

Johan Lubbe

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

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Focus Areas

International Employment Law
Discrimination and Harassment
Labor Management Relations
Whistleblowing, Compliance and Investigations
Privacy and Data Security
General Data Protection Regulation (GDPR)
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®, 2013-2025
- 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*

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

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

Languages

Afrikaans

Publications & Press

Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers

Littler Press Release

August 19, 2021

Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers

Littler 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

Littler 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

Littler Press Release

August 15, 2018

Littler Attorneys Named in 2018 Who's Who Legal Labour, Employment & Benefits Guide

Littler Press Release

June 5, 2018

Littler Attorneys Named in 2017 Who's Who Legal Guide

Littler Press Release

September 28, 2017

Best Lawyers in America© 2018 Edition Honors More Than 200 Littler Lawyers

Littler Press Release

August 17, 2017

The Best Lawyers in America© Honors More Than 180 Littler Lawyers in Its 2017 Edition

Littler 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 Insight

September 29, 2015

Littler Attorneys Recognized in the Best Lawyers in America© 2016 Edition

Littler 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 Insight

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

Littler 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

Littler 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

Littler Press Release

August 15, 2013

Littler Named Management, Labour and Employment Firm of the Year by Who's Who Legal

Littler 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

Littler Press Release

September 7, 2012

Littler Named World's Leading Law Firm for Management Labor and Employment Work

Littler 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

Littler 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

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

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

Equity, Diversity, and Inclusion – Global Workplace Policy Development and Implementation: Traps and Challenges for the Unwary

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

Rome, Italy
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