

BLAW 150: Canadian Business Law
Humber College-Summer 2016

Professor Dyanoosh Youssefi

Take-home Assignment- Worth 15%
of final mark

Due: Friday July 22, 8:55 a.m. (see
below.)

Instructions:

For this assignment, you must answer **both** Questions 1 and 2. Read all the instructions carefully before answering the questions. You will need to use assigned reading as well as lecture materials to answer the questions.

You will be graded on the substance of your answer. However, you will lose up to 2 (out of 25) marks for unclear answers and improper or incorrect grammar, particularly where such errors render your answers ambiguous, unclear, or incorrect. You will also lose marks for not following the instructions properly.

You may verbally discuss your answers with your classmates, **but each person must independently write their own responses and hand in their own assignment. This is not a group exercise.** Copying or using each other's responses, even where a few or more words or sentences are changed, is cheating and academic dishonesty. Academic dishonesty will lead to a grade of zero on the assignment, and may lead to an F in the course and/or other disciplinary steps.

Due Date and Submission Format:

The assignments are due on Friday, July 22, at 8:55 a.m. You must bring a **hard copy** of the assignment with you to class and hand it in to me. After 9:05 a.m., there will be a 5% deduction for every 10 minutes that the assignment is late.

As well, **you must submit a soft copy** of the assignment by email, by 12:00 p.m. on Friday, June 22. Email your assignment to Dyanoosh.youssefi@humber.ca. Late soft copy submissions will receive a deduction of 5% for every 60 minute delay. All deductions are cumulative.

If you fail to hand in either the hard copy or the soft copy of the assignment, you will receive a grade of zero on the assignment.

Cover Page:

All assignments require a cover page. Your cover page should include the name of the school, course name and number, name of the professor, your name, your student number, **and the date.**

Start working on the assignment right away so that you have time to finish it!

GOOD LUCK!!!

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Question 1: (9 marks)

Janani, a Canadian of Sri Lankan origin, works as the Director of Business Development at Fab Ricky, an Ontario textile importing company that ships clothing and textiles into Canada for sale to retail stores here. Her job is to procure new business for the company, by winning and dining, and meeting with, businesses across the country. The company employs 60 people. Janani earns \$65 000/ year, working between 30 hours-60 hours a week, depending on whether she needs to travel for work. She also sometimes has evening meetings.

Janani has been with Fab Ricky for 18.5 years, the last 7 in her current position as Director of Business Development. She started at Fab Rick as a graphic artist. After 2.5 years, she began to work as marketing agent for about 9 years. Her initial contract with Fab Ricky set out a 3 week termination period. Each time she was promoted, Janani received a higher salary and a new title, but her contract was never modified.

In January of 2016, the company's owners and management decided that in order to grow the business, they need to have a different image, one that is more "western" or Anglo-Saxon. They concluded that all employees, such as Janani, whose job it is to meet with potential customers and be the public face of the company, should reflect that more western persona. As a result, they decided to terminate Janani's employment.

Lahiru, Janani's boss, gave Janani 12 weeks working notice, during which she is to conclude outstanding business and search for, hire, and train her replacement.

Use the assigned readings from the book as well as lecture materials to answer the questions below. You need to identify and discuss as many legal issues and potential violations of workplace and employment law as possible. Refer to the relevant statute(s) and section(s) or caselaw whenever possible.

- a) On the face of it, has there been discrimination under the Human Rights Code? On what grounds? Explain how there may or may not be discrimination in this case? (300 word maximum)
- b) What argument(s) might the employer raise in its defence? **Do you think that the employer's arguments will meet the Meiorin test and qualify as *bona fide occupational requirement*?** (500 word maximum)
- c) Aside from the potential human rights violations, are there other legal issues with respect to her employment and termination? (Use reasonable amount of information to fill out the table. Do not use extraneous information.)

Answer this question (question 1(c)) using the attached table. For each issue, you need to clearly state what the law is, and, where possible, cite the source of law (the statute or common law), what facts from the scenario are relevant to the issue, how the law applies to the fact situation, and whether or not you believe there was a violation of the law (conclusion.) Follow the format taught in class

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Question 2: (6 marks)

Karen is the manager of a branch of a finance company. The annual holiday party was held at a local bar and grill. After the office holiday party an employee advised Karen that he had overheard the collections supervisor, Sergei, make a pass at and utter vulgar comments to, two female employees.

- a) What legal issue is presented in this scenario? Explain your answer. (300 word maximum)
- b) How should Karen respond to this situation? (250 word maximum)
- c) Clearly list **and explain** all the risk management steps that Karen and the finance company need to take. (Make sure that you are linking the steps to the fact scenario.) (400 word maximum)