



Duncan Marsden

Partner

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[Labour & Employment](#)
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Duncan practises in labour and employment law. He provides advice to clients on dismissal procedures, dispute resolution, managing downsizing and other cost-saving exercises, employment litigation and corporate due diligence.

He advises on all aspects of employment-related documentation, as well as workers' compensation, discrimination law, termination tax issues and the interpretation of employment contracts and policies.

He frequently provides training on employment law updates, including to civil court provincial judges.

Before joining BLG in 2007, he practised for several years in London, England, in the employment law department of the world's largest law firm.

Duncan is fluent in English and French, and speaks some German. He is an avid runner, breaking a world record for the fastest linked marathon as a charitable fundraising initiative.

Duncan is a member of BLG's National Board.

Experience

- ADT Security Services Canada, Inc v Fluent Home Ltd., 2019 ONSC 2804. A
- ADT Security Services Canada Inc. v. Fluent Home Ltd., 2018 ONSC 3092.
- Garland Canada Inc v Shusheski, 20017 ABQB.
- Ahmed v. Alberta Health Services, 2015 ABQB 825.
- Sanders v. A-G of Canada, Federal Court T-1082-14, March 17, 2015.

- Mallot v. A-G of Canada, Federal Court T-1864, Nov 13, 2014.
- Workers' Compensation Board Appeals Commission, Decision Number 2015-0383.
- Workers' Compensation Board Appeals Commission, Decision Number 2015-0297.
- Human Rights Tribunal of Alberta decision: Balsara v. Zellers Inc., 2013 AHRC 7.
- Worker's Compensation Board Appeals Commission, Decision Number 2009-730: concerned the deductibility of premiums.
- Sanders v. A-G of Canada, Federal Court T-1082-14, March 17, 2015.

Insights & Events

- [Speaker, "Returning to the Workplace: Considerations for Employers During COVID-19," BLG Webinar presented to RBC, May 2020](#)
- COVID-19: issues for the Canadian oil & gas industry
- BLG Podcast
- And now for something completely different: A tongue in cheek look at some serious legal issues
- Managing Workplace Harassment Reports
- Top 5 Employment Cases-Decisions You Will Not Believe
- Sonia Mak Named New Chair of Canadian Bar Association's Pensions & Benefits Law Section
- Changes to Workplace Legislation in Alberta
- B.C.'s Family Day News
- Cannabis in the Workplace
- Bill 148: What Could It Mean to the Retail, Service and Hospitality Sectors
- Co-Presenter, "Employment Law Update: The Oil Patch and Beyond"
- Presenter, "Drug and Alcohol Update," HRIA Conference 2015
- Co-Presenter, "How to protect your business from your (former) employees," BLG In-House Seminar, Summer 2014
- Author, "Getting LinkedIn to Employee Terminations in the Context of Social Media," Perspectives Magazine, November 2013
- Co-Presenter, Drug and Alcohol Webinar with BackCheck, November 2013
- Presenter, "A Cautionary Tale," BLG Not-for-Profit Seminar, October 2013
- Presenter, "Managing Dr. Jekyll and Mr. Hyde: Dealing with Impaired Employees," Vancouver Symposium, October 2013
- Author, Labour & Employment Alert, "SCC Rules on Random Testing of Employees: Bad News For Employers! (Or Is It?)," June 2013," re-produced in Labour Notes, July 2013.
- Co-Presenter, "How Many Fingers Am I Holding Up?" Dealing with impaired employees, Calgary Breakfast Seminar, May 2013 and Toronto Symposium, November 2013
- Author, "New Developments In Drug And Alcohol Testing," HRIA E-Newsletter, April 2013.
- Presenter, HRAC Conference, "Drug and Alcohol Policies and Testing," March 2013.
- Presenter, "Duvet Days to Long Term Absentees – How To Deal With Employees On Sick Leave," Toronto Labour & Employment Symposium, November 2012.
- Presenter, "The Rules of Hiring Volunteers," BLG Not-For-Profit Seminar, May 2012.
- Presenter, both "The Status of Family Status" and "Employment Law Update," BLG Labour & Employment Symposium, November 2011.

Beyond our Walls

Professional Involvement

- Part-time Commissioner, Alberta Human Rights Commission, Current, August 2018
- Member, Canadian Bar Association, Calgary South, Labour & Employment
- Member, Law Society of Alberta
- Member, Law Society of England and Wales

Community Involvement

- Duty counsel for pro bono Court shifts, Provincial Court and Court of Queen's Bench of Alberta
- Volunteer lawyer, Volunteer Lawyers Service

Awards & Recognitions

- Recognized in the 2021 edition of *Chambers Canada - Canada's Leading Lawyers for Business* (Employment & Labour (Recognised Practitioner) - Alberta) and in the 2020 edition (Employment & Labour (Recognised Practitioner))
- Recognized in the 2019 edition of *Canadian Legal Lexpert® Directory* (Workplace Human Rights)
- Recognized in the 2021 (and since 2019) edition of *Benchmark Canada – The Definitive Guide to Canada's Leading Litigation Firms & Attorneys* (Litigation Star: Labour and Employment)
- Recognized in the 2016 and 2015 editions of *Benchmark Canada – The Definitive Guide to Canada's Leading Litigation Firms & Attorneys* as a "Future Star: Alberta"
- 2014 Canadian National Pro Bono Distinguished Service Award winner

Bar Admission & Education

- Alberta, 2009
- England and Wales, 2000
- College of Law, York University, 1997
- Diplôme d'études juridiques françaises, Université Robert Schumann, Strasbourg, 1995
- LLB (with French), Leicester University, 1996

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As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers,



intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

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