

# Midterm

Law



Question The following tests reveal that Wright is en d to be an employee at Reactors Ltd. rather than an individualistic contractor: ControlTest: the tenure for Wright at Reactors Ltd. has been two years up till now. Initially he started as an advisor for the company, reporting to the Chairman of the board, soon he was promoted to the position of general manager which was more authoritative than the former job. Since the beginning Wright receives a pay based on hourly rate regardless of how the company is performing. When offered the position as the general manager, Wright agreed to all the terms and conditions and hourly rate included in it knowing that it was not a permanent position.

Risk Test: The risk involved is for both, the employer and the employee, if the financial health of the company booms then it wouldn't affect the hourly rate of Wright, thus Wright would not be benefited under good condition. Similarly if the company is not doing well then even under such condition it would have to pay the same hourly rate it was giving before, thus making it risky for the company.

Organization Test: The position of Wright is as such that the financial health of the company relies much on his individual performance as well.

Tools Test: the article doesn't specify any information regarding the tools provided to Wright, but upon further examination it can be extracted that most likely Wright uses the equipment and tools of the company in his daily work. These can be, computer, stationery, and other supplies which are used in daily office work. Moreover, the company also provides him with the important data and reports for him to base his work upon.

Durability and Exclusivity of Relationship Test: as mentioned earlier, Wright has been employed at Reactors Ltd. for two years during which he has been

working on hourly rate and also has been offered the position of General Manager. Working at a central position, where he is responsible for monitoring the activities at the company, it has become hard for him to work for any other clients.

Since, Wright has been working as an employee at Reactors Ltd. the taxes as well as the CCP should be canceled for the period of his tenure. Interest and fine(s) would be a possible outcome from the CRA as well.

Question 2:

a) It is possible that Monique file a complaint based on the Human Rights act under which are the 14 grounds of prohibited discrimination. However, it is not possible for her to draft the complaint on direct discrimination, like physical appearance which is not a part of this act. But, if she succeeds in coming up with a strong argument regarding the permissibility of piercing in religious context then she can have the chance to prove her point.

b) No, there is no contradiction of NB Human Rights act as reflected in the actions of the employer. Also, it can be observed that Monique has so far no intention of coming up with the argument that there is a religious reason for her wearing nose ring.

Question 3.

a) The nature of the case is more in the favor of Albert, as there is no solid argument to support his dismissal. Albert can easily prove that his dismissal was wrong and based on weak argument as there is no paper trail of disciplinary action taken against him, or he has been confronted with any negative reviews regarding his actions, plus he has was not informed about the dismissal beforehand. And even if the dismissal was right, Albert should have been provided with the following benefits for his services: pay for the <https://assignbuster.com/midterm-essay-samples-2/>

imposed notice period, financial remuneration to support in the prevailing job market, period of employment and age, and probably another job to avoid unemployment or career counseling.

However, because Albert is working on temporarily basis, it is highly impossible to restore him to his previous position. The issue can be sorted out by providing him with the compensation as mentioned above.

b) The common law duty for Albert is to find a job after unemployment as the period of unemployment can have negative impact on the country's financial health as well as Albert's. Plus, it has to compensate for the loss the employer will undergo for the loss of an employee, Albert. Otherwise, the judge may reduce Albert's compensation up to 50% if it is observed that an authentic attempt is not undertaken. The period during which Albert seeks job opportunities and make an effort on his own, such period would act as an evidence that he performed his common law duty.