



NATIONAL OPEN UNIVERSITY OF NIGERIA
Plot 91, Cadastral Zone, NnamdiAzikiwe Express Way, Jabi – Abuja
FACULTY OF LAW
DEPARTMENT OF COMMERCIAL LAW

APRIL 2019_1 EXAMINATION

COURSE CODE: CLL 231

COURSE TITLE LABOUR LAW 1

CREDIT UNITS: 4

INSTRUCTIONS:

- (a) Indicate your Matriculation Number clearly
- (b) Attempt Question one (1) and any other three questions – four (4) questions in all
- (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 coherent and orderly manner.

TIME ALLOWED: 3 Hours

QUESTION 1.

Mr Jumbo has been ill for the past 3 weeks. He applied for 3-days casual leave from his office to treat himself and it was approved. On the day he was to resume, he fell ill again and had to be rushed to the hospital. He had no way to reach his office to inform them of his relapse. He was subsequently away from work for 1 week.

Upon resumption, he received a query form the Human Resources department, asking him to explain his absence. He was given 48 hours within which to reply. Unfortunately for him, he fell ill again after 24 hours and couldn't submit his response to the query.

The office has sent him a letter of summary dismissal for absconding from work.

- a) Explain the concept of summary dismissal
- b) Advise him on any possible remedies available with the aid of decided cases.

QUESTION 2

Mr. Festus who owns an interior decoration company has collected a contract to paint Mr.Elaigwu's house. Mr Festus specifically asked that the interior be painted with blue satin paint from Dulux. He has also specified the exterior be painted with Sandcoattexcoat. The contract signed specified that he would not take anything less.

Mr Festus has to rush down to his children's school to pick them up and leaves specific instructions for Mr Mason one of his staff to be in charge of buying the paints, the type of paint and what colours to use for the interior and exterior painting of the house.

Mr Elaigwu comes to the house to inspect before Mr. Festus comes back and finds that not only did they not use the satin paint from Dulux he requested for, the exterior and interior paint has been reversed.

Using decided cases:

1. Is the painter, Mr. Mason an employee? Explain the concept of an Employer and Employee
2. Who is an Independent Contractor
3. Advise him on the vicarious liability of
 - a. Employer
 - b. Employee
 - c. An Independent Contractor.

QUESTION 3

The employees of Felita Juice Company have come together and registered a trade union to represent them in negotiations with their employers. Their employers have hinted that they may not accept the formation of a trade Union and this may lead to them not having negotiations with the trade union that has been formed.

With your knowledge of Labour Laws, explain the concept of Recognition and Procedural Agreements as it relates to collective bargaining, formation and acceptance of trade unions by employers.

QUESTION 4

Enumerate tests the courts use to determine whether there is a contract of service or a contract for service.

QUESTION 5:

With the aid of decided cases, discuss the situations where summary dismissal will be ineffective.

QUESTION 6:

Enumerate the methods for the Termination of Contracts of employment.

