



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: LAW 232

COURSE TITLE: LABOUR LAW II

CREDIT UNIT: 4

TIME ALLOWED: 2 ½ HOURS

INSTRUCTIONS: ANSWER FOUR QUESTIONS ONLY.

QUESTION ONE IS COMPULSORY

QUESTION

1. Mr. Iroye a staff of JEST Limited was employed as a software technician. In the course of carrying on his work, he developed quite a number of software for the company. In his contract of employment, it was agreed that the company will pay him a certain sum of money per year (in addition to his salary) for the use of any software developed by him. For the 5 years in which Mr. Iroye has been employed, the sum was paid only once, despite the fact that the company keeps using the software. The matter was brought before the National Industrial Court which decided the matter and made an award in favour of Mr. Iroye. JEST Limited has refused to fulfill the terms of the award by paying him the money with costs. Advise the parties.
2. Management cannot insist on the freedom to do what it finds most convenient thus the need for a legal regulatory framework. Discuss.
3. A works in a factory, B Manufacturers & co. One of the machines used in the course of production injured A, because the machine was not fenced. A has approached you to know whether the company owed him any duty. Support your answer with authorities.
4. Section 2 of the Public Officers Protection Act provides that in an action for wrongful dismissal from service, the plaintiff must take action within 6 months of the termination

of appointment. Mrs. Mercy who is a staff of Ministry of Education was wrongfully dismissed from service on 12th December, 2012 and filed an action on 15th July, 2013. Determine the defense open to the Ministry.

5. The Industrial Training Fund (ITF) was established in 1971 by decree 47 of 1971 and amended by the Industrial Training Fund Act 2011. Kindly enumerate some of these amendments.
6. Although the Trade Union Act does not expressly vest corporate personality on a trade union, do you think trade unions are legal entities? Support your answer with relevant authority.