

NATIONAL OPEN UNIVERSITY OF NIGERIA

LAW 231



Labour Law 1 Course Guide

LAW 231 (Labour Law I)

Course Guide

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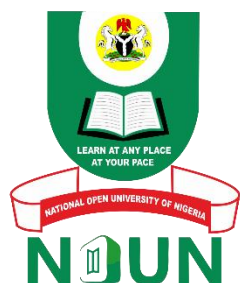
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Introduction

Labour law is concerned with the law regulating the affairs of an employee with that of the employer. The Nigerian labour law, as will be seen in the historical aspect of it, was adopted from the English legal system based solely on the fact that we inherited the English legal system by reason of our affiliation with them through the instrument of colonialism. The practice of labour law is influenced by the general legal context that prevails in England. The major statute guide labour law activities in Nigeria is the Labour Act Cap 198, Laws of the Federation of Nigeria, 1990, while others such as the Trade Disputes Act, the Workmen's Compensation Act, Trade Unions Act, and the Factories Act complement it.

This course deals with 15 basic points typically relevant and found in Commonwealth Jurisdictions most of which gained independence from the Britain, our colonial master. These topics, broken down into units generally bother on employee/employers relationship in Nigeria and they may influence its form and content. They, most importantly, touch upon the underlying values and feature which concern the way by which labour law is put into use in a democratic and law governed society.

Course Aim

The primary aim of this course is to familiarize you with labour law which is dealt with herein and which you are expected to know much about at the end of your reading through.

Course Objectives

The major objectives of this course, as designed, are to enable you:

- mention all the relevant enactments and legislations in relation to labour law in Nigeria
- describe a valid contract of employment devoid of any impediments and evil
- explain who an employee is by the nature of their employment
- distinguish the differences in the various terms in an employment contract
- state the corresponding duties and obligation of the parties in a contract of employment situation
- explain when actually an employer will be held liable for the acts and omissions of their employee
- mention what it entails to validly terminate the employment of an employee
- discuss the remedies available to a wrongfully dismissed employee
- state whether or not an employee can enforce an agreement between his union and the union of his employee on his employer

- mention the basic operational structures of a trade union
- state the consequences and advantages in embarking on an industrial action; e.g. strike, picketing and lock-out
- differentiate between tortious liability and trade dispute
- mention the ways and manners disputes arising from employment and trade union activities are settled
- state the basic ingredients and operational effect of the Factories Act; and
- discuss the implication of the Workmen's Compensation Act on the contract of employment, particularly on an employee.

Working through this Course

To complete this course, you are advised to read the study units, recommended books and other materials provided by NOUN. Each unit contains self-assessment exercise, and at points in the course you are required to submit assignments for assessment purposes. At the end of the course there is a final examination. The course should take you about 19 weeks to complete. You will find all the components of the course listed below. You need to make out time for each unit in order to complete the course successfully and on time.

Course Materials

The major components of the course are:

- Course Guide
- Study Units
- Textbooks and References
- Assignment File
- Presentation Schedule.

All these units are demanding. They also deal with basic principles and values, which merit your attention and thought. Tackle them in separate study periods. You may require several hours for each.

We suggest that the modules be studied one after the other, since they are linked by a common theme. You will gain more from them if you have first carried out work on the scope of labour law generally. You will then have a clearer picture into which to paint these topics. Subsequent courses are written on the assumption that you have completed these units.

Each study unit consists of one week's work and includes specific objectives, directions for study, reading materials and self-assessment exercises (SAE). Together with the tutor-marked assignments, these exercises will assist you in achieving the stated learning objectives of the individual units and of the course.

Textbooks and References

Certain books have been recommended in the course. You should read them where so directed before attempting the exercise.

Assessment

There are two aspects of the assessment of this course, the tutor-marked assignments and a written examination. In doing these assignments you are expected to apply knowledge acquired during the course. The assignments must be submitted to your tutor for formal assessment in accordance with the deadlines stated in the presentation schedule and the assignment file. The work that you submit to your tutor for assessment will count for 30% of your total score.

Self-Assessment Exercise

There is a tutor-marked assignment at the end for every unit. You are required to attempt all the assignments. You will be assessed on all of them but the best three performances will be used for assessment. The assignments carry 10% each.

When you have completed each assignment, send it together with a (tutor-marked assignment) form, to your tutor. Make sure that each assignment reaches your tutor on or before the deadline. If for any reason you cannot complete your work on time, contact your tutor before the assignment is due to discuss the possibility of an extension.

Extensions will not be granted after the due date unless under exceptional circumstances.

Final Examination and Grading

The duration of the final examination for this course is three hours and will carry 70% of the total course grade. The examination will consist of questions, which reflect the kinds of self-assessment exercises and the tutor-marked assignments you have previously encountered. All aspects of the course will be assessed. You should use the time between completing the last unit, and taking the examination to revise the entire course. You may find it useful to review your self-assessment exercises and tutor-marked assignments before the examination.

Course Marking Scheme

The following table lays out how the actual course marking is broken.

Assessment	Marks
Assignments 1-4 (the best three of all the assignments submitted)	Four assignments. Best three marks of the four count at 30% of course marks
Final examination	70% of overall course score
Total	100% of course score

Course Overview

Units	Title of Work	Weeks Activity	Assessment (End of Unit)
	Course Guide	1	
Module 1			
1	History and sources of Nigerian Labour Law	1	Assignment 1
2	The Contract of Employment	1	Assignment 2
3	Who is an Employee?	1	Assignment 3
4	Employer And Employee - Duties and Obligations	1	Assignment 4
Module 2			
1	Formations of Contract of Employment and its Effects	1	Assignment 5
2	Freedom of Contract and Restrictions Thereon	1	Assignment 6
3	Common Law Implied Terms	1	Assignment 7
Module 3			
1	Employer's Vicarious Liability	1	Assignment 8
2	Termination of Contract of Employment	1	Assignment 9

3	Remedies for Wrongful Dismissal	1	Assignment 10
4	Collective Bargaining	1	Assignment 11
Module 4			
1	Trade Unions	1	Assignment 12
2	Industrial Actions	1	Assignment 13
3	Tortious Liability and Trade Disputes	1	Assignment 14
4	Settlement of Trade Disputes	1	Assignment 15
5	Protecting Health And Safety	1	Assignment 16
6	The Workmen's Compensation Act	1	Assignment 17
	Revision	1	
	Examination	1	
	Total	19	

How to Get the Most from this Course

In distance learning, the study units replace the lecturer. The advantage is that you can read and work through the study materials at your pace, and at a time and place that suits you best. Think of it as reading the lecture instead of listening to a lecturer. Just as a lecturer might give you in-class exercise, your study units provide exercises for you to do at appropriate times.

Each of the study units follows the same format. The first item is an introduction to the subject matter of the unit and how a particular unit is integrated with other units and the course as a whole. Next is a set of learning objectives. These objectives let you know what you should be able to do by the time you have completed the unit. You should use these objectives to guide your study. When you have finished the unit, you should go back and check whether you have achieved the objectives. If you make a habit of doing this, you will significantly improve your chances of passing the course.

Self-assessment exercises are interspersed throughout the units. Working through these tests will help you to achieve the objectives of the unit and prepare you for the assignments and the examination. You should do each self-assessment exercise as you come to it in the study unit. There will be examples given in the study units. Work through these when you have come to them.

Facilitators/Tutors and Tutorials

There are 17 hours of tutorials provide in support of this course. You will be notified of the dates, times and location of the tutorials, together with the name and phone number of your tutor, as soon as you are allocated a tutorial group.

Your tutor will mark and comment on your assignments. Keep a close watch on your progress and on any difficulties you might encounter. Your tutor may help and provide assistance to you during the course. You must send your tutor-marked assignments to your tutor well before the due date. They will be marked by your tutor and returned to you as soon as possible.

Do not hesitate to contact your tutor by telephone or e-mail if you need help. Contact your tutor if:

- you do not understand any part of the study units or the assigned readings
- you have difficulty with the self-assessment exercises
- you have a question or a problem with an assignment, with your tutor's comments on an assignment or with the grading of an assignment.

You should try your best to attend the tutorials. This is the only chance to have face-to-face contact with your tutor and ask questions which are answered instantly. You can raise any problem encountered in the course of your study. To gain the maximum benefit from course tutorials, prepare a question list before attending them. You will gain a lot from participating actively.

Summary

This course deals with 15 basic points typically relevant and found in the Commonwealth jurisdictions most of which gained independence from Britain, our colonial master. These topics, broken into units generally are on employee/employers relationship in Nigeria and they may influence its form and content. We wish you success with the course and hope that you will find it interesting and useful.