



DUNCAN MARSDEN

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[Labour and Employment](#)

[Pensions and Benefits](#)

[Charities and Not-For-Profits](#)

[Labour and Employment Law](#)

Education / Bar Admissions

College of Law, York, 1997

LLB (with French), Leicester University, 1996

Diplôme d'études juridiques françaises, Université Robert Schumann, Strasbourg, 1995

Alberta, 2009

England and Wales (Solicitor), 2000

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

Member, Board of Directors, MitoCanada (charity assisting Canadians with mitochondrial disease), 2010-2014

Duty counsel for pro bono Court shifts, Provincial Court and Court of Queen's Bench of Alberta

Volunteer lawyer, Volunteer Lawyers

EXECUTIVE SUMMARY

Duncan Marsden is a partner in our Labour and Employment Group and a member of the Regional Management Committee of our Calgary office. Duncan practises in all areas of labour and employment law. He provides advice to clients on dismissal procedures, dispute resolution on employment matters, managing downsizing and other cost saving exercises, employment litigation including injunctions and restrictive covenant issues, and corporate due diligence. He also provides advice on workers' compensation matters, discrimination law, termination tax issues, and the interpretation of employment contracts and policies. As well, he assists with the negotiation, drafting and review of all types of employment-related documentation.

Duncan is a frequent presenter and author on employment law issues and has provided training to Civil Court Provincial Judges on employment law updates on a number of occasions.

Prior to moving to Canada and joining BLG in 2007, Duncan practised for several years in London, England with the world's largest law firm, in its employment law department. He is fluent in both English and French, and also speaks some German.

Duncan is an avid runner and recently broke a world record for the furthest linked marathon as a charitable fundraising initiative.

REPRESENTATIVE WORK

- *ADT Security Services Canada, Inc v Fluent Home Ltd.*, 2019 ONSC 2804
- *ADT Security Services Canada Inc. v. Fluent Home Ltd.*, 2018 ONSC 3092
- *Garland Canada Inc v Shusheski*, 2017 ABQB 84
- *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-1864-14, Nov 13, 2014.
- Workers' Compensation Board Appeals Commission, Decision Number 2015-0383.
- Workers' Compensation Board Appeals Commission, Decision Number 2015-

Service

0297.

- Human Rights Tribunal of Alberta decision: Balsara v. Zellers Inc., 2013 AHRC Z.
- Workers' Compensation Board Appeals Commission, Decision Number 2009-730: concerned the deductibility of premiums.

PUBLICATIONS & PRESENTATIONS

- Co-Presenter, "Employment Law Update: The Oil Patch and Beyond," Calgary and Houston, Summer 2015.
- 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.
- Quoted, "Firms weigh random testing," *The Calgary Herald*, April 12, 2014.
- Quoted in numerous publications on the topic of drug and alcohol testing in the workplace including *The Calgary Herald*, *The Vancouver Sun*, *The Leader Post*, *The Star Phoenix*, and *Alberta Oil Magazine*.
- 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, "Managing Dr. Jekyll and Mr. Hyde: Dealing with Impaired Employees," Vancouver Symposium, October 2013.
- Presenter, "A Cautionary Tale," BLG Not-for-Profit Seminar, 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.

RANKINGS & RECOGNITIONS

- Recognized in the 2019 edition of *Canadian Legal Lexpert® Directory*

(Workplace Human Rights).

- Recognized in the 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.

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.