

BOWEN UNIVERSITY, IWO OSUN STATE

COLLEGE OF LAW

2022/2023 FIRST SEMESTER EXAMINATION

COURSE CODE: PIL 211

COURSE TITLE: LABOUR LAW I

TIME ALLOWED: 3 HOURS

INSTRUCTIONS: ANSWER ANY FOUR (4) QUESTIONS

EACH QUESTION CARRIES 17 ½ MARKS

1. Mutual consent is not necessary to bring a contract of employment to an end, but the contract may be brought to an end at the instance of either party. To what extent is this statement true?
2. Mr Austin, Mrs Ibiroko and Miss Grace are employees of Graceland College. Though, they were all employed as Teacher Grade I, their monthly income varies. While Mr Austin earns N30, 000, Mrs Ibiroko earns N20, 000 and Miss Grace earns N100, 000 by virtue of their respective contracts of employment. Pursuant to a collective agreement entered into between the employer and their trade union, the employer agreed to pay all Teacher Grade I in their employment the sum of N100, 000 effective from their next pay cheque. However, six months after the agreement, the promise contained in the collective agreement remained unimplemented. Advise the parties on the following issues:
 - i. Whether or not the collective agreement is binding between the employer and an employee trade union; and
 - ii. Whether an individual employee could enforce the terms of a collective agreement or not.
3. 'It is often easy to recognize a contract of service when you see it, but difficult to say wherein the difference lies' Per Denning L.J. in *Stevenson, Jordan and Harrison Ltd v. MacDonald and Evans* (1952) 1 TLR 101. In the light of the above statement, discuss the various tests used by the courts to determine an employer-employee relationship?
4. With the aid of decided cases, discuss the employer's duty of care?
5. Casualisation of the workforce is universal although its practice varies from one jurisdiction to another. In Nigeria, its cause(s) and effects on the employer and the society are many and there seems to be no way out of the quagmire. **Evaluate this statement.**
6. Where there are more workers than the available work owing to several causative factors there is said to be redundancy. Explain to Edem who has consulted you with a letter from her employer that he is likely to be declared redundant its possible cause(s) and how the employer can effectuate same.