Johan Lubbe

Shareholder
U.S. Practice Co-Chair, International Employment Law Practice Group

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Practice Areas

International Employment Law
Discrimination and Harassment
Labor Management Relations
Whistleblowing, Compliance and Investigations
Privacy and Data Security
Transportation

Overview

Johan Lubbe is consistently recognized as a leading international employment lawyer. In 2017 and again in 2018, *Who's Who Legal* recognized Johan as the foremost Thought Leader in employment law in the U.S. (In both years he was ranked as #1 out of a select group of leading thought leaders in employment and labor law.) Johan has been described as "one of the nation's most prominent employment lawyers," "a go-to name on cross-border issues," "esteemed within the marketplace," and "highly regarded for his work in supply-chain management and data privacy matters on a global scale and is well known for his ability to handle complex and sensitive matters."

Johan provides strategic advice and counseling to multinational employers on a wide range of global employment law, labor relations – including issues related to global supply chain management, international labor standards compliance, human resources, and data privacy matters. He regularly advises foreign companies doing business in the U.S. on the requirements of U.S. workplace law and labor relations issues. Johan represents companies in various industries including airlines, banking, engineering, financial services, high tech, manufacturing, oil and gas, nonprofits and retail. He is a frequent speaker on workplace law and data privacy issues and the author of numerous publications.

In June 2013, Johan testified before the U.S. Senate Foreign Relations Committee about labor issues in Bangladesh following the Rana Plaza building collapse. He has advised the retail industry regarding the European labor union Accord and the American Alliance for Bangladesh Worker Safety.

Johan has guided U.S. multinational employers on the intricacies and compliance requirements of multiple-jurisdiction employment and labor law matters, such as:

- Global mobility policies and secondment agreements
- Global employee handbooks, codes of conduct, hotlines and HR policies, including anti-bribery
- Multi-country audits of workplace laws and practices, and strategic compliance advice
- Executive hiring and employment contracts, terminations and related negotiations
- Data privacy laws affecting global Human Resources Information Systems (HRIS) and other cross-border HR data transmissions
- Employment and labor law issues pertaining to cross-border mergers and acquisitions, restructurings, reductions-in-force, and office closings, including information and consultation obligations with employee representatives and works councils
- Cross-border trade union matters, including corporate campaigns and complaints with the OECD
- Global supply chain management and compliance

Johan frequently represents employers in proceedings in court, government agencies, such as the Equal Employment Opportunity Commission, the Occupational Safety and Health Administration, and the National Labor Relations Board, concerning discrimination, whistleblowing, retaliation, non-compete and unfair labor practice matters. He also represents employers in arbitration hearings involving “just cause” discharges under collective bargaining agreements with unions and the termination of executives under employment contracts. He counsels employers regarding compliance with their obligations under the array of workplace laws.

Originally from South Africa, Johan previously practiced law there and is fluent in Afrikaans. He continues to collaborate with attorneys in South Africa as well as other African nations, to provide multinational clients with a single point of contact for assistance with labor and employment matters on the continent.

Professional and Community Affiliations

- Past Chairperson, Employment and Industrial Relations Law Committee, International Bar Association (IBA)
- Chairperson of Board, Cross-Border Human Resources (XBHR)

Recognition

- Named, The Best Lawyers in America®, 2013-2027
- Ranked, Labour & Employment, Thought Leader, *Lexology Index*
- Named, Who's Who in American Law, 2014
- Named, International Who's Who of Management Labour and Employment Lawyers, *Who's Who Legal*, 2012-2015
- Named, Management Labour and Employment, *Who's Who Legal*, 2005-present
- Named, Labour and Employee Benefits Cross-border Handbook, *Practical Law Company*, 2006-present
- Named, Guide to the World’s Leading Labour and Employment Lawyers, *Euromoney*, 2004-present
- Named, Super Lawyer, New York, *Super Lawyers*, 2007-present
- Recipient, Fulbright Scholarship, *Cornell University*

- Named, Stand-Out Lawyer, *Thomson Reuters*, 2020, 2024

Education

LL.M., University of Leicester, 2005
M.I.L.R., Cornell University, 1988
LL.M., Cornell University, 1987
LL.B., University of the Free State, South Africa, 1982
B.Comm., University of the Free State, South Africa, 1979

Bar Admissions

New York

Languages

Afrikaans

Courts

U.S. Court of Appeals, 2nd Circuit
New York Supreme Court
U.S. District Court, Northern District of New York
U.S. District Court, Southern District of New York
U.S. District Court, Eastern District of New York
U.S. District Court, Western District of New York

Publications & Press

Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers
Press Release
August 19, 2021

Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers
Press Release
August 20, 2020

Landmark Decision by Europe's Top Court Jeopardizes U.S. Multinationals' Transfers of HR Data from the European Union to the United States
Littler ASAP
July 16, 2020

Handling Harassment Allegations in Europe: Critical Do's and Don'ts
Littler Podcast

September 9, 2019

Mandatory Procedures for Employee Dismissals for Misconduct or Work Performance in Japan, Colombia, the Netherlands, and the UK
Littler Podcast
August 29, 2019

Overview of European Works Councils
Littler Podcast
August 20, 2019

Best Lawyers in America© 2020 Edition Honors More Than 200 Littler Lawyers; 14 Named Lawyer of the Year
Press Release
August 15, 2019

Requirements for Fixed-Term Contracts Vary Around the Globe
SHRM Online
April 11, 2019

Best Lawyers in America© 2019 Edition Honors More Than 200 Littler Lawyers
Press Release
August 15, 2018

Littler Attorneys Named in 2018 Who's Who Legal Labour, Employment & Benefits Guide
Press Release
June 5, 2018

Littler Attorneys Named in 2017 Who’s Who Legal Guide
Press Release
September 28, 2017

Best Lawyers in America© 2018 Edition Honors More Than 200 Littler Lawyers
Press Release
August 17, 2017

The Best Lawyers in America© Honors More Than 180 Littler Lawyers in Its 2017 Edition
Press Release
August 16, 2016

Non-Compete Covenants in Latin American Jurisdictions - Enforceability Challenges and Drafting Suggestions in Latin American Briefings
ACC Docket
April 2016

European Court of Justice Expands the Definition of Working Time
Littler ASAP
September 29, 2015

Littler Attorneys Recognized in the Best Lawyers in America© 2016 Edition
Press Release
August 18, 2015

PLI Looks at Cross-Border Employees and International Data
LegalTechNews
July 2, 2015

South Africa Restricts Use of Fixed-Term Employment Contracts
Society for Human Resource Management (SHRM)
February 3, 2015

South Africa Restricts the Use of Fixed-Term Employment Contracts for Lower Earning Employees
Littler ASAP
January 31, 2015

2015 Hot Topics for Multinational Companies
Littler ASAP
December 22, 2014

Chinese companies in US urged to know employment law
ChinaDaily USA
September 18, 2014

Littler Attorneys Included in the Best Lawyers in America© 2015 Edition
Press Release
August 18, 2014

Critical Employment Law Issues to Consider When Doing Business in LATAM
Latin American Briefings
July 1, 2014

Global Mobility: Key Consideration for Foreign Investors When Employing in the U.S.
Corporate LiveWire
May 1, 2014

Littler Named Law Firm of the Year for Labor and Employment by Who's Who Legal
Press Release

April 2, 2014

Keeping pay in proportion
International Bar Association
December 10, 2013

Littler Attorneys Named in Best Lawyers in America® 2014 Edition
Press Release
August 15, 2013

Littler Named Management, Labour and Employment Firm of the Year by Who's Who Legal
Press Release
June 24, 2013

U.S. Retailers See Big Risk in Safety Plan for Factories in Bangladesh
The New York Times
May 22, 2013

Groups divided on Bangladesh safety overhauls
Associated Press
May 17, 2013

The 2012 Global Employer: Highlights of Littler's Fifth Annual Global Employer Institute
Littler Report
February 21, 2013

Best Lawyers in America® Names 164 Littler Attorneys to 2013 Edition
Press Release
September 7, 2012

Littler Named World's Leading Law Firm for Management Labor and Employment Work
Press Release
June 12, 2012

The "Bring Your Own Device" to Work Movement
Littler Report
May 10, 2012

The 2011 Global Employer: Highlights of Littler's Fourth Annual Global Employer Institute
Littler Report
February 15, 2012

Prominent International Labor and Employment Attorney Johan Lubbe Joins Littler Mendelson's New York Office
Press Release
April 5, 2011

Whistleblowing in the EU: New Trouble for Multinationals Trying to Comply with Both EU Law and US' SOX
ACC Docket
April 2006

Employment Issues in International Mergers and Acquisitions in the United States
IBA Employment and Industrial Relations Law Committee Newsletter
March 2005

Managing Expatriate Employees: Employment Law Issues and Answers
Journal of Employment Discrimination Law
Winter 2000

Events & Speaking Engagements

2024 Tri-State Regional Employer Conference
New York, NY
September 19, 2024

2023 Tri-State Regional Employer Conference
New York, NY
June 20, 2023

Equity, Diversity, and Inclusion – Global Workplace Policy Development and Implementation: Traps and Challenges for the Unwary
Littler Executive Employer Conference
May 5, 2022

The Compliance Issues that Arise When U.S.-based Employees Just Want to Do Their Jobs… Remotely from Overseas
Littler Executive Employer Conference
May 5, 2022

International Wandering Workers: Avoiding the Legal Pitfalls for Multinational Employers
April 8, 2021

International Employment Law Update - Trends and Critical Developments
Lorman Education Services - Webinar
December 12, 2019

Workplace Bullying – Understanding the Increased Risks
Clear Law Institute - Webinar
December 13, 2018

Life After May 25th, 2018 - Living with GDPR
Pharmaceutical Human Resource Association - International Benefits Committee Meeting, Princeton
November 1, 2018

Protecting Corporate and Intellectual Property Including Restrictive Covenants
IBA Annual Conference, Rome, Italy
October 9, 2018

Workplace Bullying – Understanding the Increased Compliance and Liability Risks
Lorman Education Services - Webinar
October 2, 2018

International Employment Law Roundtable
New York, NY
June 26, 2018

Don't Be the Last to Know! Get a Handle on These Global Workplace Trends
Littler Executive Employer, Phoenix, AZ
May 3, 2018

Preparing for the New EU's General Data Protection Regulation
NFTC Global Human Resources Conference, Seattle
November 2, 2017

New York Healthcare Industry: A Roundtable Discussion
New York, NY
July 19, 2017

International Employment Law 2017
PLI Seminar, New York, NY
June 7, 2017

Outsourcing: A Global Onslaught on the Use of Independent Contractors
May 11, 2017

Global Mobility and Employment Agreement
2016 PLI International Employment Law Conference, New York, NY
June 9, 2016

Healthcare Roundtable
New York, NY
June 2, 2016

Incentivizing Talent
IBA Global Entrepreneurship Conference, Barcelona, Spain
May 24, 2016

Drilling Into the Oil and Gas Industry - Employment Law Compliance
IBA Annual Employment and Discrimination Law Conference, Mexico City, Mexico
April 14, 2016

Whistleblowing - Landmark to Global Compliance in 2016
The Knowledge Group, New York, NY
January 28, 2016

2015 Tri-State Employer Conference
New York, NY
November 5, 2015

'Baby you can drive my car' – employment in the global automotive industry
April 9, 2015

What Employers in Small and Medium-Sized Companies Need to Know: Contrasting French, American & New York Labor Laws
New York, NY
March 31, 2015

Navigating the Challenges of Enforcing Non-Compete Agreements Globally
January 26, 2015

Workplace Bullying: What You Need To Know
Food Seminars International (FSI) Webinar
January 9, 2014

Workplace Bullying - Understanding the Risks
Lorman Education Services
December 4, 2013

Update on International Employment Law Developments
National Foreign Trade Council, New York, NY
October 22, 2013

International Labor Law in Light of Bangladesh and the European Accord
National Retail Federation, Chicago, IL
October 16, 2013

Human Resources Executives Summit 2013
Chicago, IL
October 15, 2013

International Employment Law Update
October 10, 2013

The fast changing global business environment - implementing tough human resource decisions and making people stay
2013 Annual Conference - International Bar Association, Boston, MA
October 9, 2013

U.S. – China Employment Law Update: New Challenges Facing Chinese Businesses in the U.S.
China General Chamber of Commerce - USA, New York, NY
October 3, 2013

Labour and Competitiveness in Brazil and the World
Conference - National Confederation of Industry Brazil (CNI) and Brazilian Federal Labor Court, Brasilia, Brazil
August 19, 2013

Teleworking and Employment Law – A Global Perspective
The Agile Work Consortium, Stamford, CT
July 11, 2013

International Employment Law 2013
Practising Law Institute (PLI)
June 11, 2013

Cross-Border Talent - Sourcing and Understanding Employment Laws
Global HR News, Toronto, Canada
June 6, 2013

Testimony before the Senate Foreign Relations Committee on labor issues in Bangladesh
Washington, D.C.
June 6, 2013

Workplace Bullying Issues
Audio Conference - Lorman Education Services

June 5, 2013

Managing Performance and Terminating Foreign Employees for Unsatisfactory Performance: Surviving the Minefield of Legal Challenges
Littler Mendelson, Scottsdale, AZ
May 8, 2013

Update on Employment and Labor Laws in Brazil and Nigeria
National Foreign Trade Council, Houston, TX
May 1, 2013

Emerging Strands in Equality at Work
International Bar Association, Amsterdam, The Netherlands
April 19, 2013

Cross-Border Employment Investigations: Data Protection and Other Challenges
AmCham Germany, Dusseldorf, Germany
April 16, 2013

Emerging Workplace Law Trends and New Employer Challenges
Leadership Roundtable - Capital Region Human Resources Association, Albany, NY
April 12, 2013

The Global Talent Market and Understanding the Employment Law Challenges
Global HR News, New York, NY
April 11, 2013

Defending the Bottom Line: Implications of Outsourcing Legal and Non-Legal Work
Justice Robert H. Jackson Lecture Series - Albany Law School, Albany, NY
April 2, 2013

Brazil Overview - Managing Assignee Expectations and Realities
National Foreign Trade Council, Houston, TX
March 21, 2013

Diversity and Inclusion
XBHR Annual Conference - Cross-Border Human Resource (XBHR), Istanbul
February 28, 2013

Firing Employees in Latin America – Avoiding Common Pitfalls
Littler Mendelson, Miami, FL
February 21, 2013

Social Media and Labor Law
German American Chamber of Commerce, New York, NY
January 24, 2013

International Employment Law: 2012 Perspectives
The Knowledge Congress Webinar
December 5, 2012

Opportunities and Challenges in Implementing a Responsible Supply Chain Management Program
Littler Mendelson, Washington D.C.
November 9, 2012

Mergers, Acquisitions and Other Transfers of Business: Due Diligence and other Employment Law Challenges for Multinational Employers
October 24, 2012

Remote Workers
International Labor Law Conference - Firm Presentation, Sao Paulo, Brazil
October 23, 2012

Dignity and Equality at Work: The Evolution of Legally Prohibited Conduct
International Bar Association, Dublin, Ireland
October 1, 2012

Government Regulation and Intervention - Recent Developments and the Impact on Employee and Labour Relations
International Bar Association, Dublin, Ireland
October 1, 2012

China's Labor and Employment Laws: What It Means for U.S. Employers
New York, NY
July 19, 2012

Anti-Corruption - Local Legislative Developments and Coordinated Global Compliance Enforcement: The New Challenges for Global Employers
Littler Mendelson, Scottsdale, AZ
May 10, 2012

Employee Privacy
International Bar Association, New York, NY
March 30, 2012

The Digital Workplace: Maximizing the Benefits - Minimizing the Risks
New York, NY
January 24, 2012

Business and Human Rights – What American Companies Need to Know
January 11, 2012

Cross-Border Employment Law – Understanding the Legal Challenges of Managing a Global Workforce
Global HR News Conference, New York, NY
November 16, 2011

Union's Going Global – Renewed Activism on International Platform
American Society of Employers (ASE) and National Foreign Trade Council (NFTC), Dearborn, MI
November 15, 2011

Employing Americans in the US: From recruitment and retention to legal issues
Danish-American Business Forum, Copenhagen, DK
November 8, 2011

Rise of Multiculturalism and Resulting Challenges of Managing Diversity in the Workplace
Annual Conference, International Bar Association (IBA), Dubai, UAE
October 31, 2011

Cross-Border Employment and Labor Law Topics: The Nuts and Bolts of a Global Mobility Program
October 27, 2011

Cross-Border Employment – Understanding the Legal Challenges of Managing a Global Workforce
International Labor Law and HR Strategy Conference - JSB, New York, NY
October 5, 2011

Employee Productivity and Employer Flexibility – law and best practices for multi-national employers
International Bar Association (IBA) Conference, Brussels, BE
April 14, 2011

Establishing International Operations – the essential employment law issues affecting foreign-based employees
Financial Executive International (FEI), Newton, MA
March 16, 2011

Personal Data Privacy – Global Best Practices in the Wake of Increased Enforcement
Annual Conference, Cross-Border Human Resources (XBHR), Toronto, CA
March 4, 2011

Risks & Challenges to Managing Personal Data
WESFACCA Conference, Greenwich, CT
January 12, 2011

Books & Book Chapters

- The new EU's general data protection regulation – Is your company ready?, *Global HR Practitioner Handbook*, Lisbeth Claus, Editor-in-Chief, 2018
- Labour Law, *Globe Business and Law*, 2011
- *International Labor and Employment Laws*, Bloomberg BNA, 4th edition, Chapter Author, 2014
- *Business Transfers and Employee Rights*, McMullen, J., Butterworths, Chapter Author, 2005