



**NATIONAL OPEN UNIVERSITY OF NIGERIA  
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKWE EXPRESS  
WAY, JABI - ABUJA**

**FACULTY OF LAW  
DEPARTMENT OF COMMERCIAL LAW (CIL)  
OCTOBER/NOVEMBER EXAMINATION 2016**

**COURSE CODE: CIL 231 (LAW 231)**

**COURSE TITLE: LABOUR LAW I**

**CREDIT UNIT: 4**

**TIME ALLOWED: 2 ½ HOURS**

**INSTRUCTIONS: ANSWER FOUR QUESTIONS ONLY. QUESTION ONE IS COMPULSORY**

**QUESTION**

- 1.(a) Braimoh was employed by Treadmill Limited on 5<sup>th</sup> July, 2002. His contract of employment stated that he would be confirmed after 6 months probation period and that after confirmation of employment, either party can terminate the agreement with 3 months notice or a month's salary in lieu. After confirmation on 6<sup>th</sup> January, 2003 Braimoh was dismissed on 6<sup>th</sup> July, 2004 after receiving notice of such on 5<sup>th</sup> May, 2004. Advise Braimoh.
  - (b) Mr. Buba employed Mr. Iro as his driver on December 12, 2002. Mr. Iro usually runs errands for Mr. Buba and his family in addition to being employed as his official driver in Buba & Sons enterprises. On January 6, 2003 Mr. Buba asked his driver to deliver a package to Mrs. Bemil at Surulere and then collect another package from Mrs. Bunmi in Ogudu. After delivering the package at Surulere, Mr. Iro decided to stop over at his cousin's place in Ilupeju before proceeding to Ogudu. On his way to Ilupeju, he decided to put a call across to his cousin, Mr. Tunde to find out his whereabouts. During the call, he lost control of the vehicle and hit Mr. Trouble's car, seriously damaging his vehicle. Mr. Trouble has sued Buba & Sons enterprises for damages to his vehicle. Determine the liability of the parties.
2. As in every form of contract, the contract of employment is the central element in the structure of labour law. One could succinctly say that a contract of employment is that written document

that governs the relationship between an employer and an employee. Discuss using relevant cases to distinguish offer from acceptance.

3. Determine the legality or otherwise of the following -
  - (a) Yusuf a lawyer, called to the Nigerian Bar on 15<sup>th</sup> July, 2001 was appointed a Judge of the National Industrial Court on 12<sup>th</sup> January, 2009.
  - (b) Bar. Illiya was made the President of the National Industrial Court on the recommendation of his State Governor.
  - (c) Action filed at the High Court of Lagos State involving a trade dispute between Mr. X and Weco Nigeria Limited based in Lagos.
4. A contract of employment, like all other contracts, is governed by the general law of contract. Therefore, all the essential features which characterise ordinary contracts must be present in a contract of employment before it can be said to be a valid contract of service. Discuss.
5. A contract exists, provided, however, that it is not rendered wholly or partly ineffective on account of some defects when it was formed. Discuss.
6. Employees of Ifedayo Timber Company Plc., are desirous of forming an association to be treated as a Trade Union so as to be able to engage in industrial actions like their counterparts in Trees & Co Ltd. They have approached you as their counsel, kindly advise them.