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DE GRANDPRÉ CHAIT S.E.N.C.
LAWYERS

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Notes of the month

Business / Labour

Does a corporation's lack of assets and precarious financial situation justify the cancellation of a golden parachute clause?

In a judgment rendered on **May 20, 2003** in the matter of **Michel Mondoux v. 9041-6868 Québec inc.**, the Québec Superior Court considered various grounds which could support the cancellation of a golden parachute clause contained in a contract of employment.

[] In November 2001, Mr. Verreault, the president and major shareholder, dismissed Mr. Mondoux on the ground that he was unable to manage the company's day-to-day affairs. Michel Mondoux instituted an action against *9041-6868 Québec inc.* for more than \$250,000. He referred, in particular, to two provisions of his **contract of employment** which stipulated, in essence, that he was being hired for a period of four years and that if the contract was terminated without cause prior to its expiry, he would receive his full salary until the end of the term, namely until August 2004. [Complete Text](#) By **Me Benoît Pelchat**

Conferences

Business / International

Carrefour Destination Québec

Me Jacques Bourque and **Me Jean François Giroux** participated in the second edition of the Carrefour Destination Québec held in Brussels on **March 29 and 30, 2004**. Me Bourque presented his speech entitled *Les investisseurs institutionnels et privés et les bourses de petites capitalisations* [**Institutional and private investors and small cap exchanges**] before an audience comprised of European business people, financiers and consulting firms interested in investment or partnership projects in Québec. Me Giroux's speech was entitled *"Le cadre réglementaire des ententes nord-américaines"* [**The regulatory framework of North American agreements**]. He also co-moderated a workshop on financial institutions with Luc Bisailon, Associate Vice-President of RBC Royal Bank.

Organized by **Groupe DPDS** in cooperation with **Montréal International** and the **General Delegation of Québec** in Brussels, the Carrefour Destination Québec is a major event held in partnership with the **Royal Bank**, **KPMG** and **De**

Labour and Employment

Employers Criminally Liable for Employment Injuries

Bill C-45, which amends the **Criminal Code** and came into force on March 31, 2004, is intended to establish the liability of organizations and individuals who fail to take reasonable steps to avoid accidents in the workplace. To avoid criminal liability and fines of up to \$100,000, employers should familiarize themselves with these new provisions.

One need only remember the tragedy that occurred in 1992, when 26 miners were killed in the **Westray Mine** in Nova Scotia. At that time, the Nova Scotia Legislature had been unable to bring the mine owners before the courts for the negligence which caused the explosion. This will no longer be the case! In response to this injustice, the Legislature sought to establish rules governing the criminal liability of organizations. [Complete Text](#) By **Me Jean Benoit**

Appointments

Real Estate

Me Serge Vaillancourt joins our Real Estate Group.

We are pleased to announce that **Me Serge Vaillancourt** has joined our Firm. As member of our Real Estate Group, he will work particularly in the field of real estate title examinations. Me Vaillancourt was admitted to the Chambre des notaires du Québec in 1980 and practised in the notarial firm of Morand et Associés before joining Fasken Martineau in 1995.

LAST CHANCE - DGC Breakfast Conference

Don't be caught unprepared for psychological

Grandpré Chait.

Labour and Employment

Labour standards You can't live without them, but how do you live with them?

On **7 April, 2004**, **Me Patrick Galizia** was invited by the **Quebec Produce Marketing Association** (QPMA) to present an overview of the labour standards in force since May 1, 2003 as well as their effects on the process of hiring and managing employees.

harassment complaints!

This DGC Breakfast Conference was such a big success that we wanted to give you one last opportunity to hear it on **May 11, 2004**, from 7:30 a.m. to 9:00 a.m., at our offices. Space is limited, so please take a moment to register by phone at 514 878-3223, extension 3335



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If you have any questions or comments regarding this Bulletin, please contact us by telephone at (514) 878-3223, ext. 3335 or by clicking [Information Request](#) at the bottom of this page.

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