Duncan Marsden K.C.

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Labour & Employment
Employment Disputes
Human Rights
Workplace Harassment
OHS & Workers' Compensation
Grievances & Arbitrations
Pensions & Benefits
Charities & Not-For-Profit

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. He was appointed to the King's Counsel in 2024.

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, 2017 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

- Author, "The U.S. tariff effect: Renegotiating terms of employment – Avoiding constructive dismissal risks", BLG Article, April 2025
- BLG Podcasts, BLG Podcast, June 2023
- Co-Author, "The House is Greener on the Other Side," workpalce.ca, Summer 2019.
- Co-Author, "Reducing Wage Rate: Don't Recycle the Notice," workplace.ca, Winter 2021.
- Author, "New Critical Worker Exemption in Alberta allows workers with COVID-19 to attend work", BLG Article, January 2022
- Co-Author, "Quitting Ain't Easy: The Fine Line Between Resignation and Termination," workplace.ca, Spring 2021.
- Co-Author, "Restrictions Cut Both Ways: Be Precise and Reasonable," workplace.ca, Fall 2020.
- Co-Author, "Diamonds are Forever — Termination Provisions Fade," workplace.ca, Summer 2020.
- Speaker, "Returning to the Workplace: Considerations for Employers During COVID-19," BLG Webinar presented to RBC, May 2020
- Co-Author, "When Fixed Terms are Forever: Unexpected Liability for Employers," workpalce.ca, Spring 2020.
- Author, "COVID-19: issues for the Canadian oil & gas industry", BLG Article, March 2020
- Co-Author, "Made to Measure: 90 Days of Probation Suitability," workplace.ca, Winter 2020.
- Author, "And now for something completely different: A tongue in cheek look at some serious legal issues", BLG Article, October 2019
- Managing Workplace Harassment Reports, BLG Podcast, July 2019
- Top 5 Employment Cases-Decisions You Will Not Believe, BLG Podcast, July 2019
- Author, "Sonia Mak Named New Chair of Canadian Bar Association's Pensions & Benefits Law Section", BLG Article, September 2018
- Changes to Workplace Legislation in Alberta, BLG Podcast, June 2018
- Author, "B.C.'s Family Day News", BLG Article, May 2018
- Cannabis in the Workplace, BLG Podcast, May 2018
- Author, "Bill 148: What Could It Mean to the Retail, Service and Hospitality Sectors", BLG Article, June 2017
- 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

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 & Recognition

- Recognized in the 2027 edition (and since 2022) of *Best Lawyers in Canada* (Labour and Employment Law).
- Recognized in the 2026 edition (and since 2024) of *Chambers Canada* (Employment & Labour (Alberta)) and in the 2020 edition (Employment & Labour (Recognised Practitioner))
- Recognized in the 2026 edition of *The Legal 500* (Labour and Employment Law)
- Recognized in the 2026 and 2019 edition of *The Canadian Legal Lexpert® Directory* (Workplace Human Rights)
- Recognized in the 2026 (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
- LLB (with French), University of Leicester, 1996
- Diplôme d'études juridiques françaises, Université Robert Schumann,Strasbourg, 1995

BLG | Canada’s Law Firm

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 800 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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