



Helen Colquhoun

Partner

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Helen Colquhoun is triple qualified in New York, England and Wales, and Hong Kong. She advises employers across a range of industries on both contentious and non-contentious employment issues such as investigations, restrictive covenants, risk management, acquisitions, restructuring, managing employee hiring and terminations, design of incentive schemes, and drafting contracts and handbooks. Helen frequently advises overseas employers on their operations in Hong Kong, including in relation to sensitive and/or C-suite terminations, secondments, dual contracts, enforcement of restrictive covenants, investigations and general HR matters. Helen also routinely oversees regional APAC projects that require advice on local law nuances, trends and approaches on a range of issues, including restructurings, policy roll outs and outsourcing arrangements.

As a triple qualified employment lawyer with over 17 years' experience, Helen is well-placed to provide a single source of advice for clients who require advice in more than one jurisdiction.

Helen is currently ranked as "Band 3" by the leading legal directory Chambers and Partners. (Chamber Asia Pacific 2020- China, Employment: Hong Kong-based (International Firms)) and as "Next Generation Partner" by Legal 500 (Hong Kong). Helen is described in Legal 500 as "*brilliant*", "*a standout legal partner who provides exceptional and practical legal advice and guidance on difficult labour matters*" and as leading a team with "*excellence at handling multi-jurisdictional mandates*".

RELATED SERVICES

- Employment

LANGUAGES SPOKEN

English

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- English

EXPERIENCE

- Advising on senior and board level dismissals, including the dismissal of a CFO and CEO on the grounds of fraud
- Advising a Chinese entity on its expansion into Hong Kong, including preparing template dual-language employment

documentation and coordinating training for the China based HR team on general Hong Kong employment matters

- Advising a US headquartered company on the termination of a C-Suite executive with dual Hong Kong/China contracts
- Assisting a UK headquartered retail company in relation to EOC and Labour Tribunal proceedings in Hong Kong, including advising on strategy, drafting witness and defence statements and conducting settlement discussions
- Advising a UK-headquartered retail on outsourcing and restructuring programme across APAC, including advising on transfers of employment, redundancies and resolution of disputes with employees
- Advising a hotel brand on the implementation and communication of cost-cutting measures across APAC, including the use of furloughs, salary cuts and redundancy programmes
- Advising a UK-based hotel group on its expansion into Hong Kong and Singapore, including advising on appropriate structuring of employment relationships, providing template documentation and coordinating immigration support
- Advising on the design, structuring and implementation of short and long term incentive and bonus plans across APAC
- Advising a US buyer on employment issues arising from acquisition of an asset management company with operations across APAC, including due diligence, negotiation of key employee contracts and harmonization of benefits
- Advising a Chinese technology company on the use of secondments and internships across 10+ locations globally, including advising on the appropriate structuring of such arrangements to address tax and dual employment risks

CREDENTIALS

Professional Qualifications

- Solicitor of the Senior Courts of England and Wales
- Attorney-at-law admitted with the Supreme Court of New York
- Solicitor of the High Court of Hong Kong

Education

- University of Warwick, Bachelor of Laws, First Class, 2000
- Westminster, LPC, Distinction, 2003

INSIGHTS

Publications

Embracing Digital Evolution: Our new business report

14 September 2021

Our new report - *Embracing Digital Evolution* - shows how businesses can succeed in Industry 4.0, with contributions from digital revolutionaries such as Microsoft, Salesforce, Rolls-Royce and DocuSign.

Hong Kong Judgment affirms importance of properly documenting repatriation terms

26 April 2021

In the recent Hong Kong case of *Zhang Qiang v Cisco Systems (HK) Ltd* (HCA 1497/2010) [2021] HKCFI 694, the Court of First Instance upheld the binding nature of a repatriation agreement which meant a particularly uncooperative employee was not entitled to receive significant sums in connection with his repatriation back to Hong Kong.

COVID-19: Impact on retail employers in APAC

20 November 2020

The global retail sector has been hard hit by the COVID-19 pandemic. Retailers across APAC have had to adapt to the new normal by implementing short- and long-term measures to keep their businesses and employees afloat.

China Enforces Tax Collection on Employees Working for Chinese-invested Enterprises Overseas

16 October 2020

With the recent IIT reform in 2019, and the introduction of a number of implementation rules (particularly the tax policy on overseas income), it appears the China tax authorities are taking a harder stance on how overseas income derived by China tax residents will be taxed in China, starting with Chinese expatriates working for Chinese state-owned enterprises.

Mass layoffs and collective redundancies guide

6 October 2020

As COVID-19 continues to impact the global economy in unprecedented ways, companies that have had to scale back or shut down operations are bracing for what the next few months will bring, and what this means for their workforces. In this guide, we examine key considerations for employers looking to make permanent reductions in force across APAC.

Hong Kong Court of Appeal rules withholding of bonus and set-off for gross misconduct was unlawful

10 September 2020

It is well-known that deductions made from wages due to an employee are unlawful. Are bonuses due to an employee also subject to the same restriction against deductions from wages? Does an employer have the right to set-off any sums owed to it by an employee or will this violate section 32 of the Employment Ordinance?

Details of the second tranche of Hong Kong's Employment Support Scheme released

24 August 2020

On 18 August 2020 the Hong Kong government announced details surrounding the second tranche of the Employment Support Scheme. While the majority of the rules surrounding the second tranche remain largely the same as the first tranche, there are new penalties for employers who have fallen foul of a number of nebulous terms.

Hong Kong Government increases statutory entitlement for maternity leave

16 July 2020

On 10 October 2018, the Chief Executive stated in her policy address that the government proposed to increase the statutory maternity leave entitlement from ten to 14 weeks.

Changes to Hong Kong anti-discrimination legislation

30 June 2020

Anti-discrimination laws in Hong Kong have undergone a series of changes over the past few years.

Hong Kong government approves Hotel Sector Support Scheme

22 April 2020

The Hong Kong government has approved a Hotel Sector Support Scheme. Please find more information and how to contact us on our website if you have any queries.

Hong Kong government approves catering sector one-off subsidy

22 April 2020

The Hong Kong government's Finance Committee met on Friday and Saturday to discuss and approve further details surrounding its Anti-epidemic Fund.

The Committee approved the terms of a government paper published last week which clarifies certain additional details in relation to the one-off subsidy for the catering sector as set out below. This is a new development following our previous alert, which was published on 10 April.

Proposed amendments to Hong Kong's Employment Support Scheme

21 April 2020

The Hong Kong government's Finance Committee met today, Friday 17 April, to discuss and approve further details surrounding the Employment Support Scheme in response to coronavirus COVID-19.

Our guide to the top 10 employment issues facing the hospitality & leisure industry during COVID-19

17 April 2020

1. Do I owe greater health and safety obligations as a hotel/establishment?

As with other sectors, hotels and establishments have an obligation to ensure a safe workplace for their employees, which includes taking steps to guard against the risk of infectious diseases.

Coronavirus: Key employment legal issues for multinational employers (Europe, AsiaPac)

25 February 2020

As the number of coronavirus COVID-19 cases exceeds 40,000, and with the World Health Organisation having declared the virus as a "public health emergency of international concern," employers the world over are putting in place plans to prepare for the risk of an employee becoming exposed to or ill with the virus.

HK Government considers designating coronavirus as an "occupational disease" (Hong Kong)

12 February 2020

On 10 February 2020, the Hong Kong Labour Department issued a press release clarifying the position on whether the coronavirus amounts to an "occupational disease" within the meaning of the Employees' Compensation Ordinance (ECO).

Hong Kong Government introduces mandatory quarantine measures

11 February 2020

On 9 February 2020, the number of deaths due to the rapidly spreading coronavirus in Mainland China officially surpassed the figure seen during the 2002/2003 SARS epidemic.

Numerous governments have been implementing restrictions barring entry to those with recent travel history through Mainland China, including Singapore, Japan, Australia and the United States. Following pressure from public health workers, the Hong Kong Government has now followed suit and has begun a mandatory two-week quarantine for anyone arriving from Mainland China.

APAC employment issues arising out of the Coronavirus (AsiaPac)

31 January 2020

On 29 January 2020, the number of confirmed cases of the rapidly spreading coronavirus in Mainland China officially surpassed the figure seen during the 2002/2003 SARS epidemic.

Multinationals with local operations around the APAC region have been significantly affected. As staff return to the office following the Chinese New Year holiday period, businesses are now considering what they can do to minimise any risk to health and safety and support staff through this challenging period where anxiety and uncertainty is rife, whilst at the same time complying with their employment obligations and maintaining business continuity. Putting in place detailed business and contingency plans and ensuring careful communications with staff to address key topics and concerns is key, as is keeping such plans and communications under frequent review given the fluidity of the current situation.

This alert considers some of the key issues that HR and business leaders should be considering across the APAC region.

Key employment and HR issues arising out of the Hong Kong protests - an update

5 December 2019

Since March 2019, Hong Kong has seen an ongoing series of protests and demonstrations that have created unique business risks for HR professionals and senior leadership in Hong Kong/Asia. Many businesses continue to face employment and HR issues. Please read this article which summarises the key issues.

- Author, "Privilege issues in cross-border investigations," *Regulation Asia*, May 2017
- Author, "Issues to consider when moving role," *SCMP*, 2016
- Author, "Hong Kong – Contracts and Third Party Rights," *ABA International Employment Committee Newsletter*, December 2015

[Events](#)

[Previous](#)

Global Employment Webinar on Return to Work Strategies, Vaccines and Testing

25 May 2021
Webinar

Doing Business Globally: Spotlight Hong Kong

22 September 2020
Webinar

International Employment Law Return to Work Program

16 June 2020
Webinar

Webinar: Global reductions-in-force in the time of coronavirus

6 May 2020
Webinar

COVID-19: Important Issues for Israeli Companies to Consider

6 April 2020
Webinar

Coronavirus Webinar: managing and implementing global cost-saving measures across the workforce

2 April 2020
Webinar

Coronavirus COVID-19: Webinar on the global employment law issues

11 March 2020

- Speaker, "Flexible working issues," AmCham HR conference, Hong Kong, December 2016
- Speaker, "Global Perspectives on Labor and Employment Law Dispute Resolution," ABA Labour and Employment Law conference, Hong Kong, May 2016
- Speaker, "Social Media Policies, Terms and Conditions," AIJA Conference, London, April 2014
- Speaker, "Doing Business in the UK," UKTI panel session, New York, April 2014