



### Johan Zwemmer

Partner

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#### Amsterdam

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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.

• Employment

Dutch English German

## LANGUAGES SPOKEN

- Dutch
- English
- German

## AREAS OF EXPERIENCE

- Business transformations: restructuring, outsourcing, acquisitions, post-acquisition integration (also including social plan negotiations, employee representative consultation, severance packages)
- Corporate misconduct, whistleblowing, investigations
- Confidential information and restraints, business protection
- Flexible workforces – non-regular worker challenges
- Collective employment issues: company closures and strikes, litigation against unions
- Harassment, discrimination and diversity

## KEY 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 bank with the harmonization of the working conditions of the workforce after the acquisition of another bank.
- 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

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### Professional Qualifications

- Advocaat admitted with the Nederlandse Orde van Advocaten

### Recognitions

Johan has been recommended by *Chambers Europe 2020* for Employment and was a member of the *Commissie Borstlap*, which examined the future of the Dutch employment regulation on request of the Dutch government.

### Education

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

### Memberships

- The Amsterdam Lawyers Association
- VAAN

### Lecturer and Researcher

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.

Johan regularly publishes on all aspects of labour law in professional journals.

## INSIGHTS

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## Publications

### ESG Talks - Johan Zwemmer and Hans Borstlap on a sustainable labor market

21 April 2021

ESG Talks

Presenter Harm Edens, former member of the State Council and chairman of the Committee for the Regulation of work (Committee) Hans Borstlap and DLA Piper Amsterdam employment expert Johan Zwemmer discuss the need for a sustainable labor market diving into the current market situation and how it relates to ESG.

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- 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 werkingsfeer 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

## Events

### Previous

#### Webinar Tijdelijke Noodmaatregel Overbrugging voor Werkbehoud (NOW)

1 April 2020

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## NEWS

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### DLA Piper announces partnership promotions for 2021

28 April 2021

DLA Piper is proud to announce that 44 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2021 in the United States and May 1, 2021 for EMEA and Asia Pacific. The promotions have been made across many of the firm's practice areas in 33 different offices throughout 17 countries.

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### DLA Piper benoemt Johan Zwemmer tot partner

28 April 2021

Johan Zwemmer is met ingang van 1 mei 2021 tot partner benoemd bij DLA Piper in Amsterdam. Wereldwijd benoemt het advocatenkantoor 44 advocaten in 17 verschillende landen tot partner.

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