



Andrew J. Hatnay Partner

Practice Area
Pension and Benefits

Expertise
Pension and Benefit Issues in Bankruptcy
and Restructuring, Employment
Standards

Called to the Bar
Ontario, 1991

T: 416-595-2083
F: 416-204-2872

ahatnay@kmlaw.ca

Andrew Hatnay is the practice co-ordinator of the firm's Pensions and Employee Benefits group. He advises employees, retirees, pension plan administrators and unions on all aspects of pension plans, benefit plans and employee compensation, and has special expertise with corporate restructurings and bankruptcy. Andrew is also a litigator and represents clients in insolvency proceedings before all levels of court.

Andrew has acted as court-appointed representative counsel for employees and retirees of *Hollinger Canadian Publishing Holdings*, *Domgroup*, *Eaton's*, *Dylex*, *Saan Stores*, *Cotton Ginny*, and *Irwin Toy*. Andrew represented employees and retirees in the insolvency proceedings of *Indalex*, *Smurfit-Stone*, *Hard Rock Paving*, *General Chemical*, *Vicwest*, and other companies and on the restructurings of *Catalyst Paper (B.C.)*, *Stelco*, *Ivaco*, *Slater Steel* and *Algoma Steel*.

Andrew was lead counsel to retirees in the landmark *Indalex* case where the Supreme Court held that the Ontario *Pension Benefits Act* deemed trust applies to an underfunded pension plan in CCAA proceedings and found that *Indalex* breached its fiduciary duty to pension plan members. Andrew was also successful counsel in the Supreme Court of Canada in *T.C.T. Logistics* where the court held that collective agreements remain in force in insolvency proceedings and that a bankruptcy court cannot shield trustees and receivers from proceedings brought against them by unions before labour relations boards.

Andrew is a regular speaker at various conferences and seminars, to review a complete listing of presentations, please [click here](#).

Experience

- Indalex Limited (Supreme Court of Canada)
- T.C.T. Logistics Inc. (Supreme Court of Canada)
- Catalyst Paper Corporation (British Columbia Supreme Court)
- Daymonex Ltd.
- Dylex Ltd.
- The Eaton Company Ltd.
- Hard-Rock Paving Company Limited

- Hollinger Canadian Publishing Holdings Co. (“HCPH”)
- Irwin Toy Ltd.
- Ivaco Inc.
- SAAN Stores Inc.
- The Shaw Group Inc.
- Smurfit-Stone Container Canada Inc.
- Stelco Inc.
- Windsor Machine & Stamping Limited
- Fraser Papers
- Domgroup Inc.

Education

LL.M., 1995, McGill University (Dean’s Honour Roll)

LL.B., 1989, University of Ottawa (cum laude)

Member/Affiliations

Member, Turnaround Management Association of Toronto

Member, INSOL

Member, International Pension and Employee Benefits Lawyers Association

Member, Advocates’ Society

Member, Ontario Bar Association

Past Director, Multi-Employee Benefit Plan Council of Canada

Andrew's Publications

- Employee Representation Orders in Insolvency Proceedings – Recent Ontario Developments