



Malinda Yuen

Associate

Calgary
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Malinda Yuen practises in the areas of litigation and employment law. She has particular experience in corporate litigation, estate litigation, real estate disputes and employment matters, including human rights claims, terminations, employment contracts and privacy matters.

Malinda has worked on matters before all levels of court and appeared before various administrative tribunals.

Malinda attended the University of Manitoba, where she earned a Bachelor of Arts in 2001 and a Bachelor of Laws in 2004. In her final year of law school she worked as a clerk to the judges of the Manitoba Court of Appeal.

She was called to the Bar in 2005 in Manitoba and practised at a major firm in Winnipeg prior to moving to Alberta, where she was called to the Bar in 2007.

LANGUAGES SPOKEN

- English

EXPERIENCE

- Advises employees on employment contracts, restrictive covenants, privacy issues, employment standards and workplace accommodation
- Represents employees and employers in alleged wrongful termination actions and actions to enforce restrictive covenants
- Represents employers in unpaid overtime claims
- Represents shareholders and directors in oppression remedy applications
- Acts for developers in real estate disputes
- Acts for beneficiaries of contested wills
- Acts for defendants of defamation claims

RELATED SERVICES

- Projects, Energy and Infrastructure
- Human Rights
- Litigation, Arbitration and Investigations
- Employment

LANGUAGES SPOKEN

English

CREDENTIALS

Admissions

- Alberta, 2007
- Manitoba, 2005

Recognitions

- Recipient, Law Society of Manitoba 2005 A. Montague Israels Q.C. Prize for community and professional involvement, academic performance and dedication to the practice of law, together with numerous academic awards throughout her university career.

Education

- LL.B., University of Manitoba, 2004
- B.A., English (with Distinction), University of Manitoba, 2000

Memberships

- Member, Alberta and Canadian Bar Associations, Employment and Civil Litigation subsections
- Program Coordinator, Alberta Bar Association, Civil Litigation Subsection (South), 2010 - 2011
- Member, Association of Women Lawyers
- Member, Phi Delta Phi Legal Ethics Association
- Board of Directors, University of Manitoba Alumni Association, 2006 - 2007

Community Involvement

- Volunteer, Pro Bono Law Alberta, Civil Claims Duty Counsel
- Volunteer, Pro Bono Law Alberta, Women's Centre Legal Advice Clinic
- Volunteer Mentor, Canadian Bar Association Mentor Program
- Planning Committee Chair and Volunteer, Dragon and Lion Dance International of Canada
- Organizer, Firm's Calgary Food Drive Initiatives
- Volunteer, Winnipeg Folklorama Festival - Chinese Pavillion

INSIGHTS

Publications

With common sense approach Ontario Court of Appeal upholds enforceability of termination pay clause in employment contract

15 AUG 2018
Canada in Focus

The Ontario Court of Appeal has upheld the termination pay clause of an employment contract in *Amberber v. IBM Canada Ltd.* 2018 ONCA 571 by using a refreshing and common sense approach in overturning the trial judge's findings.

***Rey v. Milestones* – B.C. Human Rights Tribunal permits curious case of discrimination to be heard**

8 MAY 2018

Canadian Employment News Series

The recent case of *Rey v. Milestones Grill + Bar*, 2018 BCHRT 57 has garnered considerable media attention due to the unusual circumstances leading up to the dismissal of Guillame Rey, a server at a Milestones restaurant in Vancouver, who claims discrimination towards his French culture was behind his firing. The B.C. Human Rights Tribunal has denied the restaurant's application for dismissal and is sending the case to a full hearing.

The Expanded Scope of Human Rights Protection: The Supreme Court of Canada's decision in *British Columbia Human Rights Tribunal v. Schrenk*

16 JAN 2018

Canada in Focus

The Supreme Court of Canada has recently released its decision in *British Columbia Human Rights Tribunal v. Schrenk*, 2017 SCC 62, on appeal from the British Columbia Court of Appeal. This decision expands the scope of protection under Human Rights legislation into non-traditional workplace relationships.

- Co-Author, "(Re)confirmation of a Fundamental Right: Four Supreme Court of Canada Solicitor-Client Privilege Decisions in 2016", *The Annual Review of Civil Litigation 2018*, Carswell, Oct 2018

Events

- Speaker, 2018 DLA Piper (Canada) LLP Employment and Labour Conference, Workplace Investigations, Calgary
- Speaker, 2017 DLA Piper (Canada) LLP Employment and Labour Conference, Employee Privacy Considerations, Calgary
- Speaker, 2016 DLA Piper (Canada) LLP Employment and Labour Conference, Just cause termination: protecting against wrongful dismissal suits, Calgary
- Speaker, 2015 DLA Piper (Canada) LLP Employment and Labour Conference, Workplace Investigations, Calgary
- Speaker, Workplace Accommodation, Lorman Education Services, Dec 13, 2012