



John Hannan

Partner

Auckland

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John Hannan is a highly experienced partner in the employment, litigation and IP, information technology and telecommunications teams in Auckland.

John has acted for major New Zealand and international organisations, including one of New Zealand's largest supermarket retailers, a listed chemicals, resins and building products manufacturer, national and international insurers, major airlines, international and national insurance brokers, a global pharmaceutical manufacturer / distributor; international engineering consultancies, a computer games manufacturer, and numerous primary, secondary and tertiary education providers.

Recent projects include significant data protection / privacy compliance and training programs for clients wishing to enhance the value and use of big data and analytics.

He assists clients with all aspects of employment relationships, both contentious and non-contentious. He appears on employment law matters in the Employment Relations Authority, the Employment Court and the Court of Appeal.

John acts for insurers in claims under Employment Practices Liability Insurance (EPLI) policies covering employers against employment-related disputes. He has also acted for insurers in public liability and professional indemnity claims.

Intellectual Property including trademarks, copyright and patent litigation is also an area where John has significant experience.

John has experience in fraud, theft of intellectual property, and breach of confidentiality situations, obtaining 'freezing orders' and search orders and injunctions. He has significant experience of restraint of trade claims. He has dealt with major product liability claims. He is an experienced High Court advocate.

LANGUAGES SPOKEN

- English

EXPERIENCE

RELATED SERVICES

- Employment
- Intellectual Property and Technology
- Environment, Health and Safety
- Transport
- Litigation, Arbitration and Investigations
- Real Estate
- Public Law

RELATED SECTORS

- Insurance
- Technology
- Financial Services
- Consumer Goods and Retail
- Life Sciences
- Hospitality and Leisure

LANGUAGES SPOKEN

English

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- Employment Relations Authority and Employment Court litigation relating to challenges to redundancies, claims for historical benefits by retired employees, and issues about coverage clauses in collective employment agreements.
 - Outsourcing and offshoring Human Resources shared services in several major international corporates.
 - Complex restructurings by a major pharmaceutical manufacturer, and by international insurance brokers following acquisitions / mergers.
 - Numerous restraint of trade claims against defecting employees.
 - Numerous recovery actions relating to fraud with over \$4 million recovered.
 - Obtaining interim Charging orders and Freezing Orders in High Court to secure assets of fraudulent employees.
 - Obtaining orders to search for and seize intellectual property and confidential information wrongfully taken from clients.
 - Trade Marks advice, contentious and non-contentious, including certification marks and Madrid Protocol applications.
 - Product liability claims defence.
 - Professional negligence.
 - Data protection / privacy compliance training program for international airline.
 - Privacy Notice compliance and best practice advice for numerous clients trading online, including online gaming.

CREDENTIALS

Professional Qualifications

- Barrister and Solicitor of the High Court of New Zealand, 1978

Recognitions

- John is ranked in the 2019 Legal 500 Asia-Pacific rankings as a leading individual in Labour and Employment.
- John is also ranked as a leading Employment lawyer in the Chambers Asia-Pacific 2019 rankings. Chambers noting that John has "a diverse knowledge base and utilises his experience in contentious employment matters for local and international organisations".
- John was ranked as a Leading Individual for Labour and Employment in Legal 500 Asia-Pacific 2018, with particular mention of his experience acting on behalf of "Air New Zealand with the development of global data protection and privacy policies".
- John was ranked as a leading Employment lawyer in Chambers Asia-Pacific 2016, with Chambers noting that he 'is commended as a "very experienced and capable practitioner who takes a pragmatic approach." Clients report: "He has got a lot of wisdom and he is very considered. You know you can argue your corner with opinions from him. He is user-friendly, contactable and his advice is always prompt."
- John was ranked as a leading Employment lawyer in Chambers Asia-Pacific Guide 2015, with Chambers commenting that 'clients describe John Hannan as "thorough, efficient, experienced and commercial."
- John was ranked as a leading Employment lawyer in Chambers Asia-Pacific Guide 2014, with clients describing him as an 'incredibly bright, capable lawyer' who is 'pragmatic, responsive and precise.'

Education

- Victoria University of Wellington, BA, 1975
- Victoria University of Wellington, LLB (Hons) (1st Class), 1977

Memberships

- New Zealand Law Society
- Medico-Legal Society
- Lawyers Engaged in Alternative Dispute Resolution

- Australia New Zealand Insurance Law Institute
- Employment Law Institute
- Council member of the Manukau Institute of Technology
- Council member of Legal Research Foundation
- New Zealand Teachers Council Disciplinary Tribunal

INSIGHTS

Publications

Requirements in employment agreements that staff work extra hours, if requested, need urgent review: Employment Court says many will be unenforceable

5 MAY 2019

Many employment agreements contain clauses saying that staff may be required to work reasonable overtime. Some agreements for salaried staff have clauses providing that the "duties of your position may require you to work additional hours beyond the normal hours of work". A very recent decision of the Employment Court, *Postal Workers Union of Aotearoa v New Zealand Post Limited* [2019] NZEmpC 47, has thrown such arrangements into considerable doubt. The Court said that employees may not be obliged to work the additional hours.

Big employment law changes arrive

2 FEB 2019

Many of the amendments to the Employment Relations Act 2000 are familiar to employers as they reverse changes made by the National government over the previous nine years, particularly in the areas of unions and collective bargaining. Other changes include the restriction of 90-day trial periods to businesses with fewer than 20 employees and the reinstating of prescribed meal and rest breaks.

Ripples in the retail sector - pre-start meetings can result in breaches of the Minimum Wage Act 1983

29 MAY 2018

In a case which has sent ripples through the retail sector, *Smiths City Group* has been found to be in breach of the Minimum Wage Act 1983. This will result in a significant back pay claim going back at least six years.

GDPR - How personal is personal data?

17 APR 2018

The European Union's General Data Protection Regulation is now less than two months away from coming into force. In this brief update we discuss the scope of 'Personal Data' under GDPR, and what that might mean for New Zealand organisations.

Privacy Bill: little change, but will we see more fundamental innovation?

22 MAR 2018

After years of reviews, reports and discussion on the matter, a new Privacy Bill (**Bill**) has been introduced to Parliament to replace the ageing Privacy Act 1993. Expected to come into force on 1 July 2019, the Bill brings with it a few welcome changes. However, advocates of sweeping privacy reform will likely be disappointed with the scope of the changes in the current draft.

Collecting personal data? Thought about GDPR?

14 MAR 2018

The European Commission's General Data Protection Regulation, 'GDPR' will come into force on 25 May 2018. It heralds some of the most stringent data protection laws in the world. In the era of data monetization, businesses that fail to pay detailed attention to legal compliance and best practice in protecting individual data will struggle to compete commercially. A new microscope has arrived.

Employment Relations Amendment Bill

13 FEB 2018

On 7 February 2018 Workplace Relations and Safety Minister Iain Lees-Galloway presented to a group of DLA Piper clients and contacts on the government's workplace relations change programme. The Minister spoke about a range of topics including the recently introduced Employment Relations Amendment Bill 2018 (the **Bill**). The Bill is the first significant step the new government has taken to amend the Employment Relations Act 2000 (the **Act**). Many of the proposed amendments to the Act reverse changes made by the National government over the previous 9 years.

Strangers in a strange land

5 OCT 2017

When an overseas employer has its staff working in New Zealand under their overseas employment contracts, does New Zealand employment law cover them? This question was partially answered in the recent Supreme Court decision, *Brown & Anor v New Zealand Basing Limited*.

NEWS

DLA Piper (New Zealand) recognized in 2019 Legal 500 Asia Pacific rankings

3 Dec 2018

DLA Piper (New Zealand) is pleased to announce that we have once again been ranked top tier in Investment Funds and Insurance. Twelve of our lawyers are ranked as Leading Individuals in their practice area with a further five recognized in the category of Next Generation Lawyers.

DLA Piper (New Zealand) expands rankings in *Legal 500 Asia Pacific 2018*

8 December 2017

DLA Piper (New Zealand) is pleased to announce that we have been ranked top tier in *Investment Funds* and *Insurance*. 14 of our lawyers are ranked as *Leading Individuals* in their practice area with 4 in the new category of *Next Generation Lawyers*.
