



NATIONAL OPEN UNIVERSITY OF NIGERIA
FACULTY OF LAW, DEPARTMENT OF COMMERCIAL LAW
Plot 91, Cadastral Zone, Nnamdi Azikiwe Express Way, Jabi – Abuja
 CLL 232

COURSE TITLE LABOUR LAW – II

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 ALLOWED: 3 Hours

Question 1

- (a) Prof Jime Jimbo is the Director General of the Industrial Training Fund. Following the Wuhan coronavirus (COVID-19) pandemic he enquired from the chief accountant who reported to him that there was credit standing of 650 million Nigerian Naira in the First Bank account of the Fund. He now intends to utilize the money towards providing relief to the members of staff who were caught unprepared by the Federal Government lockdown; while part of the money will go towards provision of palliatives to members of the community within the headquarters of the Fund. As the Legal Adviser of the Fund he has called for your advice on these proposed actions. Please advise him. (15 marks)
- (b) Identify and list at least four (4) other feasible and legally permissible means of resolving labour and industrial relations matters outside the court system. (5 marks)
- (c) State the three ways by which the terms of a collective agreement can be incorporated in a contract of employment. (5 marks)

Question 2

- (a) The President of the National Industrial Court, Hon Justice Benedict Kanyip, established the Alternative Dispute Resolution Centre and charged the Centre with the power to determine any question as to the interpretation and application of any collective agreement; award or order made by an arbitral tribunal in respect of a trade dispute or a trade union dispute; and the term of settlement of any trade dispute. Do you think the President the power to establish the Centre? Justify your answer. (3 marks)
- (b) Following reports that the management of the Dangote Free Trade Zone prefer skilled and unskilled workers from one of the Asian countries, the Lagos State stepped in to investigate the matter. After three weeks of laborious work, it was discovered that the configuration of the personnel disfavoured Nigerians. The government called on the management to reverse the trend. The management did not yield and argued that it enjoys a special status of country within a country. The government is proposing to commence action against the management. Advise it on the court with jurisdiction. (4 marks)
- (c) Almost every superior court of record usually exercises appellate jurisdiction. For instance, appeals lie to the High Court from the decisions of Magistrate Courts. Therefore, there must reside in the National Industrial Court some form of appellate jurisdiction. What is the authority for this? (6 marks)
- (d) The National Industrial Court is a court of equity. Support your position with an authority. (3 marks)

Question 3

- (a) Your cousin who has been cooling off at your home due to the coronavirus pandemic that saw schools closed for over four months now approached you with a matter that has troubled his peace over the past four months. He told you that one of his friends and classmates called and told him that the Industrial Training Division of his school sent out notices requiring students to pick up their letters for SIWES. He confided that this was the first time he heard the word, SIWES, and bemoaned his helplessness. Carefully given him an insight into the procedure to enable him to participate in the Industrial

Attachment Programme, otherwise known as the Student Industrial Work Experience Scheme. (10 marks)

- (b) With the help of relevant authority state the presumption of the law in road accident cases (5 marks)

Question 4

- (a) Lady Priestly gave her 2020 Lexus R350 to her course mate, Lady Angelina, who asked to use it to pick up some toiletries from a nearby grocery store. Lady Angelina, not conversant with the road network, drove against the traffic which caused head on collision with oncoming vehicle, 2020 model G-Wagon Mercedes Benz. The owner of the vehicle has asked for repairs. Lady Angelina resisted and claimed that Lady Priestly as the owner of the vehicle has duty to repair the car. Lady Angelina and Lady Priestly have approached you for advice on the way forward. Advise them. (12 marks)
- (b) In relation to the duty of care, how do you determine the required standard of care? (3 marks)

Question 5

- (a) Explain the difference (if any) between recognition agreement and procedural agreement. (10 marks)
- (b) Discuss the relationship between collective agreement and contracts of employment (5 marks)

Question 6

Write short notes on of the following:

- (a) Apprehension of trade of dispute (5 marks)
- (b) Agreements which preclude the existence a trade union. (5 marks)
- (c) The concept of principal purpose (5 marks)