

INDEX



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LAWYERS

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Notes of the month

Labour and Employment

Future Victory for Unionized Employers?

The introduction, on November 13, 2003, of Bill 31 which amends section 45 of the Labour Code has led to an outcry within union circles; union confederations are asking that Bill 31 be withdrawn entirely, otherwise there will be all-out war! One wonders what it is that is so alarming about this Bill. Quite simply, the Bill excludes subcontracting from the application of section 45 of the Labour Code — nothing more... By **Me Andrée Gosselin** [Complete Text](#)

Construction

The Independence of an In-house Expert Witness

Over the last few years, the increasingly complex nature of construction (and the disputes arising therefrom) has led to a general trend in construction litigation where expert witnesses are called upon to support a party's case. This is true for plaintiffs as well as defendants. Indeed, the presence of an expert on behalf of one party precipitates and often necessitates the other party to react by calling his own expert to file a contrary opinion. By **Me Jasmin Lefebvre** [Complete Text](#)

Highlights

Commercial Litigation

In connection with the injunctive proceedings instituted by certain heirs of the estate of the late **Jean-Paul Riopelle**, **Me Marc Beauchemin**, assisted by **Me Julie Bourduas**, represented **Hôtel des Encans de Montréal** and its auctioneer, **legor de Saint-Hyppolite**. The motion was intended to order the suspension of the auction of 44 works by the famous Québec painter until certain disputes between the liquidator and certain heirs were resolved. This case, which was in the headlines over the last two weeks, will continue at the interlocutory and final stages over the coming months.

Intellectual Property

New Government Fees — Canadian Intellectual Property Office

Effective January 1, 2004, there will be an increase in the fees to register and maintain certain intellectual property rights such as trademarks, industrial designs and patents in Canada. At the same time, a reduced on-line filing fee has been introduced for applications to register trademarks and copyrights. By **Me Virginia Lam** [Complete Text](#)

Breakfast Conference

Psychological Harassment

As of June 2004, employers will have to ensure that their employees have a **work environment that is free from psychological harassment**. What is psychological harassment, what new responsibilities will employers have, what measures will they have to take as of now and what recourses will employees have? This will be the topic of the forthcoming DGC breakfast conference to be held on **January 27, 2004** and **February 4, 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 or, online at: mktg@dgclex.com. Don't forget to provide your name and telephone number and the date you have selected so we can advise you of any scheduling changes.

Appointments

Me Claude Désy was appointed by the HEC Montréal and the Université de Montréal to sit on the new board of directors of **Univalor**. He will hold the position of director and, as such, will be in charge of developing and marketing the results of the research carried out by researchers.

Me Patrick Galizia was elected Vice-President, Development, of the board of directors of the **Jeune Chambre d'affaires et professionnels Lanaudière Sud**.

Me Virginia Lam received the 10-Year Award of Service from the **Federation of Chinese Canadian Professionals (Québec)** at its 10th anniversary gala held in Montréal on October 25, 2003. She is the current Chair of the Federation's Newsletter Committee.



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