



UNIVERSITY OF MINES AND TECHNOLOGY, TARKWA
SECOND SEMESTER EXAMINATIONS, MAY 2019

COURSE NO: ES 474

COURSE NAME: Laws on Safety, Environment, Labour and Compensation

CLASS: ES IV

TIME: 2 HOURS

Name: _____ Index Number: _____

SECTION A (20 Marks)

ANSWER ALL QUESTIONS

1. A claimant may be successful in a negligence claim if he proves.....
 - a. the defendant owed him a duty of care;
 - b. the defendant fulfilled that duty;
 - c. the fulfilment of duty caused damage and;
 - d. all the above

2. An employment contract can be terminated on the grounds of all except;
 - a. mutual agreement between the employer and the worker;
 - b. sickness or accident
 - c. the incompetence of the employer
 - d. the worker on grounds of ill-treatment or sexual harassment

3. In any undertaking, every worker is entitled to not more than fifteen working days leave with full pay in any calendar year of continuous service.
 - a. True
 - b. False

4. A nursing mother of two (twins) is entitled to interrupt her work for at least two hour during her working hours to nurse her babies.
 - a. True
 - b. False

5. The period of maternity leave may be extended for at least two additional weeks where the confinement is abnormal or where in the course of the same confinement two babies are born. This additional week will later be subtracted from her annual leave.
 - a. True
 - b) False

6. An officer of a trade union or any other person during normal working hours can persuade a worker, not covered by a collective agreement, to become a member or an officer of a trade union while the worker is on the premises of his or her employer, without the consent of the employer.
 - a. True
 - b. False

7. The employment of a worker by an employer for a period of six months or more or for a number of working days equivalent to six months or more within a year can be secured by an oral contract of employment when the employer is a trusted person.
 - a. True
 - b) False

8. All are examples of workplace bullying and harassment, except;
 - a. making threats or comments about job security without foundation
 - b. sitting beside your superior to write minutes for a meeting
 - c. deliberately undermining a competent worker by overloading and constant criticism
 - d. preventing individuals progress by intentionally blocking promotion or training opportunities

9. The EPA and Labour Acts were passed in the years and, respectively.
 - a. 1999 and 2002
 - b. 1994 and 2002
 - c. 1999 and 2003
 - d. 1994 and 2003

10. is a pesticide for which its registration has not been granted by the EPA for health or environmental reasons
 - a. undisclosed pesticide
 - b. undercover pesticide
 - c. banned pesticide
 - d. barricaded pesticide

11. means the promotion of the sale and use of pesticides by print or electronic media, signs, displays, gifts, demonstration or word of mouth.
 - a. label
 - b. dealer
 - c. regulation
 - d. advertising

12. is a substance or a mixture of substances which when applied to a plant, accelerates the drying of the tissue of the plant;
 - a. desiccant
 - b. defoliator
 - c. formulator
 - d. diseasing agent

13. is a substance or mixture of substances which when applied to a plant causes the leaves or foliage to drop from the plant with or without abscission
 - a. desiccant
 - b. defoliator
 - c. formulator
 - d. diseasing agent

14. A member of the governing board of EPA, other than the executive director, shall hold office for not more than years and is eligible for re-appointment
 - a. 1
 - b. 2
 - c. 3
 - d. 4

15. A member of the governing board of EPA can be absent from at least three consecutive meetings of the Board without sufficient cause. On his fourth absence, he shall be penalized.
 - a. True
 - b. False

16. Full registration of a pesticide is valid for years.
 - a. 1
 - b. 2
 - c. 3
 - d. 4

17. are certain types of pesticides derived from natural materials such as animals, plants, bacteria etc.
 - a. apesticides
 - b. phytozoopesticides
 - c. anthropozoopesticides
 - d. biopesticides

18. Is EPA supposed to monitor labels of formulations?

- b. 27
 - c. 25
 - d. 23
27. pesticides have provisional clearance in Ghana.
- a. 62
 - b. 27
 - c. 25
 - d. 23
28. pesticides have been banned in Ghana.
- a. 62
 - b. 27
 - c. 25
 - d. 23
29. Which of the following pesticides has not been banned in Ghana?
- a. Aldrin
 - b. DDT
 - c. Parathion
 - d. None of the above
30. When two people reach an understanding about an issue including their rights, it is called a/an
- a. Agreement
 - b. Right
 - c. Regulation
 - d. Rule
31. The holder of a mineral right has days to notify a person who claims a right or an interest in land over which the mineral right was granted
- a. 10
 - b. 12
 - c. 14
 - d. 16
32. A claimant may claim compensation over land which is a subject of a mineral right within Days after notice is posted
- a. 50
 - b. 60
 - c. 70
 - d. 80
33. The committee set up by the owner of a mineral right and claimant shall include the following except;
- a. A qualified person who represents claimant
 - b. A qualified person who represents holder of mineral right
 - c. A representative of the traditional authorities in the project area
 - d. Other members elected by the relevant District Assembly
34. A holder of a mineral right shall finance the costs incurred by the claimants after the committee completes its work

- a. True
 - b. False
35. Which of the following is/are members of the Fire Service technical committee?
- a. Head of VALCO Fire Unit
 - b. Ghana Ports and Harbours Authority Fire Department
 - c. Tema Oil Refinery Fire Unit
 - d. All of the above
36. Who owns “Privilege” in common law?
- a. The client or person receiving services
 - b. The law court
 - c. The spouse of the client
 - d. The lawyer
37. The following are recent bills passed into laws in Ghana except;
- a. Land Use and Spatial Planning Bill, 2016
 - b. Hazardous and Electronic Waste Control Management Bill, 2016
 - c. Maritime Bill, 2016
 - d. National Disaster Management Organisation Bill, 2015
38. If there is a conflict between statute and common law, common law takes precedence.
- a. True
 - b. False
39. Which of the following are common law examples?
- a. Public order offenses
 - b. Escape from lawful custody
 - c. Breach of peace
 - d. All of the above
40. A bystander has no duty to assist someone in peril unless he/she created the danger.
- a. True
 - b. False

SECTION B (40 MARKS)

ANSWER QUESTION ONE AND ANY OTHER ONE QUESTION

Question One [Total of 20 Marks]

- a. Define the following terms;
- i. Bill
 - ii. Regulation
 - iii. Duty of care
 - iv. Law **[8 Marks]**
- b. Akua is a single mother who takes her three-year-old daughter, (Ama) to the market to buy a few items. Whilst there, she meets her long-time classmate Kwame and they start a conversation. Akua is distracted by her chat with Kwame and doesn't notice Ama wandering to the road. Kwame notices a possible catastrophe and rushes after Ama. He manages to save Ama from being run over by Bob, who is driving a taxi within the speed limit and quite safely. However, Kwame has too much forward momentum and collides with the taxi. Kwame ends up getting seriously injured. Bob skids off the road and crashes into some stalls along the road. Laura, driving at speed behind Bob, sees the above related events and puts her foot down hard on the brakes. The action scares Mr Jones, an 80-year-old man walking along the way who later develops post traumatic stress disorder as a result of the event.
- i. Kwame makes a claim of negligence against Akua and Bob. Analyse each instance and state whether he is likely to succeed or not **[4 Marks]**
 - ii. Bob makes a claim for negligence against Akua. Analyse and state whether he is likely to succeed or not **[2 Marks]**
 - iii. Can Mr Jones make a claim of negligence against Laura and is he likely to succeed? **[1 Mark]**
- c. Briefly explain the following as applied in common law;
- i. Bystander rule
 - ii. Privilege **[5 Marks]**

Question Two [Total of 20 Marks]

- a. List six fundamental ILO conventions **[3 Marks]**
- b. The Labour Act of Ghana applies to all employees and employers except those in strategic groups. List these groups **[2 Marks]**
- c. Give two;
 - i. Responsibilities of employers towards occupational health and safety and environment outlined in the Labour Act
 - ii. Functions of the Environmental Protection Agency (EPA)
 - iii. Challenges faced by the EPA in enforcing the laws
 - iv. Powers of Inspectors of the Minerals Commission **[8 Marks]**
- d. Give four instances where there can be harassment in the university **[4 Marks]**
- e. What steps can a student who feels harassed by a lecturer take to address the situation **[3 Marks]**

Question Three [Total of 20 Marks]

- a. Briefly explain the term “perpetual succession” **[3 Marks]**
- b. Differentiate between the following;
 - i. Civil law and criminal law
 - ii. Common and statute law **[5 Marks]**
- c. List three people who make up the Board of the EPA **[3 Marks]**
- d. What type of accidents is the holder of a mineral right mandated by law to report to the Chief Inspector of Mines **[3 Marks]**
- e. Assessment of the compensation to be paid a claimant requires the setting up of a committee. List four groups of needed in the negotiation process
- f. Mr Kwa is a cocoa farmer in Tarkwa. Corpus Mining Company was given a mining right to mine gold in the Tarkwa Nsuaem Municipality. As part of their proposed operations, Mr Kwao’s farmland was to be affected. He was duly paid his compensation. Three year later, Mr Kwao noticed that no operation was taking place on his farmland so he invested 50% of his compensation into the farmland, thinking he could harvest before they extended operations to his land. However, he arrived on his farmland and realized all his cocoa trees had been cut down and the land cleared.

Infuriated, he took the company to court demanding a full compensation for destroying his farmland as well as the 50% he put into the farm.

- i. Does Corpus Company Limited owe Mr Kwao any compensation? Explain your choice **[3 Marks]**
- ii. As the counsel for the defense, what arguments will you put forth to exonerate your client **[3 Marks]**

Examiner: Dr Jennifer MacCarthy
Second Examiner: Mr Francis Krampah