

# Frédérique Meslay-Caloni

## Partner



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Paris

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## Overview

Frédérique, Partner and Co-Head of Dentons Paris Employment Group, is a litigation expert with a 20-year track record in employment, and contract/commercial law, advising French and multinational businesses on risk prevention in the pre-litigation, negotiation, litigation and post-litigation phases.

In employment, Frédérique advises companies and handles individual and collective litigation before the French Labor Courts related to restructuring, redundancy plans, voluntary plans, departure of executives, transactions, sexual and workplace harassment, discrimination, safety and health issues, covenant restrictions.

Her transversal expertise in contractual/commercial law allows her to provide complete service regarding issues combining both corporate and employment law (risks relating to abusive termination of services agreement, with consequences under criminal law, and recharacterization into an employment contract of a relationship with a service provider's employees, unfair competition, poaching of employees, departure of executives with an employment contract and a corporate office, etc.).

## Experience

- **Several luxury hotels, large pharmaceutical groups and banks:** Advising on a number of pre-litigation and litigation proceedings before the Labor Court and the Social Security Court involving individual and collective dismissals, issues of sexual, workplace harassment, burn-out, criminal offences, stress at work, work-related accidents, occupational diseases, protected employees, and disciplinary measures.
- Individual and collective actions initiated by **employees of service providers of hotels, banks, insurance companies**, claiming recharacterization of their relationship into an employment contract and raising some criminal offenses (travail dissimulé, délit de marchandage). Actions often caused by termination of relationships with the service providers which also bring actions based on abrupt termination of relationships or on significant imbalance in the parties' obligations arising under the contract, especially in the context of economic dependency.
- **A leading French high fashion, perfume and luxury goods manufacturer:** Representing the client (i) in several commercial disputes against non-authorized distributors and (ii) further to a claim filed against it by a

former sub-contractor according to which it is liable for a sudden and abusive termination of the commercial relationship (litigation linked to another claim related to IP rights).

- **A French bank:** Representing the client in a complex, interdependent and multi-jurisdictional litigation related to approximately 70 fraudulent loans. The case required, in particular, defining a global strategy in order to secure the position of the bank to limit the risks of not recovering the bank's debt obligation under these loans, which implicate sensitive and intertwined commercial, civil, criminal and insurance issues. We obtained numerous freezing orders as mortgages in order to block the assets of the fraudulent borrowers, and then introduced proceedings on the merits. At the same time, a criminal case was pending. Negotiations towards the guarantor and the insurer have been held simultaneously.
- **A large pharmaceutical group:** Advising on a redundancy plan including a voluntary and senior plan and on negotiations to achieve an agreement with the trade unions.
- **A major bank active in the automotive sector:** Advising on a restructuring involving collective dismissals for economic reasons.
- **A large pharmaceutical group:** Advising on the negotiation of an agreement relating to equality between women and men.
- **A major French gaming company:** Defending in several procedures before the Labour and Civil courts, involving a collective action led by about 100 employees who complained they had been the victims of a fraudulent transfer from the parent company to a subsidiary that was aimed at thwarting a right to subscribe to the parent company's mutual fund.
- **An entertainment company:** Advising in a collective action led by a group of employees claiming for a recharacterization of their fixed-term contracts into permanent contracts, threatening their employer to bring the case not only before the Labor court but also before the criminal court.
- **A luxury hotel and IT company:** Representing the client in litigation matters involving poaching of employees, unfair competition against a competitor, disparagement, misappropriation of clients and databases, termination of relationship.
- Pre-litigation and litigation proceedings related to requests for the requalification of distributor, commercial agency and franchisor agreements in employment contracts combined with request based on abrupt termination of commercial relationships.
- **Several banks:** Defending in separate proceedings against shareholders of different companies alleging that the bank is responsible for the bankruptcy and failure of their group and the loss in value of their shares or complaining about a breach of a share agreement.

## Recognition

In its 2019 edition, *Legal 500 EMEA* ranks Dentons Paris team in "Tier 2" in Employment Law. The team has also been recognized for years by *Chambers Europe*.

Frédérique is also recognized, individually, by *Best Lawyers 2019* for her Employment practice and the by French magazines *Option Droit et Affaires* and *Décideurs*.

## In the Media

- "Le microtravail est-il un vrai travail?", *Liaisons sociales*, interview with Frédérique Meslay-Caloni, June 2019

## Insights

- "Plates-formes numériques : le droit du travail résiste", *Les Echos*, April 2019

- "Un contrat commercial peut-il cacher un contrat de travail, Le Magazine des Affaires, January 2014

## Activities and Affiliations

### Prior and Present Employment

- Joined Salans (now Dentons) in 1995

## Areas of focus

### Practices

- Business Agreements and Commercial Contracts
- Employment and Labor
- Financial Services Litigation
- Franchising and Distribution
- Litigation and Dispute Resolution
- Product Liability and Complex Torts

### Industry sectors

- Commercial Banks
- Hotels
- Litigation, Arbitration, Mediation and other Dispute Resolution
- Luxury, Fashion and Beauty
- Manufacturers and Distributors
- Pharmaceutical Companies
- Hotels and Leisure

## Education

- University of Paris V, 1990, DESS, National, European and International Litigation
- University of Paris X – Nanterre Law School, 1989, Maîtrise, in Judicial careers of Private Law
- University of Paris X – Nanterre Law School, 1988, Maîtrise, of Business Law

## Admissions and qualifications

- Admitted to the Bar, Paris, 1992

## Languages

- English

- French