

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

SEMESTER EXAMINATION

Programme: **LLM (Legislative Drafting)**
Semester: **2nd Semester**

Session: **2019/2020**
Course Code: **GLC 805**

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

Instructions: i. Answer **Question One and any other Three Questions.**

- ii Time allowed: Three **(3) hours** iii Write your Matriculation Number **Only.**
- iv. Orderly arrangement and good presentation of materials will be considered.
- v. Cross out any unused sheet(s) in your answer booklet before you submit it.

Question One (Compulsory)

The United Kingdom Supreme Court recently dismissed Uber's appeal against a landmark employment tribunal ruling that its drivers should be classified as "workers". What is the implication of this classification and would it be of the same effects under the Nigerian Labour Act? **(25 Marks)**

Question Two

Identify and discuss the various tests adopted to distinguish between a contract of service and a contract for service? **(15 Marks)**

Question Three

Arikewuyo *et al* have opined that "the combined effects of section 7 of the National Industrial Court Act 2006 and section 254C (1) of the Constitution of the Federal Republic 1999 (Third Alteration) Amendment Act 2010 [presently constitute the jurisdiction of the National Industrial Court, which] is exclusive to it and cannot be shared with other courts." They went on to enumerate 13 causes and matters over which the National Industrial Court can exercise jurisdiction. List any 7 of the causes and matters as exactly provided?

(15 Marks)

Question Four

List and discuss the implied duties of an employee and an employer separately?

(15 Marks)

Question Five

The Employee Compensation Act (ECA) 2010 was enacted to address the patent errors, inconsistencies and challenges in the implementation of the "largely employer friendly" Workmen Compensation Act. Against this backdrop, discuss the innovative provisions introduced by the ECA 2010 and its own challenges?

(15 Marks)

Question Six

EITHER

Fajana in 2000 defined "strikes as a temporary cessation of work efforts by employees in the pursuance of a grievance or a demand." Discuss the legal basis of strike in a contract of employment and the various theories evolved overtime on whether strike actions constitutes breach of contract of employment?

(15 Marks)

OR

- a. What are the prerequisite requirements for an effective collective bargaining?
- b. List and discuss the main features of collective bargaining?

(15 Marks)