



Johan Zwemmer, PhD, LL.M

Legal Director

johan.zwemmer@dlapiper.com

Amsterdam

T: +31 20 541 9269

F: +31 6 11 861 848

Johan Zwemmer advises local and international companies on all aspects of collective and individual employment law, flexible employment relations and the interface between employment law and corporate law. He has considerable experience in the employment and employee co-determination aspects of major corporate transactions, outsourcing, reorganisation and integration processes.

Johan has advised many clients in major relocations, restructurings, on the organization of the flexible part of the workforce and on corporate employment law (transfer of undertaking, employee participation and collective labour law). He also has strong experience in litigation collective and individual dismissal cases of employees and/or managing directors and litigation.

Johan is also a lecturer and researcher at the Department of Employment Law at the University of Amsterdam. He is (chief) editor of several professional journals, co-author of handbooks on employment law and a lecturer at post-graduate educational programmes on employment law.

RELATED SERVICES

- Employment

LANGUAGES SPOKEN

Dutch English German

LANGUAGES SPOKEN

- Dutch
- English
- German

EXPERIENCE

- Advising an international chemical company on the structure of its growing temporary /flexible workforce and on the hiring of different types of personnel (framework agreements with employment agencies regarding the hiring of (temporary) staff) and on the implementation of an alcohol and drugs policy.
- Advising a large energy supply company on the intended privatisation, including the works council process.
- Advising a media company with the restructuring of its Dutch workforce following the merger with another media company.
- Advising a large retailer on the reorganization of its organizational structure and the relocation and collective dismissal of the

employees concerned.

- Representing an online platform in a law suit filed by the largest Dutch trade union in which this union asked the court to confirm that employment or temporary employment contracts existed with the online platform.
- Representing three large security companies in proceedings in which a group of employees (in a class action) claimed that the agreements made in the collective labour agreement for the private security sector regarding irregular hours allowances during holidays are null and void on the basis of jurisprudence from the European Court of Justice.
- Advising a large French-Italian eyewear company on the acquisition of a Dutch multinational eyewear retailer, including the works council process.

CREDENTIALS

Education

- University of Amsterdam, PhD in law, 2012
- Grotius academy, Post Graduate Course Employment law, 2006
- Freie Universität Berlin, Arbeits- und Mitbestimmungsrecht, 2001
- University of Amsterdam, Dutch law, 2000

Memberships

- EELA
- The Amsterdam Lawyers Association
- VAAN

INSIGHTS

Publications

- J P H Zwemmer, "Case note: Gerechtshof 's-Hertogenbosch 20 augustus 2019, Overeenkomst kwalificeert als aanneming van werk. Geen sprake van uitzendovereenkomst en geen recht op inlenersbeloning", *JAR* 2019/239, 2019
- J P H Zwemmer and M Jovović, "Arbitrage en arbeidsrecht: over de toelaatbaarheid van arbitrage als vorm van geschillenbeslechting in het arbeidsrecht", *ArbeidsRecht*, 2019 (11)
- J P H Zwemmer and I Zaal, Ter visie - Faciliteer de arbeidsvoorwaardenregeling tussen werkgever en ondernemingsraad. *Tijdschrift voor Arbeid & Onderneming*, 2018 (2)
- J P H Zwemmer, and T Huijg, "Het derdenbeding en driehoeksrelaties in het arbeids- en pensioenrecht: (weder)tewerkstelling en de uitvoeringsovereenkomst", *Tijdschrift voor Arbeid & Onderneming*, 2018 (3)
- J P H Zwemmer, "De uitzendkracht, de gedetacheerde en de payrollwerknemer" in *Arbeidsrechtelijke thema's - Bijzondere arbeidsverhoudingen (2e editie)*. (Bakelsreeks; Vol. 18). Den Haag: Boom juridisch, 2017
- J P H Zwemmer, "Het Care4Care-arrest en de olievlekwerking van artikel 7:690 BW", *Tijdschrift voor Ontslagrecht*, 2017(1), 2017
- J P H Zwemmer, "Case note: HvJ EU 17 november 2016, Terbeschikkingstelling lid van een vereniging kan onder werkingssfeer uitzendrichtlijn vallen, ook wanneer naar nationaal recht geen sprake is van een arbeidsovereenkomst (C-216/15: Betriebsrat der Ruhrländische Klinik gGmbH/Ruhrländische Klinik gGmbH)", *JAR* 2016/306, 2017