1. Generally, collective agreements cannot be enforced under common law because they are made by trade unions who  they are not parties to the contract of employment between a master and his employee although the facts for evey case would show if the agreement can be made enforceable. My legal opinion/advice on whether she can validly sue  her employer on the basis of the collective agreement for not being paid this allowance is that she cannot do so. In the case of Union Bank v Edet, the court held that the collective agreement between the trade unions was not supposed to give rise to any enforceable cause of action by an individual employee as he is not a party to the contract even though it was made for his benefit. If anything could be done at all, only negotiations could be made between the trade union and the employer

2. Generally the principle of vicarious liability holds that an employer is liable for any tortious acts carried out by an employee in the course of his employment. This was emphasized in the case of Iyere v Bendel Feed and Flour Mills. In this case, the authorised act was filling customers' cars with petroleum and making sure that there was order in doing so but the wrongful act was physically assaulting a customer in the course of trying to allow other customers to buy petrol. I advise Mr. Olabanjo that he can successfully bring an action against Esso Petroleum bcause they are vicariously liable for Ade's actions in this particular situation. In the case of Hawley v Luminar leisure a door steward hired at a night club had seriously caused harm to the plaintiff. After the court had established that the club owner was entitled to control the acts of the door steward even though they didn't hire him directly, it stated that it was vicariously liable for  the acts of  the door steward. If the club can be held liable for the wrongful acts of an employee committed in the course of carrying out an authorised act even though he was not directly employed, then surely Ade can be held liable for his wrongful acts in this case.

Regarding the advice I will give Eunice, I will say that she cannot bring an action against Ade for causing some injury to her because it occurred during a party. An element that must exist for an employer to be vicariously liable for an act is if the act committed is incidental or necessary for the discharge of employee duties. Here, the party is not part of the Ade's duties so Esso Petroleum cannot be held liable for it. Eunice can only complain against Ade himself not the Company.

I will advice Esso Petroleum that they can held liable for the actions of Ade against Mr. Olabanjo but not those against Eunice.