



# UNIVERSITY OF MINES AND TECHNOLOGY, TARKWA

SECOND SEMESTER EXAMINATIONS, MAY, 2018

**COURSE NO:** ES 474  
**COURSE NAME:** LAWS ON SAFETY, ENVIRONMENT,  
LABOUR COMPENSATION  
**CLASS:** ES IV **TIME:** 3 HOURS

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Name: \_\_\_\_\_ Index Number: \_\_\_\_\_

**SECTION A:**  
**ATTEMPT ALL QUESTIONS**

1. What is the meaning of “stare decisis”? **(2 Marks)**
2. Identify two types of enforcement notices that may be serve by an inspector **(2 Marks)**
3. Differentiate between the following; **(4 Marks)**
  - a) Rule and Principle
  - b) Law and Convention
4. What is the definition of “neighbour” according to lord Atkin in the case of Donoghue v Stevenson **(2 Marks)**
5. The labour act 2003 is not applicable to employees of certain agencies and departments. Identify four of such agencies. **(2 Marks)**
6. Define the term “negligence” **(2 Marks)**
7. Outline any four challenges faced by the EPA in enforcing ACT 490 and Act 528 **(2 Marks)**
8. Outline the main features of the following; **(2 Marks)**
  - a) Civil law
  - b) Criminal law
9. Outline 3 defenses available to an employer in a case of allege negligence brought by an employee **(3 Marks)**
10. Identify the circumstance in which an employer may be held vicariously liable for the negligence of an employee **(2 Marks)**
11. Outline 4 powers of the mining inspector under Mineral and Mining Act, 2006. **(2 Marks)**
12. What is the difference between health and safety regulations and health and safety approved codes of practice **(2 Marks)**
13. Under LI 2182, mining managers are required to submit to the inspectorate division emergency response plan (ERP). Identify the content of such an ERP. **(3 Marks)**

**SECTION B**

**ANSWER ALL QUESTIONS**

2. A dump truck knocked down and killed an underground mine worker during a routine operation. Investigations revealed that the deceased worker hit his head against a rock during the fall. The deceased was wearing no helmet even though he had been provided one by management. The workers have been complaining of how uncomfortable they feel when they wear the helmet. They claim the mine environment is hot. The colleagues of the deceased claimed to have suffered psychological trauma from the accident.

a) using the Minerals and Mining Act 2006 and LI 2182 as references, identify the regulations that were breached

i) by the mining company **(3 marks)**

ii) by the deceased **(2marks)**

b) The family of the decease is planning on taking legal action in the court of law

i) Should the family sue the dump truck driver or the company **(1 mark)**

ii) Should the family press criminal charges or sue in civil tort of negligence **(1 mark)**

iii) What defense could the mining company have? **(1 mark)**

iv) Could the colleagues of the deceased sue the company for suffering from psychological trauma? **(2 marks)**

2a) In order to meet a production deadline, a supervisor on a mining site instructed an employee to operate a machine which they both knew was defective. The employee refused to comply on the grounds that his safety is in danger. the employee was later sacked for disobeying direct order from his supervisor

i) Identify possible breaches of the minerals and mining Act / LI2182 by the company **(4 Marks)**

ii) What are the options available to the employee **(2 Marks)**

2b) Harassment and bullying at work is sometimes dangerous and certainly unpleasant and unwanted.

i) Give a definition of **Harassment at work**. **(2 Mark)**

ii) Examine what employers can do to help lessen the threat to their employees. **(2 Mark)**

***Examiner: Francis Krampah***