



**NATIONAL OPEN UNIVERSITY OF NIGERIA**  
**FACULTY OF LAW, DEPARTMENT OF COMMERCIAL LAW**  
**Plot 91, Cadastral Zone, Nnamdi Azikiwe Express Way, Jabi – Abuja**  
**2020\_1 EXAMINATION**

**COURSE CODE:** CLL 231

**COURSE TITLE** LABOUR LAW – I

**CREDIT UNITS:** 4

**INSTRUCTIONS:** (a) Indicate your Matriculation Number clearly  
(b) Attempt Question one (1) and any other three (3) questions  
(c) Question one (1) is compulsory and carries 25 marks; while the other questions carry 15 marks each.  
(d) Using appropriate statutory and judicial authorities, present all your points in a straightforward, coherent and orderly manner.

**TIME** 3 Hours

**ALLOWED:**

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**Question 1**

- (a) Prince Woriguy in order to appreciate the station of his subjects decided to take up employment with Royalty Welding Works, a factory within the kingdom. On this fateful day, he resumed work and immediately proceeded, against operating procedures and without the approval of the factory supervisor, to operate the newly acquired gas welding machine. Being untrained in the operation of the machine, he got injured leading to the amputation of his left thumb. Assuming he commences action, what are the conditions he must satisfy to prove liability of his employers? 10 marks
- (b) Using appropriate judicial authorities, briefly explain the application of the principle of *res ipsa loquitur* in the province of Labour Law. 10 marks
- (c) In determining the liability of an employer what role, if any, does the employee play? 5 marks

**Question 2**

*“It is often easy to recognize a contract of service when you see it, but difficult to say wherein the distinction lies. A shipmaster, a chauffeur and a reporter on the staff of a newspaper are all employed under a contract for services. One feature which seems to run through the instances is that, under a contract of service, a man is employed as part of a business, and his work is done as an integral part of the business; whereas under a contract for services, his work, although done for the business, is not integrated into it but only accessory to it.”* Attempt the following questions:

- (a) Identify and explain the context in which the statement was made. (5 marks)
- (b) State and explain the proposition or test in the province of labour law which arose from the above statement. (5 marks)
- (c) With the help of appropriate judicial authority, what is the contribution of the proposition to labour law? (5 marks)

### Question 3

The contract of employment may contain a term which stipulates that an employee, on the cessation of his or her present employment will not set up on his own or be employed by other employers in the same line of business as that of his or her employer. However, all covenants in restraint of trade are prima facie unenforceable at common law. From the above statement, resolve the following issues:

- (a) Briefly explain the reasons why you believe that the law would refuse to enforce a restraint of trade clause in a contract of employment? (4 marks)
- (b) With the aid of relevant judicial authority, bring out and explain the conditions that must exist before the courts would enforce such a covenant. (6 marks)
- (c) Who is a dependant under the Nigerian employee compensation legislation? 5 marks

### Question 4

- (a) Differentiate between an employee and employer under the Nigerian employee legislation. (6 marks)
- (b) Lady Champion worked with Bells Integrated Industries Limited, a clothing making factory in the Abeokuta Industrial Layout. On 12/11/2019, the factory manager reassigned her to the knitting and weaving section. While sorting the sacks of wool delivered to the factory, a sharp object buried in the wool made a deep cut in her thumb. She was treated and discharged. Two days later the wound got infected with tetanus, which caused her to suffer stroke. Several days later, she died. Advise the family on the state of the law in respect of an accident leading to a disease that results to an injury. (9 marks)

### Question 5

- (a) What do you understand by the principle of limitation of action? (4 marks)
- (b) Limitation of action is a travesty of justice. Do you agree? (8 marks)
- (c) Identify the laws that regulate the defence of contributory negligence in Nigeria. (3 marks)

### Question 6

The Nigerian Welders and Fitters Union declared to press home their demand for improved conditions of work and the welfare of their members. The Minister took steps to procure amicable resolution of the dispute. Failing in his quest to amicably resolve, the matter was subsequently referred to the Industrial Arbitration Panel. In order to commence its assignment, the following issues arose:

- (a) Stating your authority, who, as between the Minister and the Chairman of the Panel, has authority to constitute an arbitration tribunal? (2 marks)
- (b) Citing the appropriate authority, what is the composition of such arbitration tribunal? (6 marks)
- (c) What is the qualification for appointment as an arbitrator? Please cite authority. (2 marks)
- (d) Identify and state the statutorily prescribed subject matter of a trade dispute (5 marks)