



NATIONAL INSTITUTE FOR LEGISLATIVE AND DEMOCRATIC STUDIES/ UNIVERSITY OF BENIN POST GRADUATE PROGRAMMES

SEMESTER EXAMINATION

Programme: **MLD**

Session: **2017/2018**

Semester: **2nd Semester**

Course Code: **GEC 805**

Course Title: - **Labour Law and Industrial Relations**

Instructions: i. Answer **Question One (1)** and any other three (3) questions. Each question carries **17.5marks**.

- ii. Time allowed: **3hours**. Iii. Write your Matriculation Number **Only**.
iv. Orderly arrangement and good presentation of materials/authorities would be relevant factors for consideration.

Question One

Udoh is a Federal Civil Servant whose appointment, promotion & discipline are regulated by law. In his workplace, Federal Office of Statistics (FOS), Warri, Udoh had been indicted by his Head of Department for acts ranging from embezzlement, extortion, obtaining by false pretenses to stealing. On the instructions of the Chief Executive of the establishment, Udoh was queried. His reply to the query as well as a recommendation of the Chief Executive for Udoh's summary dismissal had been forwarded to the Federal Civil Service Commission. Upon receipt, the Commission promptly dismissed Udoh. In his extreme frustration, Udoh has sued the Federal Civil Service Commission and Federal Office of Statistics for unlawful dismissal, and for reinstatement. In the alternative, he has asked for his emoluments until the agreed period of retirement.

- (a) What are his chances of success? **(14.5 marks)**
(b) Would your position be different if Udoh had been the Group Managing Director of the NNPC? **(3 marks)**

Question Two

Consider the claim that Nigerian Labour Law, in all material respect, shares its sources of origin with its British counterpart. **(17.5 marks)**

Question Three

"Even with the overwhelming draconian legislations in the arena of trade dispute settlement, which rendered the Westminster model of Voluntarism nugatory, and the third Party Intervention, the Curative approach to trade disputes management has failed in Nigeria. Today, the industrial relations setting yearns for a pre-emptive approach, which goes to the root of disputes resolution from the shop floor level".

Examine the veracity of the above assertion against the background of today's reality in Nigeria. **(17.5 marks)**

Question Four

"The obligation is fulfilled by the exercise of due care and skill. 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 ---per Lord Wright in *Wilson & Clyde Coal Co. Ltd. v. English* [1938] 3 All ER.628

How far has the case law served to fit the facts and the law on this score? **(17.5 marks)**

Question Five

At a workshop on 'Training the Trainer' held in Nicon Hilton Hotel recently, Professor Mcgrill, a material scientist and social critic of world acclaim, lamented that the main problem in labour/management relationship in Nigeria, is in identifying who a worker is. He then opined in his peroration that "As to who is a worker, the question is easier to ask than to answer and easier to answer at great extent. The labour leaders should act in league with the National Assembly for a statute clearly defining the term worker".

How far is this proclamation consistent with the realities in Nigeria? **(17.5 marks)**

Question Six

(a) What is the distinction between a contract of service and a contract for services? **(9 marks)**

(b) "The duty of utmost good faith is, perhaps, the most important and the most expansive duty owed the employers by workers". Do you agree? **(8.5 marks)**