

**NATIONAL INSTITUTE FOR LEGISLATIVE STUDIES  
(NILS)/UNIVERSITY OF BENIN (UNIBEN) POSTGRADUATE  
PROGRAMMES  
MASTERS IN LEGISLATIVE STUDIES (MLS), MASTERS IN  
LEGISLATIVE DRAFTING (MLD), MASTERS IN PARLIAMENTARY  
ADMINISTRATION (MPD)**

**2<sup>nd</sup> Semester 2016/2017 Examinations**

**TIME ALLOWED: 3 HOURS**

**COURSE TITLE: LABOUR LAW AND INDUSTRIAL RELATIONS**

**COURSE CODE: GEC 805**

**NOTE: STUDENTS ARE TO ANSWER ANY FOUR QUESTIONS**

Orderly arrangement and good presentation of materials would be considered

Q1. Consider the claim that Nigerian Labour Law shares its sources of existence with its British counterpart.

Q2."The curative approach to trade disputes settlement has failed. Today, the industrial relations setting yearns for a pre-emptive approach to trade disputes management, which finds expression in nipping discontent in the bud"

How far can the above proposition bear any examination in the light of the reality of today in Nigeria?

Q3. "The obligation is fulfilled by the exercise of due care and skills. But the obligation is not fulfilled by entrusting its fulfillment to employees even though selected by due care and skill. The obligation is three-fold:- the provision of competent staff of men, adequate materials and proper system, and effective supervision..." Per Lord Wright in *Wilson & Clyde Coal Co. Ltd. v. English* [1938] 3 All E.R.628.

How far has the case law served to fit the facts and the law on this score? .

Q4. Bala, a Bedford lorry driver in the employment of XYZ Co. Ltd. Abuja, was under instructions to bring to it some tons of iron rods from the Warri Port. He was under instructions not to carry passengers or offer free ride to anyone. Besides, the vehicle had some inscriptions like "No Passengers, Goods Only" on both sides. However, by Ologbobo, Bala saw a group of four persons who were in distress having just received the news of the kidnap of their parents. When flagged down with a plea for a free ride, Bala readily and sympathetically obliged them. By Sapele/Amukpe road junction, Bala dozed off and the vehicle somersaulted thereby having five by-standers fatally injured. Bala miraculously escaped while three of the occupants also lost their lives.

The relations of the by-standers have brought an action against XYZ Co. Ltd. and Bala. Will they succeed, and would your position be different if the relations of the occupants had brought this action?

Q5 What remedies avail the following workers:

(a) Steve and Sarah who were, until recently, employees of ABC Co. Ltd. but whose appointments had been determined for no known justification; and

(b) Aisha and Makama in the employment of Federal Ministry Law Making, one of whose appointment was terminated unjustifiably while the other was dismissed in similar manner?.

Q6. "Generally, all covenants in restraint of trade are, prima facie, unenforceable in common law. They are enforceable only if they are reasonable with reference to the interest of the parties concerned and the public". Per Udo Udoma, JSC, in *Andreas J. Koumoulis v. Leventis Motors Ltd.*

Examine the veracity of this assertion.