



# ALEXANDRE W. BUSWELL

## Partner

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[Labour and Employment](#)  
[Litigation and Arbitration](#)  
[Defence and Security](#)

### Education / Bar Admissions

LL.M., Université de Montréal, 1999

LL.B., Université de Montréal and  
Osgoode Hall Law School (York  
University), 1995

Québec, 1997

### Professional Involvement

Member, Barreau du Québec

Member, Canadian Bar Association

Guest speaker and instructor, McGill  
University's Faculty of Management  
and Faculty of Law

Independent Member, Pension  
Committee of the Employees of  
Cirque du Soleil

Independent Member, Pension  
Committee of the Executives of  
Cirque du Soleil

Member, National Management  
Committee of another national law  
firm (2011-2013)

### Community Involvement

Member, Board of Directors of the  
Marie-Vincent Foundation, an  
organization for children who are  
victims of sexual abuse

## EXECUTIVE SUMMARY

Alexandre W. Buswell is the Practice Group Leader of our Labour and Employment Law group in Montréal, whose practice focuses on all areas of labour and employment law, for both federally-regulated and provincially-regulated undertakings.

In employment law, Mr. Buswell is frequently called upon to advise and represent companies in the dismissal of both employees and executives. In addition, he often acts in disputes that give rise to issues relating to the non-competition and non-solicitation of clients and employees.

He also provides various companies with strategic project advice regarding collective labour relations, and acts for those companies before arbitration tribunals. Mr. Buswell is also active in the field of human rights.

Mr. Buswell specializes in litigation in the civil courts, as well as administrative law, which includes judicial review, injunction-related matters and appeal cases. He also possesses in-depth knowledge of constitutional law, an area in which he works regularly.

Mr. Buswell is frequently called upon to represent clients before arbitration tribunals, the Administrative Labour Tribunal, labour relations division, the Canada Industrial Relations Board and the civil courts, including the Federal Court of Appeal, the Court of Appeal for Quebec and the Supreme Court of Canada.

Mr. Buswell has also developed a particular expertise with respect to the interpretation and application of the *Charter of the French Language* (the "*Charter*"), mainly as it relates to the potential impact of the *Charter* on the operations of employers having activities in the Province of Québec.

Mr. Buswell has written numerous articles on labour and employment law, in addition to authoring a paper on Crown immunity with respect to legislation. He is regularly invited to act as a lecturer and teaches at McGill University.

Mr. Buswell joined BLG after having practiced in another national firm, where he was the Practice Group Leader of the Labour and Employment group for the Province of Quebec.

He completed a clerkship at the Federal Court of Canada and worked at the Public Law Research Centre of the Université de Montréal.

## REPRESENTATIVE WORK

- Lead counsel to McGill University in a matter concerning an application for provisional order before the Administrative Labour Tribunal.
- Lead Counsel to Corporation d'Urgences-santé in a litigation matter concerning the dismissal of a senior executive.
- Acted as lead counsel to Bell Canada and some of its subsidiaries in matters concerning the enforcement of non-competition, non-solicitation and confidentiality restrictive covenants.
- Lead counsel of Bombardier Inc. in a matter concerning allegations of discrimination directed against senior executives of the corporation.
- Acted as lead counsel to JTI-Macdonald Corp. (division of Japanese Tobacco International) in the context of an unlawful strike declared in a unionized facility.
- Lead counsel to Paysafe Group PLC in the context of injunction proceedings related to the enforcement of non-competition, non-solicitation and confidentiality restrictive covenants.
- Acted as lead counsel for the Canadian Broadcasting Corporation in an application for the review of the structure of the bargaining units, and in several other disputes before arbitration tribunals and the Canada Industrial Relations Board
- Acted on behalf of Hydro-Québec in a petition filed with the Quebec Labour Relations Commission for certification concerning the unionization of the Occupational Health and Safety Specialists. The petition for certification was dismissed by the Commission.
- Lead counsel of *Cirque du Soleil inc.* in several important litigation instances with respect to employment matters.
- Negotiated several collective agreements, including in particular collective agreements with the *Guilde des musiciens et musiciennes du Québec* and the American Federation of Musicians.
- Lead counsel to Héroux-Devtek Inc. ("Héroux-Devteck") in the context of an injunction application brought against Héroux-Devtek related to non-competition and non-solicitation clauses.
- Acted on behalf of TELUS Communications Inc. before the Canada Industrial Relations Board in the context of a dispute concerning the inclusion of a significant number of employees in a bargaining unit represented by a certified association of employees.
- Acted on behalf of Wal-Mart Canada regarding a class action instituted by the employees of the Jonquière store following its closure.
- Acted on behalf of Le Château inc. with respect to a litigation file involving an executive officer's stock purchase option right following the end of his employment.
- Acted as lead counsel for Richter in several employment law disputes.
- Acted on behalf of The Hockey Company (Reebok inc.) in respect to a long and complex litigation related to the application of restrictive covenants included in an individual contract of employment.
- Acted on behalf of Air Canada and Aéroports de Montréal with respect to

injunction proceedings in a work conflict involving third parties who disrupted operations at the Montreal Pierre Elliott Trudeau International Airport.

- Acted on behalf of Canadian Broadcasting Corporation with respect to an injunction concerning an alleged violation of a collective agreement in the context of the production and broadcasting of a special program for an elections night.
- Acted on behalf of Federal Express Canada Ltd. in the context of a claim concerning the alleged breach of the fundamental rights of a former employee following an investigation conducted by the Company, with the Montreal Police Service.
- Acted on behalf of various financial services institutions, including National Bank Financial inc., with respect to several disputes regarding employees' duty of loyalty and the application of restrictive covenants included in individual contracts of employment and commercial agreements.
- Acted on behalf of several federal crown corporations and federal undertakings in various disputes before the Canada Industrial Relations Board, the Federal Court of Appeal, the Supreme Court and Québec courts.
- Lead counsel in employment law cases for several companies operating in the entertainment, circus and radio and broadcasting industries.
- Lead counsel in complex arbitration cases involving the application and interpretation of collective agreements, including with respect to subcontracting.
- Lead counsel in several alleged discrimination and sexual harassment files.

## **PUBLICATIONS & PRESENTATIONS**

- Alexandre W. Buswell, "Fraud and Embezzlement in the Workplace: How to avoid the Pitfalls", Quebec Bar Association's Continuing Education 2016.
- Alexandre W. Buswell, "Fraude et malversation en milieu de travail : les pièges à éviter », Quebec Bar Association's Continuing Education 2016.
- Alexandre W. Buswell, "Les clauses restrictives dans le contrat individuel de travail," Chapter 10 in *Le Congédiement en droit québécois*, 2015.
- Alexandre W. Buswell, "Le devoir de loyauté de l'employé à la cessation de son emploi," Chapter 11 in *Le Congédiement en droit québécois*, 2015.
- Alexandre W. Buswell, "Comment les employeurs peuvent-ils communiquer efficacement avec les employés en milieu de travail," the *Regroupement des résidences pour personnes âgées* Conference, 2014.
- Alexandre W. Buswell and Justine Laurier, "L'administration et l'utilisation de la preuve obtenue par l'entremise des médias sociaux," Quebec Bar Association's Continuing Education 2014.
- Alexandre W. Buswell and Justine Laurier, "Employés et médias sociaux : décisions récentes," Quebec Bar Association's Continuing Education 2014.
- Alexandre W. Buswell, "Les accommodements raisonnables," Quebec Bar Association's Continuing Education 2014.
- Alexandre W. Buswell, "Développements récents visant la démission, la juridiction résiduelle des tribunaux face aux questions afférentes aux décisions

de la CSST et l'impact des modifications au DSM IV sur les dossiers d'invalidité de nature psychologique," Quebec Bar Association's Continuing Education 2014.

- Alexandre W. Buswell, "Développements récents en droit du travail (2012-2013)," Quebec Bar Association's Continuing Education 2013.
- Alexandre W. Buswell, "Droit du travail et de l'emploi – Développements récents 2013," Quebec Bar Association's Continuing Education 2013.
- Alexandre W. Buswell, "Le harcèlement psychologique," Quebec Bar Association's Continuing Education 2013.
- Alexandre W. Buswell, "Développements récents en matière de droit de la personne," Quebec Bar Association's Continuing Education 2012.
- Alexandre W. Buswell, "Droit constitutionnel et Charte canadienne – Développements récents (2011-2012)," Quebec Bar Association's Continuing Education 2012.
- Alexandre W. Buswell, "Développements récents en droit du travail, de l'emploi et en santé-sécurité au travail," Quebec Bar Association's Continuing Education 2011.
- Alexandre W. Buswell, "Usage de drogue et d'alcool : Congédiement ou dernière chance? ", Quebec Bar Association's Continuing Education 2011.
- Alexandre W. Buswell, Thomas Brady et al. "Canada," in *Restrictive Covenants and trade Secrets in Employment Law: An International Survey*, BNA Books, 2010.
- Alexandre W. Buswell, "Droit de l'emploi : Quoi de neuf," Quebec Bar Association's Continuing Education, 2010.
- Alexandre W. Buswell, "Droit du travail canadien – Aspects constitutionnels," Quebec Bar Association's Continuing Education, 2010.
- Alexandre W. Buswell, "Le Contrat individuel de travail – Clauses de non-concurrence et protection de l'information confidentielle – Portée et légalité des dispositions contractuelles," Quebec Bar Association's Continuing Education, 2010.
- Alexandre W. Buswell and Alexandre Paul-Hus, "Les clauses de non-sollicitation de clientèles et les articles 2088 et 2089 du *Code civil* : entre la théorie et la réalité commerciale," *Revue du Barreau*, Tome 68, 2009.
- *L'Immunité juridictionnelle et interjuridictionnelle en droit canadien*, Master's thesis, Université de Montréal's Faculty of Law, 1999.
- Alexandre W. Buswell and Nicola Di Iorio, "Le Commissaire du travail et les ordonnances de réintégration provisoires : le non-dit," *Développements récents en droit du travail* (1998), Les Éditions Yvon Blais, Cowansville, 1998.
- Alexandre W. Buswell and Danny J. Kaufer, *Colliding with the Civil Law: The Aftermath of the Wallace Decision in Quebec*, Canadian Bar Association, Toronto, 1998.
- Alexandre W. Buswell and Danny J. Kaufer, "Weber and Beyond: The Insurance Dilemma," *Federated Press*, 1998.

## RANKINGS & RECOGNITIONS

- Recognized in the 2018 edition of *Who's Who Legal Canada* (Labour, Employment & Pensions).
- Recognized as a leading practitioner in the 2019 edition of *Chambers Canada – Canada's Leading Lawyers for Business* (Employment & Labour: Quebec).
- Recognized in the 2019 edition (and since 2017) of *Benchmark Canada – The Definitive Guide to Canada's Leading Litigation Firms & Attorneys* as a "Local Litigation Star: Québec" (Labour and Employment).
- Member of the American Employment Law Council.
- Recognized as one of the leading practitioners in the areas of Labour and Employment Law and Human Rights in *The Canadian Legal Lexpert® Directory*.
- Recognized in the 2019 edition (and since 2017) of *Best Lawyers in Canada* (Labour and Employment Law).

#### **ABOUT BORDEN LADNER GERVAIS LLP**

Borden Ladner Gervais LLP (BLG) is a leading, national, full-service Canadian law firm focusing on business law, commercial litigation and arbitration, and intellectual property solutions for our clients. BLG is one of the country's largest law firms with more than 700 lawyers, intellectual property agents and other professionals in five cities across Canada. We assist clients with their legal needs, from major litigation to financing to trademark and patent registration.