

LISA ZHAO

Partner·Beijing

+86 10 5769 5615

lisa.zhao@fangdalaw.com

PRACTICE AREA

MS. ZHAO SPECIALIZES IN LABOR AND EMPLOYMENT LAW.

Education

- New York University, Master of Laws
- Shanghai International Studies University, Bachelor of Laws

Professional Qualification

- Admitted to practice in the PRC

Work Language

- Mandarin
- English

Professional Background

- Ms. Zhao previously worked with two other Red Circle PRC firms as an associate and as a partner after a one-year internship at a US firm.

Ms. Zhao has over 10 years specialized and comprehensive experience in practicing both contentious and non-contentious labor and employment law in China. Her work includes: (i) helping clients establish and improve internal rules, policies and documents, including offer letters, employment contracts, confidentiality and non-competition agreements, training agreements, labor dispatch agreements, labor outsourcing agreements, employee handbooks and other special policies; (ii) providing legal advice on daily labor and employment questions, including questions related to recruitment, salary and benefits, rest and vacation, training, work-related injury, social insurance, employment of expatriates, labor dispatch, amendment of employment terms, and termination of employment; (iii) conducting employment-related due diligence in the course of commercial transactions such as equity transfers, asset sales, and company restructuring and shutdown, (iv) advising on tailored personnel arrangements and compensation strategies and supporting the implementation of those strategies; (v) creating employee layoff plans; (vi) participating in employee misconduct investigations and advising on employee disciplinary actions; (vii) helping clients draft, review and revise employee share incentive plans and related legal documents; and (viii) representing clients in labor dispute arbitration, litigation and settlement.

Ms. Zhao also has ample experience in corporate law matters. She acted as an external legal consultant to multiple enterprises, and represented clients in their onshore and offshore investment transactions in relation to healthcare, and education and high-tech sectors. This corporate law experience equips her with business acumen, enables her to advise on labor and employment matters in a practical manner befitting client business needs, and prepares her to deal with cross-issues between labor law and other areas.

REPRESENTATIVE MATTERS AND CASES

Non-Contentious Matters

- Advising Mylan on various HR and employment matters on a long-term basis, helping it draft, review and revise legal documents, such as headhunter consulting contracts, labor dispatch contracts, outsourcing contracts, human resources service contracts, employment contracts, confidentiality and non-competition agreements, employment transfer agreements, employee handbooks and senior executive special terms
- Advised Avenues: World School on daily HR and employment matters in relation to its operation of campuses in China, including employee recruitment and termination, employee hiring methods, internal policy establishment, and foreigner employment

- Advised Blackstone on a long-term basis on employment matters relating to its PRC subsidiaries, helping it draft, review and revise legal documents
- Represented Alibaba, Ant Financial, CITIC Capital and other companies and their subsidiaries in conducting labor law due diligence on proposed transactions and provided legal opinions on personnel arrangements
- Advised Asian Development Bank on matters related to the employment and management of its PRC resident mission's Chinese employees
- Advised Lily Asia Fund and its incubation companies on the onshore and offshore hiring of executives and consultants, the terms and conditions of their employment agreements, and the enforceability of terms in foreign jurisdictions
- Advised a famous real estate enterprise on the employment and human resources management agreements and policies for its mixed-use commercial project located in Beijing
- Advised a European travel payment management company on the potential liability of its PRC subsidiary and the subsidiary's shareholders and directors in connection with a labor dispute against an executive
- Advised a large state-owned commercial bank on the management of employment relationships with non-Chinese executives working for its overseas branches
- Advised a US retail corporation on the potential liability of an offshore legal representative for events at the corporation's PRC subsidiaries in China
- Advised a global equity investment firm on dual employment contract arrangements with senior executives at its private equity funds in China
- Advised a PRC university affiliated school-run enterprise on the change from altered government policies and from enterprise restructuring on staff arrangements, which included the termination or transfer of university-affiliated employees, enterprise-affiliated employees, dispatched workers and labor outsourcing agency staff, and provided legal opinions, legal document preparation, action plans, employee negotiations, etc.
- Advised a US pharmaceutical company on a staff transfer matter arising from a business merger, which included transferring direct hire and dispatched employees and changing the dispatch service providers
- Advised a large state-owned enterprise on employee arrangements for the shutdown of its affiliated hotel
- Advised a high-tech IT company on its staff redundancy project due to the dissolution of the company
- Advised a listed company and participated in the internal investigation into suspected bribery by several employees at its PRC affiliate and advised on employment-related issues
- Advised a US manufacturer on the investigation, interview and handling of the employment relationships of several employees at its PRC subsidiary who were suspected of misconduct
- Represented an insurance brokerage company in responding to the administrative complaint initiated by an expatriate former employee and to the corresponding labor administrative supervision proceedings
- Helped several TMT companies draft and review ESOP platform agreements, offshore ESOPs and other related documents

Labor Arbitration and Litigation

- Represented two PRC subsidiaries of a Singaporean real estate group in winning the second instance trial of a former senior executive's claims for benefits, compensation and damages after termination of employment
- Represented a top Danish supplier of protective coatings in winning labor arbitration and litigation over a wrongful termination claim filed by a sales manager dismissed for a conflict of interest
- Represented a famous internet financial enterprise in winning the labor arbitration and litigation filed by a former employee in a dispute over the repurchase of granted restricted shares units
- Represented a subsidiary of a state-owned telecom operator in saving over 90% of the claim amount in labor arbitration filed by an executive in a dispute arising from the HR reform and historical issues
- Represented a leading finance leasing company in saving over 99% of the claim amount in labor arbitration filed by a former manager in a dispute over termination, compensation and severance
- Represented a national high-tech enterprise in the second instance trial and the retrial of a director's claims for

infringement of reputation

- Represented a world famous electronic and medical products manufacturer in filing and winning labor arbitration against a former key employee for performance of non-competition obligations and payment of liquidated damages
- Represented a PRC policy-based insurance company in receiving a favorable judgment in the second instance trial of claims brought by a protected female employee regarding the termination of employment
- Represented a stated-owned property insurance company in settling the labor arbitration filed by a manager over a dispute arising from a change of position and pay
- Represented an American sports company in settling the labor arbitration filed by a development manager dismissed for incapacity
- Represented a renowned US cosmetics company in settling the labor arbitration filed by its public relations director dismissed for serious violation of company policies

Publications/Articles

- "Discussion on 'Temporary' Character of Labor Dispatch Positions" (Co-authored, China Labor (J), 2012 (5) LexisNexis, 2012 (04))

Professional Affiliations

- Ms. Zhao is a Committee Member of Beijing Bar Association Legal Risk and Compliance Management Related Legal Affairs Committee and a member of the Beijing Labor Law and Social Security Law Society.