

# INDEX

  
DE GRANDPRÉ CHAIT S.E.N.C.  
LAWYERS

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## REMINDER - INVITATION DGC Breakfast Conference

**Don't be caught unprepared for psychological harassment complaints!**

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, February 4 and 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 or, online at: [mktg@dgclex.com](mailto: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.

## Notes of the month Labour and Employment

**Analysis of a Complaint for Psychological Harassment**

Did you know that an employee who complains that he is being ignored by his co-workers could now be considered a victim of psychological harassment? And, if his complaint is accepted, the employer will have to prove that he took all reasonable means to prevent this kind of situation and put a stop to it? As of June 1, 2004, all employers in the province, whether or not unionized, will have the ultimate burden of ensuring that their business is free of psychological harassment. Easier said than done — particularly since the **Commission des normes du travail** is preparing itself for an onslaught of complaints. [Complete Text](#)

## Corporate Financing

**Public Financing for SMEs**

Emerging small cap companies are always seeking out new sources of financing. Until recently, in Ontario and Québec the methods of financing available to these companies generally did

## Important Judgment

**Construction**

**The Court of Appeal Shuts the Door on Claims By Contractors for Lost Profits**

The general legal rule in Québec is that the contract is the law between the parties. That is, parties to a contract are bound to abide by the terms of the contract between them. However, where a contract for services is involved, the law allows the client to unilaterally terminate the contract if he is unhappy with the services of the contractor or service provider.

In a very recent decision rendered on November 3, 2003 the Québec Court of Appeal ruled that service providers and contractors cannot claim lost profits as a result of a client's unilateral cancellation of their contract (**Pelouse Agrostis Turf inc. v. Club de golf Balmoral**). The Court of Appeal felt that the law held the client responsible for the lost profits of a contractor or service provider when the client wrongfully terminated a contract. By **Me Jasmin Lefebvre** [Complete Text](#)

## Conferences

**Insolvency and Environment**

**Security Instruments Recent Legal Developments  
Winning Strategies for Negotiating, Drafting and  
Realizing Upon Security Instruments.**

**Me Alain Robichaud** will chair the Canadian Institute's advanced conference on security interests to be held on **January 21 and 22, 2004** at the Hotel Omni Mont-Royal. Me Robichaud's presentation will deal with current issues in matters of insolvency and realizing upon security instruments. **Mes Marc Beauchemin and Benoît Pelchat**, who will also lecture at the conference, will discuss hypothecary recourses affecting contaminated property. They will examine the liability of financial institutions following the coming into force of Bill 72.

**Health and Safety**

**Temporary Assignments: What Should You Pay?**

**Me Jean Benoit** will be the guest speaker at the *SST Bonjour* breakfast conference presented by the **Centre patronal de santé et sécurité du travail du Québec**. His lecture will deal with the subject of what to pay an employee who is on

not allow them to list their securities on an exchange. The **Capital Pool Companies Program** created by the **TSX Venture Exchange**, which is now available in Québec and Ontario, has changed this situation by giving small cap companies access to a new source of growth capital. By **Me Claude Désy** [Complete Text](#)

## Appointment

### Real Estate

#### Daniel J. Martin joins the Real Estate Group

We are pleased to announce that **Me Daniel J. Martin** has joined our firm as partner. Specialized in Real Estate Law, Me Martin is particularly active in the fields of acquisition, development and financing. He is also involved in the examination of titles. Admitted to the *Barreau du Québec* in 1984, Daniel Martin has been working at Fasken Martineau since 1998.

temporary assignment and will address several difficult situations with which employers are faced. The conference will be held on Friday, **January 30, 2004**, from 7:30 a.m. to 9:00 a.m., at the Hotel Omni. To register: Monique Robitaille, (514) 842-8401, ext. 269.

## Corporate Financing

### Capital Pool Companies - a New Source of Financing

**Me Claude Désy**, as the guest of honour of the **Canadian Institute of Chartered Business Valuators Québec Region**, will give a speech on *Les Sociétés de capital de démarrage, une nouvelle source de financement*. This breakfast conference will be held at the Holiday Inn Montreal Midtown on **February 25, 2004**, at 7:30 a.m. To register, please fill out [this form](#).

### Public Financing of Québec SMEs a Practical Approach to the Stock Exchange Mechanism

Did you know that over 2,100 firms are listed for trading on the Venture Exchange, making it one of the most dynamic sources of financing for SMEs? **Me Claude Désy** and **Me Michel G. Beaudin** will chair a seminar entitled *Le financement public de la PME québécoise une approche pratique au rouage boursier* on **March 29 and 30, 2004**, at the **Centre de perfectionnement de HEC Montréal**. For more information, consult the [complete program](#) and register today!



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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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