



**NATIONAL OPEN UNIVERSITY OF NIGERIA
14-16 AHMADU BELLO WAY, VICTORIA ISLAND LAGOS
SEPTEMBER/OCTOBER 2015 EXAMINATION**

SCHOOL OF LAW

COURSE CODE: LAW 231.

COURSE TITLE: LABOUR LAW I.

TIME ALLOWED: 2 ½ HOURS.

INSTRUCTION: PLEASE ANSWER QUESTION ONE AND ANY OTHER THREE QUESTIONS.

1. Mr. Osebaba works for Mr. Moninogopass, the Chief Operating Officer and majority shareholder of 'Delictible Delicacies' as a trainee manager. He intends to further his career by specializing in creation of customized dietary plans for HNI's. To achieve this he must undertake a certification course in Highbrow University in Luxury Island, Switzerland. He cannot ordinarily afford the training. He discusses his plans with Mr. Moninogopass who assures him that it is an easy problem to solve especially as he is such an asset to the company. He promises to ensure the company funds the course and urges Mr. Osebaba to sign a simple agreement for formality, which contains the following provisions:
 - a. That Mr. Osebaba cannot work for anyone else on his return from Switzerland.
 - b. That he must remain in the employment of 'Delictible Delicacies' for the rest of his working life, to provide him with an appropriate platform to practice his rare trade in a thriving business.
 - c. That neither he nor any member of his biological or extended family must set up a Café or Eatery within the duration of his life time.
 - d. That he must not enter into competition in anyway whatsoever with 'Delictible Delicacies'.
 - e. That he must not invest in or act in an advisory capacity in any Café or Eatery business.
- i. Advice Mr. Osebaba on the legality and enforceability of each of the above clauses with reason.

- ii. The outcome of signing the contract.
2. Briefly trace the history of the development and the scope of the Nigerian labour law.
3. John Clark owns a construction company. He wishes to employ Miss Shakira Bond as a Human Resource manager for the company. He intends that she will spend an initial period of two years, working 9am -5pm, Monday through Friday for a remuneration of =N=7.8million (seven million eight hundred thousand naira) only per year.State and discuss the essential elements of an employment contract, incorporating the above information into your answer.
4. Discuss the elements necessary for the valid termination of an employment contract.
5. Dayo owns a food court which he leases out to various confectioners to display and sell their wares to customers. However for the purpose of maintaining standards, Dayo insists on handling security, cleaning and alternate power services. Musa is engaged to clean the food court thrice daily and in order to execute the job effectively he engages the services of Mahmud, Bashir and Thomas his childhood friends. One day whilst cleaning Musa slips, falls and twists his ankle badly needing medical attention. Answer the following questions:
 - i. What contractual term describes the relationship between Musa and Dayo support your answer with reference to established principles and case law.
 - ii. Examine briefly the following tests in the determination of the status of an employee under a contract of employment: The multiple Test and The Integration/Organisation Test.
6. Where a party has been wrongfully dismissed from his employment, discuss in detail two remedies which may be applicable to him.