

**COVENANT UNIVERSITY  
NIGERIA**

*TUTORIAL KIT  
OMEGA SEMESTER*

**PROGRAMME: INDUSTRIAL  
RELATIONS & HUMAN  
RESOURCE MGT.**

**COURSE: IRH 423**

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# IRH 423: LABOUR LAW

## Contributors:

### QUESTION 1

Describe three factors that are integral to the ascertainment of the employment contract

#### **Solution**

There are various factors that would indicate the existence of an employment relationship. These include the mode of payment of wage or remuneration, determination of time and place of work, defining the type of work amongst others. Various legal tests can also be deployed to verify whether or an employment contract subsists.

### QUESTION 2

The employment relationship is not immune to incidents of conflict. Thus, state three major issues that usually result in varying industrial actions in the Nigerian context

#### **Solution**

Disputes can arise revolving amongst others on issues of; wage disputes, unsatisfactory working conditions, unfair labour policies and practices.

### QUESTION 3

Describe three (3) ways by which work place disputes can be resolved in Nigeria

#### **Solution**

These include; collective negotiation, Mediation, Conciliation and Arbitration, each having specific attributes and distinguishing features.

### QUESTION 4

Highlight the significance of Labour Unions to the sanctity of the employment contract in Nigeria.

#### **Solution**

Labour Unions provide a veritable platform to aggregate the views and desires of a large number of employees cutting across different job sectors in the economy. They also provide good feed back to policy makers which facilitate the engagement between the employers and employee.

### QUESTION 5

Distinguish between a contract of service and contract for service

#### **Solution**

A contract of service is synonymous with the employment relationship. It also regarded as the master servant relationship and is subject to the fundamentals of typical contract, such as offer, acceptance, consideration etc. On the other hand contract for services is not one of employment and excludes the specific characteristics attributable to same. The service provider is sometimes referred to as an independent contractor who performs a given task for a professional fee.

### QUESTION 6

Trade Union, upon due registration with the Registrar of a Trade Union in Nigeria, acquired certain fundamental features.

#### **Solution**

- Trade Unions must be registered under the existing laws of the land using a name by which it could be specially identified. Unregistered trade unions could not function (section 2).

- Where registration is refused for one reason or the other, the trade union would be dissolved or cancelled.
- A trade unionist may not hold office in more than one union.
- Trade union dues or funds may not be used for political purposes.
- A member of trade union must be of age, that is, he must not be under 16 years nor should he be under 21 years if he aspires to hold an office in the union.
- Every trade union shall have a registered office.

A trade union shall possess copies of rules which should be made available to interested persons, on demand

### **QUESTION 7**

Discuss the features and the challenges hindering Trade Unions from performing their statutory functions.

#### **Solution**

#### **Problems Associated with Trade Unions in Nigeria.**

- Members empathy and indifference to unions
- Matters arising from dissatisfaction with the way unions are run
- Management negative attitude towards unions
- Politicization of unions along the lines of tribalism and ethnicity
- Problems created by government policy like ban on strikes
- Poor leadership arising from the inadequacies of union leaders
- Inactivity and insensitivity to members interest
- Inadequate union fund
- Mismanagement of union funds arising from misappropriation

### **QUESTION 8**

The Management of Ade group of Schools is contemplating sacking some of their teachers suspected to have committed various financial crimes against the School. Advise the School on the various means through which a contract of employment can be terminated

#### **Solution**

#### **Termination by Operation of the Law**

- The effluxion of time
- By notice where duration is not fixed.
- By death of one of the parties to the contract, or employer going bankrupt.
- Where there is a protracted illness making it impossible for one to work.
- In situations where there are frustrating agents or events.

### **QUESTION 9**

Explain the legal remedies available to an injured party for breach of contract of employment under Nigerian Labour law.

#### **Solution**

## **Remedies for breach of Contract of Employment**

- **Remedies Provided by Contract:** This may be express or implied.
- **Remedies Provided by Law**
- Rescission:
- Apportionment of Wages
- Declaration of Rights
- Damages:
- Injunctions
- Specific Performance:

Prerogative Remedies: the three types are; Prohibition, Mandamus and Certiorari

### **QUESTION 10**

**Discuss the duties of an employee**

- **Solution**
- **Duty to obey lawful and reasonable instruction:** An employee must obey all lawful and reasonable instructions of his employer.
- **Duty to use reasonable care and skill:** In discharging his duties, an employee must exhibit the skills he professes to have.
- **Duty of Good Faith:** An employee must perform his tasks diligently and in good faith. Conflict of interests with his employer will be a breach of his duty to his employer.
- **Duty not to sub-delegate his duties:** An employee must render personal services to his employer sub -delegation of duties without a written authority of the principal is prohibited.
- **Duty to render account:** An employee is expected to render account to his employer whenever he is reasonably called upon to do so.
- **Duty not makes secret or undisclosed profit:** It would amount to a breach of duty for an employee to make a secret or undisclosed profit from his employment. Duty to perform the function for which the employee was employed.

### **QUESTION 11**

Discuss the elements of a valid contract of employment.

### **QUESTION 12**

Discuss the various methods used by trade unions in Nigeria to accomplish their set objectives.

### **QUESTION 13**

Discuss the significance of collective agreements in Nigeria, bearing in mind the history of subsequent agreements with specific labour unions or trade associations?

### **QUESTION 14**

Discuss the essence of the Workmen's Compensation Act bearing in mind the specifics of Nigeria's industrial environment?

### **QUESTION 15**

What is National Industrial action (strike)?

### **QUESTION 16**

What is Collective Agreement?

**QUESTION 17**

Attempt a critique of the continued relevance of the Labour Act in light of securing the rights of the employee in specific respects

**QUESTION 18**

Explain the various methods of settling industrial disputes

**QUESTION 19**

Explore the view, that the concept of labour is multi-faceted and practical, so that it is important to subject same to some degree of legal regulation or interpretation

**QUESTION 20**

Provide a critical overview of the Factories Act whilst highlighting specific aspects that may need to be reviewed in light of the current trend in Nigeria's work environment