

# ROB TOWNER

BARRISTER

## Curriculum Vitae



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## *Biography*

Rob has over 40 years' experience as an employment lawyer, most recently as a partner for 20 years at Bell Gully (retiring from the firm in 2018). Prior to that, Rob was at Russell McVeagh for 20 years.

Rob was one of only three employment lawyers ranked in Band 1 by Chambers Asia Pacific 2018 for New Zealand, and was one of only two employment lawyers in New Zealand to have held this top ranking for the past 10 years. He was also named as a leading individual in the Labour and Employment section of *Legal 500 2018*. Client comments in the legal directories describe Rob as "the best employment lawyer I have ever dealt with, especially in litigation," adding that "he is a very calm operator and I really trust him." Another client said that Rob "acted on a very complex mediation and is by far the most experienced in the field."

Rob has advised many of New Zealand's major employers over the years on both contentious and commercial employment issues. He has appeared as counsel in many leading cases, and on hundreds of occasions in the Employment Court, the Labour Court, the Arbitration Court, the Employment Relations Authority, the Employment Tribunal, the Waterfront Industry Tribunal, the Human Rights Review Tribunal, the Complaints Review Tribunal, the Court of Appeal, the High Court, the District Court, and in arbitrations.

Rob also has extensive experience advising chief executives and other senior managers on offers of employment, their employment agreements and exiting their employer. He also has expertise in relation to restraint of trade issues.

Rob has advised on and managed many hundreds of investigations, mediations and disciplinary procedures, and he has acted as counsel in around 300 mediations for both employers and employees. He was a founding member of the Institute of Employment Arbitrators and Mediators Inc. and is a member of the Arbitrators' and Mediators' Institute of New Zealand Inc. He is a trained mediator. He has acted as an arbitrator.

Rob was previously Chair of the Employment and Industrial Relations Law Committee of the International Bar Association, and he is a former member of the Executive Council of the Global Employment Institute. Rob was for 20 years a part-time lecturer on employment law at Auckland University Law School.

Rob is available to be engaged as a mediator in relation to employment disputes. He can undertake investigations into employee complaints and employer concerns about employee behaviour. Rob is authorised by the Law Society to accept direct instructions from clients.

Rob is a member of the Australasian Association of Workplace Investigators (AAWI).

## ***Recent Experience***

NOBLE V BALLOONING CANTERBURY.COM LIMITED [2020] NZEMPC 167  
Acted successfully for a law firm in defending an application to join the firm as a party to the proceedings for the purposes of making a costs order against it.

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ASUREQUALITY LTD V NZPSA INC [2018] NZEMPC 70 Dispute over interpretation of a clause in a collective agreement between the company and the union relating to shift work and payment of overtime rates for work on weekend days.

8I CORPORATION V MARINO [2017] NZEMPC 69 Dispute over whether a term of a mediator-signed settlement agreement could be subsequently challenged on grounds that the agreement arguably contained a penalty provision void at common law.

LYTTELTON PORT COMPANY LTD V MARITIME UNION OF NZ INC [2017] NZEMPC 6 Application for interim injunction to prevent threatened strike on grounds that no secret ballot had been held by the union.

LYTTELTON PORT COMPANY LTD V THE RAIL AND MARITIME TRANSPORT UNION [2016] NZEMPC 179 Successful application for interim injunction to prevent threatened picketing on grounds of unlawful inducement of breach of contract and unlawful interference with business interests (believed to be the first time such an order has been made by the Employment Court).

LYTTELTON PORT COMPANY LTD V RMTU [2016] NZEMPC 173 Successful application for interim injunction to prevent threatened strike on grounds of that strike notice (in an essential industry) was defective.

HP NEW ZEALAND V KEOGAN [2017] NZERA 114 Successful application for an urgent order to restrain the employee from breaching a non-compete restraint in his employment agreement, thereby precluding him from commencing employment with a competitor.

PULP AND PAPER INDUSTRY COUNCIL OF THE MANUFACTURING AND CONSTRUCTION WORKERS UNION V OJI FIBER SOLUTIONS (NZ) LTD AND CARTER HOLT HARVEY LTD [2016] NZEMPC 113 Successfully representing CHH following the \$1.2b sale of its pulp and paper division to Oji, in relation to a dispute over the interpretation and application of provisions in a collective agreement relation to holiday pay, also requiring consideration of the Holidays Act 2003.

JPMORGAN CHASE BANK NA V LEWIS [2015] 3 NZLR 114 (CA) Successful appeal from a judgment of the Employment Court in relation to whether the EC had jurisdiction in relation to uncertified settlement agreements.