



NATIONAL OPEN UNIVERSITY OF NIGERIA
FACULTY OF LAW, DEPARTMENT OF COMMERCIAL LAW
Plot 91, Cadastral Zone, Nnamdi Azikiwe Express Way, Jabi – Abuja
2022_2 Examination

COURSE CODE: CLL232

COURSE TITLE LABOUR LAW II

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.

TIME ALLOWED: 3 Hours

QUESTION 1

A trade union is any combination of work or employer, whether temporary or permanent the purpose of which is to regulate the terms and conditions of employment of workers. Visibly worried by his inability to distill and appreciate the legal framework for regulation of trade unionism in Nigeria, a 200-Level law student has approached you with the following concerns:

- (a) He wants you to point him to at least five aspects of management responsibility. (10 marks)
- (b) Who is a worker within the context of to the Trade Unions Act 2004? (5 marks)
- (c) With the aid of authorities, explain the concept of “the Principal Purpose.” (10 marks)

QUESTION 2

The Trade Disputes Act pursued a balanced position when it made provisions regulating the right of either party to declare a lock out or take part in strike action. Bearing this in mind, attempt the following questions:

- (a) Who are the parties under contemplation here? (2 marks)
- (b) Identify the specific section of the law under reference here (3 marks)
- (c) State three instances limiting the right to declare a lock out or take part in a strike action. (6 marks)
- (d) What is the consequence on either party failing to comply with the law? (4 marks)

QUESTION 3

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The Federated Union of Banks, Insurance and Allied Employees at its national executive committee passed the resolution declaring and commencing nationwide strike action. Some of the grounds of its strike are that some banks and insurance companies have perfected and foisted unfavourable labour practices that make it impossible for its members to earn a living wage; and (b) the casualization of labour in the insurance industry, hence making it impossible for its members to be in the mainstream employment. The bankers' employer association have approached you for advice on the whole gamut of the statutory position with respect to any tortious acts that may be occasioned while the trade dispute lasted. (15 marks)

QUESTION 4

Write short notes on the following:

- (a) Exhaustion of internal remedies (10 marks)
- (b) Inducing a breach of contract. (5 marks)

QUESTION 5

A colleague of yours who is specialised in international law has approached for advice on the jurisdiction of, and enforcement of an award by, the National Industrial Court. Advise him succinctly. (15 marks)

QUESTION 6

As a seasoned legal practitioner specialising in labour and industrial relations law, the following cases have been presented to you for resolution:

- (a) The Senior Staff of Central Bank of Nigeria (CBN) have formed a union to be known and called the CBN Amalgamated Staff Union. They want to know the chances of getting registered. (5 marks)
- (b) Mallam Fintiri Michika applied to join the trade union in his organisation. However, a petition was filed against his membership on the ground of his race. He has sought your advice. (5 marks)
- (c) Comrade Jacobs Marshall, 20 years of age, applied to contest the office of Provost in the local election of his trade union. The election screening committee disqualified him on grounds of age. He decided to sue to the union executives breach of his constitutional right. What are his chances? (5 marks)