



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

**2023\_1 POP EXAMINATION**

**COURSE CODE:** CLL231

**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.
  - (e) **Total available score is 100%** of which: TMA carries **30%**; Exam carries **70%**

**TIME ALLOWED:** 3 Hours

**QUESTION 1**

Otunba Femi Peters is the proprietor of Mace Jewellers Enterprises. The business venture boasts of a modest number of employees. Ms. Petite brought her 36-karat gold wristwatch for treatment and polishing. Otunba Peters used to handle delicate jobs like this himself. Also, Otunba Peters was desirous of giving the customer the best service. Due to his busy schedules he decided to give the job to Mazi Okey Obi, who recently set up his own business after completing three years apprenticeship under Mace Jewellers Enterprises. After Otunba Peters, Mazi Obi is reputed as the best hand when it comes to treating and polishing gold wristwatches. Mazi Obi delivered the job on schedule. However, Ms. Petite discovered that the glass face of the wristwatch was defaced. Angered by this, Ms. Petite told Otunba Peters that she would pay for the services if and only when the wristwatch is restored.

Otunba Peters believes that he is not in any way liable for the damage to the wristwatch. As far as he is concerned, it was Mazi Obi, his former boy, who should be held liable for the damage. With the help of decided cases attempt the following.

- (a) Would you consider Mazi Obi an employee of Mace Jewellers Enterprises? (5 marks)
- (b) Differentiate between the concepts of an “employer” and “employee”. (5 marks)
- (c) Explain the concept of an independent contractor to Otunba Peters. *Young v. Box & Co. Ltd (1951) T.L.R 789 at 793* (5 marks)
- (d) Otunba Peters would not wish to go through trouble with any of his customers in future. He has therefore asked you to give him counsel on the nature of his liability as employer for the acts of his workers and service providers. (10 marks)

**QUESTION 2**

Mr Bagudu is a staff of NOUN Consultancy Services Limited, a private limited company. On his way to Lafiya for an official assignment, he had a head on collision with an oncoming vehicle. The Federal Road Safety Corps (FRSC) were on hand to manage the situation. Both vehicles were towed to the FRSC office. The FRSC ran quick tests which that Mr Bagudu had abnormal levels of alcohol in the system. Owing to the incident, the company lost a lucrative business worth NGN150 million. Meanwhile, the incident was not known to office as Mr Bagudu did not take steps to notify them. For five days his whereabouts was not known and no report on his official trip to Lafiya. Owing to this, the personnel manager caused a query to be issued to him with immediate suspension. He was subsequently summarily dismissed. With the help of decided cases, advise Mr Bagudu on his chances of success in the court. (15 marks)

**QUESTION 3**

With the effective use of decided cases, critically review the bases for distinguishing a person subject to a contract of service as opposed to one bound by contract for service. (15 marks)

**QUESTION 4**

To understand the doctrine of “integration and organisation” one must have a recourse to the judicial foundation of the doctrine as one of the tests for determining the nature of an employment. With the help of *Stevenson, Jordan & Harrison Ltd v. Macdonald & Evans* (1952) 1 T.L.R. 101, analyse the test. (15 marks)

**QUESTION 5**

While the contract may set out the duties of the employee, it may choose to be silent on the corresponding duties of the employer. With this understanding, identify and explain at least not less than five of an employer’s duties that arises (or which may arise) by operation of the law. (15 marks)

**QUESTION 6**

Although the 1999 Constitution (as amended) empowers the courts to have recourse international best practice in labour and industrial relations, doubts have always been entertained whether any remedies avail an employee for wrongful dismissal. Discuss (15 marks)