



Session 43

*Employment law 3
cases*

Case 1

Marc has been employed by a bank in the marketing department for the promotion of new products. He has made the pledge not to work with other banks for 2 years at least after the end of the promotional campaign. Given the success of his campaign a competitor bank makes a very attractive offer and he accepts. His previous employer assigns Marc to a conciliatory hearing for damages on grounds of violating the clause of the prohibition of competition. Marc does not show up to the conciliatory hearing – mediation - and so the court authorizes the trial.

Task

Pass judgment on the case

Case 2

Martine has been working for six months and falls pregnant. When she is pregnant for 5 months her doctor forbids her to her at the rate of 100%. Her employer is not very happy and fires her. Martine assigns her employer to court for a conciliatory hearing. During the hearing the employer blames Martine for not having informed him; Martine finds such argument irrelevant and holds on her determinations; the employer refuses to give in and so, in the face of a failed conciliation/mediation, the court authorizes the trial.

Task

Pass judgment on the case

Case 3

Claudine meets Charles and the latter asks her if she has little time to “help out” with some billing. Claudine accepts and carries out the tasks a couple hours a week for 2 months. Once the job done and not seeing that Charles has not paid anything, she asks him when he thinks he will do it. He becomes angry and say that it is inadmissible to ask for money since she was there to help out and after all no contract was ever signed to set a wage. Claudine files a conciliatory request with the court. During the hearing Charles argued that Claudine was there to help out and was no reason to pay; Claudine evoked that she was working on a regular basis and that was enough to give rise to a salary. The conciliation/mediation failed and so the court authorized the trial.

Task

Pass judgment on the case

Case 4

Paul, 63-year-old employee, is called by Mark, his boss, and is given his notice of dismissal on grounds of a lack of motivation given the recent measures of rationalization of the company. Paul furious for being sacked after 44 years of service and in addition to just 2 years of his retirement assigns Mark to court for a conciliatory hearing. During the hearing Mark argued on grounds of the liberty of dismissal; Paul thought mark was heartless and did not respect him. The conciliation/mediation failed and so the court authorized the trial.

Task

Pass judgment on the case