



Quiz

Employer discretion in the payment of incentive payments

1. Which of the following issues was put to the court for consideration?
 - a. Whether the sales program was enforceable in contract
 - b. Whether Hewlett-Packard could exercise any rights it did have retrospectively?
 - c. Whether there was a claim in estoppel based on representations being made
 - d. All of the above
2. What was the decision of the primary judge?
 - a. Whilst Melissa's base remuneration was contractually and legally binding, commission was not and therefore not payable.
 - b. That Hewlett-Packard had a right to review commission payments, including to alter and cancel commission payments at any time, including retrospectively and therefore the commission claimed was not payable
 - c. The right to cancel commission payments was not retrospective and therefore Melinda was awarded commission payments, costs and interest payments from 2010 to the date of judgement.
 - d. None of the above
3. What was the decision of the Court of Appeal?
 - a. The Court of Appeal found in favour of Hewlett-Packard

- b. The Court of Appeal found in favour of Melissa's cross-claim appeal
 - c. The Court of Appeal dismissed both appeals
 - d. Both A and B
- 4. What was the finding of the court in relation to the estoppel claim?
 - a. Representations were made to Melinda by management that the commission would be paid
 - b. Melissa relied upon those representations to keep selling and bringing forward deals
 - c. Melinda did not rely on the representations to her detriment and she was contracted to make sales and close deals anyway
 - d. Both A and B
- 5. What was the cause of the delay in bringing proceedings?
 - a. The statute of limitations had run out and special leave of the court was required
 - b. Melissa still worked for Hewlett-Packard and did not want to sue her employer and risk her employment
 - c. Hewlett-Packard continued to make representations that led Melissa to believe that she was going to be paid
 - d. All of the above

Answers:

1. D 2. D 3. C 4.C 5. B