

REVIEW OF BARRISTER G. A. UMOH'S *PRINCIPLES OF EMPLOYER'S LIABILITY*, PRESENTED BY DR. ENEFIOK ESSIEN,* TODAY, FRIDAY, 9TH APRIL 1999, ON THE BOOK'S PRESENTATION/LAUNCHING AT THE GOVERNOR'S OFFICE ANNEX, UYO.

It is no exaggeration to say that Barrister G. A. Umoh's book, *Principles of Employer's Liability*, is something of a landmark in the teaching of Labour Law generally, and particularly of Employment Law, in Nigeria. The author has easily succeeded in the difficult task of covering a wide area of employment law in a way which is comprehensible to the novice and yet also invaluable to the law student and very handy to the legal practitioner. What is more, the book is manageable in size and is kept up to date by the incorporation of recent cases and relevant statutes.

The layout is clear and logical, with each chapter divided by sub-headings, thus making it an easy reference tool. The approach is uniform. The law is stated and discussed after an explanation of the problems. It is a stimulating approach by which the law is seen as linked with practical problems. The result is an immediacy which is far greater than all but the very best of the more generalised 'contextualist' treatments of employment law.

One should not be misled by the title of the book, nor by the modest prefatory remarks of the author, into thinking that the book caters solely and exclusively for the interest of employees. The book not only discusses the bases of and the rules governing employers' liability, but it also states and explains the circumstances when an employer may be absolved from liability for the acts and omissions of the employee, e.g., when the employee is not acting 'in the course of his employment'. It is therefore a book for the employer and the employed, a book for the master and the servant, a book for the hirer and the independent contractor. Indeed, it is a book for all.

The author begins **chapter 1** with historical exposition of the subject and then carefully traces the sources of the governing law. In **chapter 2** he examines the different tests used in determining if any particular person is a worker, an employee or an independent contractor. **Chapter 3** examines the circumstances of the employer's personal and vicarious liability, while **chapter 4** takes the concept of vicarious liability further. In this chapter, the author shows that the basis of vicarious liability stretches beyond the master-servant relationship in employment cases, to the fact of agency, the existence of a permission or authority and, in the case of vicarious tortious liability, the purpose for which the act was done.

It is interesting, and the author has ably demonstrated this in chapter 4, that vicarious liability does not arise only in employment situations. It also arises under a contract for service situation (such as a hire purchase) as well as in the case of domestics, spouses and other situations of agency. The chapter also clarifies the point that an employer may be liable for certain crimes (e.g. theft or fraud) of its employee(s).

If you enquire to know for what acts of the employee the employer would be answerable, you would probably be told that it is for those acts which the employee does 'in the course of his employment'. But this is question-begging, because it merely sets you on a further enquiry as to what the phrase 'course of employment' entails. In **chapter 5**, the author shows that though 'course of employment' is a fluid and elastic concept, it is nevertheless a very handy tool for ascribing responsibility to the employer for the employee's acts and omissions.

Chapter 6 examines in detail the employer's personal liability at common law, while **chapters 7, 8 and 9** deal with the employer's liability under statute. In the concluding chapter, i.e., **chapter 10**, the author explains the basis of the employer's personal and vicarious

liability. The chapter also considers the legal effect of the statutory codification of the common law duties of the employer.

Conclusion

One should say, in conclusion, that there is a great topicality in the subject of employer's liability and, no doubt, there is a great need for a comprehensive, accurate guide through the jungle. It can be said with certainty that Barrister G. A. Umoh's book, *Principles of Employer's Liability*, provides this guide. The book is indeed a must-read. It is recommended not only to students of labour law but also to legal practitioners, to employers and to employees. There is no cover price on the book, but it is hoped that the price that will eventually be fixed will keep the book within easy the reach of all those for whom it is intended.

Thank you.

* PhD (B'ham), Barrister, Solicitor and Notary; Senior lecturer-in-law, one time Vice Dean of the Faculty of Law, University of Uyo, and one time Commonwealth Study Fellow.