 Constitution of the Federal Republic of Nigeria guarantees the right to freely associate and join any political parties or trade union and as such allow the right to protect the right of its members without any form of cohesion. Therefore, Section 18 (1) and (2) of the Trade Disputes Act and Section 31 (6) (e) of the Trade Unions Act and Section 1 Trade Disputes (Essential Services) Act which provide a stringent rules and punishment for any trade union to lawfully embark on an industrial strike action should be reviewed by the National Assembly particularly for the employee who provides an essential service to the general public, as those provisions offend section 40 of the 1999 Constitution.

It is also observed that finding a lasting solution to an incessant medical practitioners' strike action need an ethical approach on the part of the employers and employees and in this respect the Federal and State Governments and the Medial practitioners should be ready to implement collective bargaining agreement freely entered into by parties. The medical practitioners should also harmonize their demand and desist from unrealistic demands that can trigger the abandonment of the reasonable and genuine demands.

The right to strike actually exist under the Nigeria legislation and has not been abolished by any other legislations, however, there is need for the review of legislation to specifically qualify the right of medical practitioners to embark on strike on only matters related to their welfare, salary and remuneration and all other social related matter should be handled by the Medical and Dental Council through arbitration process or provide a better alternative platform where their grievances can be addressed without actually embarking on industrial strike which actually endanger the lives of the average Nigerian patient using the medical facilities during the strike action.

The Hippocratic Oath which enjoins so much dedication and commitment to the care of patient by the doctor should be reviewed to accommodate the welfare of the medical practitioners because the medical practitioners can only give their best when their welfare is guarantee.

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<sup>40</sup> Trade Dispute Act, 2004 LFN