



Representative credentials

Labor and Employment

About HSA

The legal profession is changing rapidly in light of market disruption, changing client expectations and technological developments. Established in 2003, HSA's focus on continuing evolution has enabled us to constantly adapt to emerging market dynamics and deliver consistent value to clients.

We are a full-service law firm that prides itself on combining knowledge, experience and expertise to create outcome-oriented solutions and ensure our clients stay ahead of emerging opportunities and risks. Our areas of expertise include Projects, Energy & Infrastructure; Banking & Finance; Restructuring & Insolvency; Corporate & Commercial; Regulatory & Policy; Defence & Aerospace; Dispute Resolution; Environment, Health & Safety; Real Estate; Securities & Capital Markets; Technology, Media & Telecommunications; Taxation and Investigations.

We are a law firm built around people. We embrace collaboration while advising our clients and assemble teams of experts to bring the right talent to address every client issue. Our belief in delivering legal advice that recognizes each clients' strategic goals and business requirements allows us to offer pragmatic and implementable support across our platform of practices and sectors.

We measure our success by the service we provide to clients, irrespective of the size, scope and scale of the matter at hand. We are a team of 30+ partners and over 150 professionals based out of four offices across India's major cities – Delhi, Mumbai, Bangalore and Kolkata.

Labor and Employment

OUR SERVICES

- Advise on contentious and non-contentious employment and partnership matters
- Drafting of all contract and service-related agreements
- Dispute matters pertaining to gender/equal pay, strikes, lockouts etc.
- Structuring, tax-optimization and disputes support on ESOPs and executive compensation matters
- Advisory for internal disciplinary and grievance issues, including investigation support for adverse incidents pertaining to employee fraud, sexual harassment, etc.
- Pre-dispute advisory, crisis management and reputational management

HSA ADVANTAGE

- Experienced team to assist on all employment related and compliance issues with due consideration of confidentiality and discretion
- Specialist capabilities in conducting internal investigations and audits in close coordination with our criminal law experts
- Diligent support in organizing training sessions for management and employees of multinational companies to provide clarity and awareness regarding the relevant regulations



Our credentials

Please see below list of key matters handled by HSA and its attorneys in Labor and Employment practice area.

ACME GROUP

On modification of its ESOP scheme to ensure that they are in compliance with the SEBI regulations since it wanted to list its shares on the stock exchange and also reviewed the resolution passed by Acme and advised on the non-compete agreements

On payment of bonus, termination of employees and other labor law queries on a regular basis

On providing Labor and Employment Law advisory on regulatory disputes under the Contract Labor (Regulation and Abolition) Act, Minimum Wages Act, Payment of Gratuity Act, Payment of Wages Act, Child Labor Act and the Payment of Bonus Act, as a response to the series of notices alleging multiple violations of the labor and employment law sent by the State Government of Madhya Pradesh

On providing an analysis of the rights and liabilities of the Client, in light of the executed full and final settlement, followed by the formulation of a reply to a legal notice issued on behalf of the ex-employee of ACME post-resignation

On providing advisory on payment of bonus and other labor law queries

On a response to the multiple legal notices sent on behalf of an ex-employee who was terminated due to breach of confidentiality obligations

Labor and employment law advisory on a regulatory dispute under the Factories Act and the Andhra Pradesh Factories' Rules

A MAJOR FRENCH ENGINEERING COMPANY

On registrations under various labor laws and other compliances for operationalizing an LLP in India

ACCIONA WIND POWER GROUP

On labor law matters including the applicability of Factories Act etc. on wind power projects

On Call Option Agreements for transfer of shares held by employees (in Project SPVs) to non-resident shareholders

ACKO GENERAL INSURANCE

On Employee Stock Ownership Plans, including the cancellation of ESOPs in a case of breach of employment contract

A LEADING OIL & GAS COMPANY

In order to analyze the existing employment structure and to provide legal analysis on the impact of the envisaged transfer of employees to the transferee entity as part of the demerging process

To vet the draft Letter of Acceptance that forms an integral part of the terms of employment between an employer and an employee and is construed to be a legally binding agreement between two parties and is designed to give both parties security and protection

AVANTOR PERFORMANCE MATERIALS INDIA

On drafting of employment agreement, reviewing of ESOP Policy, amending the terms of remuneration of Managing Director, granting ex-gratia bonuses to current employees and past employees, post-acquisition of VWR Corporation by Avantor Inc, USA; drafting various HR Policies including sexual harassment policy, reinstatement and payment of outstanding dues, labor lockouts in their plants, as well as legal advice on gender/equal pay matters

On drafting of employment agreement for various jurisdiction including China, Malaysia and Singapore, post-acquisition of VWR Corporation by Avantor Inc. USA

A LEADING ONLINE VIDEO STREAMING SERVICES PROVIDER COMPANY

On assisting the China based company to set up operations in India by providing Market Entry Due Diligence including Employment law issues

AKZO NOBEL INDIA

On employment law related matters, including legal advice on gender/equal pay matters

AMPLUS ENERGY SOLUTIONS

On drafting of Earn-out Agreement executed between the Founders and Investors.

ASTRUM MANAGEMENT ADVISORY

On drafting the ESOP policy and various other HR Policies and employment agreement, consultancy agreements, termination letter for Astrum and Reputare

A LEADING SWISS MANUFACTURING COMPANY

On providing advisory services and drafting of employment contracts for directors, CXO's and key employees

A LEADING CONSUMER ELECTRONICS & TECHNOLOGY COMPANY

On assisting the client on matters related to employment law in strategizing its entry in India

AL TAMINI & CO

On reviewed queries pertaining to employment law matters, such as hours of work, overtime payment, notice for termination, etc. in the light of applicable local legislation in India and gave our opinion on the employment policies

A LEADING GLOBAL RAILCAR LESSOR

On advising and assisting in obtaining Employee State Insurance (ESI) registration

BLANCO GMBH

On corporate law matters including non-resident director's liabilities and other related matters and drafting of Consultancy Agreement

BRITISH GAS

On all employment and labor law related issues including but not limited to legal advice on gender/equal pay matters, preparation of a comprehensive labor law compliance manual for the operations team in India, advice on the works at the factory and off-shore works, advice on the employment-related social security legislation (provident fund, gratuity), contract labor, retrenchment of workmen, settlement process under the Industrial Dispute Act and labor disputes in various forums

CAMLIN FINE SCIENCES

On drafting and revising the employment contract with the exiting shareholder under an acquisition

COLGATE PALMOLIVE (INDIA)

In relation to opining on the closure of a Unit in the State of Maharashtra

DARJEELING ORGANIC TEA ESTATES

On drafting of employment agreement for the appointment of senior managerial personnel

DIAGEO INDIA

In relation to the business integration process with United Spirits Ltd. including advice on contract labor, and retrenchment and settlement process under the labor legislation in India

FAITH HEALTH CARE

On advising the management and the board in an employer-employee dispute wherein the employee resigned in violation of the terms of his employment agreement and also filed a case against the employer for recovery of alleged dues

FIRST DATA GROUP

On the proposed business activities of its subsidiary including regulatory issues, employment issues, including legal advice on gender/equal pay matters

GETIT INFOSERVICES

On matters relating to the removal of employees and drafting of agreements relating to full and final settlement with outgoing employees

GODREJ INFOTECH

On labor law issues arising from deputation of employees overseas for performing certain specific contracts

To coordinate with international counsel and summarize the labor laws of that country and the Indian labor laws which were then presented to the client

GOODYEAR INDIA

On the process involved for the appointment of Chief Financial Officer, drafted the necessary resolutions to be passed by the audit committee, the board and the shareholders of GIL

HARRIS CORPORATION, USA

On employment law related matters, including legal advice on gender/equal pay matters

HORIBA INDIA

On drafting and reviewing of the entire HR Documentation and reviewing and revising the HR Policy

ILIVE VR INC

On hiring Consultants in India and drafting of agreements to be executed with consultants in India

INNOVACER ANALYTICS

In relation to critical advice in relation to termination/retrenchment of nearly 90 employees, including workmen, in light of labor and employment laws

On assisting the client with the exercise to rationalize its workforce while ensuring compliance with the applicable law and various orders released by the Central and State Governments as a response to the COVID-19 Pandemic

INFOBIP INDIA

On comprehensive legal advisory to the client on termination of employees for misconduct; later handled the client in structuring employment policies

INNOVACER MANAGEMENT

In assisting the client with an evaluation of non-solicitation obligation under a contract and issuance of legal notice to Statsoft

INFOBIP- INFOBIP INDIA AND BSMART INDIA (GROUP COMPANIES)

In relation to the transfer of employees from one group company to another group company as part of the asset transfer

ISS INDIA

On payment and computation of wages and other labor-related issues vis-à-vis their operations across India

Advisory related to benefits under PMRPY to contractors and principal employers

IQIYI

Advised on the labor and employment law aspects of the client's prospective entry in the Indian market

KANAK PROJECTS

On advisory in respect of the labor laws pertaining to the client's Tea Garden in Darjeeling

LYCEE FRANCAIS DE DELHI

On Human Resource and labor law matters and contract matters including drafting of template employment agreement for all level of employees (teachers and administrative staff) that will be executed between the Trust managing the French School and existing and future employees

MERCK & CO

On various issues in relation to employment/labor laws in India, including legal advice on gender/equal pay matters

NICHOLLS STEYN AND ASSOCIATES (NSA)

On the applicability of provident fund provisions under the Employees Provident Funds and Miscellaneous Provisions Act, 1952 to the Security Consultants hired by NSA to Housing Development and Infrastructure and consequences of the same

OMRO SERVICES DMCC

On drafting of employment agreements and consultancy agreements with the Promoter executed between JVS Industries Limited after the acquisition of JVS Industries and JVS Engineers

ORTH KLUTH RECHTSANWÄLTE

In providing support on labor matters and employment contracts, including legal advice on gender/equal pay matters

OSTRO ENERGY

On Labor Law Matters including the applicability of Factories Act, BOCW Act etc. on wind and solar power projects

GARTNER INDIA RESEARCH & ADVISORY SERVICES

In relation to the preparation of Employment Agreement, Review of India employment T&C and other HR matters, including legal advice on gender/equal pay matters

MARCHE RETAIL

Undertaking labor laws compliance audit and advising them on rectification of non-compliances and related legal issues

Advising on the Minimum Wages Act, 1948, of India and determination of minimum wages in the various states

Advising on calculation and payment of bonus under the Payment of Bonus Act, 1965, of India

Advising on the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 of India, and calculation of provident fund amount. Examining and analyzing various judicial precedents and recent development in this regard

On drafting various company policies such as Social Security Benefits Policy, Anti-bribery & Anti-Corruption Policy, Bonus & Incentive Policy, Disciplinary and Grievance Procedure Policy, Discrimination & Harassment Policy, Website Policy and Privacy Policy

On drafting templates of the offer letter, appointment letter, transfer letter, suspension letter, termination letter, relieving certificate, and full and final settlement letters

On advising on liability under the Contract Labor (Regulation & Abolition) Act, 1970 of India

On review of manpower supply and security personnel agreements from a labor law perspective

MYTRAH ENERGY

On a matter pertaining to the eligibility of employees of the client's SPVs for the Group Gratuity Scheme

PINBOX SOLUTIONS PTE.

On drafting of template employment agreement and consultancy agreement for employees to be engaged in Singapore

ROCKMAN INDUSTRIES

On drafting of employment agreements and consultancy agreements with Key Managerial Personnel executed between Moldex Composites (subsidiary of Rockman)

REC LIMITED

In relation to the status of suspension and benefits accruing for employees having undergone criminal trial

In the matter of whether component of pension is to be adjusted from the basic pay of employees joining the client from corporatized electricity boards

On the issues of regularisation/permanence of contract workers based on duration of employment, substitution of contractors; and obligation of payment of EPF/EPS and Gratuity to contract workers

SEPCO ELECTRIC POWER CONSTRUCTION CORPORATION

On various disputes under the Contract Labor Act filed against them

SECURITAS

On employment law related matters, including legal advice on gender/equal pay matters

SMART-CORE INTERNATIONAL COMPANY LIMITED, HONG KONG

In relation to executive service agreements and consultancy agreements between a foreign party and an Indian party from the perspective of Indian Labor and Employment Laws

SI GROUP

On labor laws issues to close the establishment along with data, facts and other relevant details

STERLITE POWER TRANSMISSION

In relation to drafting and reviewing of the entire HR Documentation and reviewing and revising the HR Policy

SUBSIDIARY OF JOULON SERVICES DMCC

On advising the Client in the investigation of delinquency by few employees in relation to client's business and provided support to Client on termination of some of the employees found prima facie guilty in conduct

SHISEIDO

On review of the HR policies for compliance with Indian labor laws, including legal advice on gender/equal pay matters

SUCG INFRASTRUCTURE INDIA PRIVATE LIMITED, INDIA (SUCGIN) AND SHANGHAI URBAN CONSTRUCTION (GROUP) CORPORATION, CHINA (SUCG)

On appointment letters and employment contracts (template) at the project office, branch and head office

In relation to expatriate employees, drafting employment contracts, advised on appropriate Visa's for business visits and working on projects in India, FRRO registration related issues, and on short term absence of employees for attending executive education and training programs

STATKRAFT BLP SOLAR SOLUTIONS

On preparing a compliance checklist of labor laws and the Contractor and as applicable to the Client's 5MW solar power project in Karnataka and conducting an on-site audit

SIEMENS INDIA

In relation to representing and defending the client before Ranchi High Court in a complaint filed by the labor officer alleging violation of provisions of the Contract Labor Laws

TERMA INDIA

In drafting employment handbooks and policies and employment agreements for a range of personnel up to board level and later devised exit strategy for CXO level employees

TERMA A/S- DENMARK AND TERMA (INDIA)

On handholding Terma and its Indian subsidiary in setting up the entire HR and employment procedures and compliances

TP- LINK INDIA

On advising the client in a complaint filed under the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labor Practices Act, 1971 for wrongful termination of employees

TRANSACTION SOLUTION INTERNATIONAL (INDIA)

On critical advice in relation to termination/retrenchment of 170 employees, including workmen as per labor and employment laws

THE CONFEDERATION OF DANISH INDUSTRY (DANSK INDUSTRY) ON BEHALF OF STIBO SYSTEMS

On assisting with standard agreements and policy drafts, reviews and/or redrafting them to ensure compliance with Indian employment law and industry best practices

VERINT SYSTEMS (INDIA)

In Splitting of the business division including the matters relating to transfer of employees of the divisions to new entities

VISA STEEL

On assisting the client in the standardization of its contracts including manpower supply contract, employment contracts, drafting the HR manual

VMWARE SOFTWARE (INDIA)

On employment law related matters, including legal advice on gender/equal pay matters

VISWATMA SOLAR ENERGY (FOR ACME CLEANTECH SOLUTIONS)

On advisory support in response to the notice issued by Factories Inspector, Govt. of Telangana for various violations under the Factories Act and the Andhra Pradesh (Factories) Rules

WALSONS SERVICES

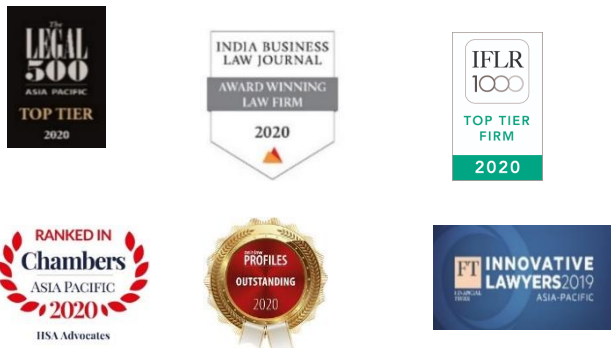
On the responsibility of the contract and/or the principal employer to comply with several laws

HSA at a glance

Full-service capabilities



Global recognition



Pan-India presence

New Delhi

81/1 Adchini
Sri Aurobindo Marg
New Delhi – 110 017

Phone: (+91) (11) 6638 7000
Email: newdelhi@hsalegal.com

Bengaluru

Aswan, Ground Floor, 15/6
Primrose Road
Bengaluru – 560 001

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Email: bengaluru@hsalegal.com

Mumbai

Construction House, 5th Floor
Ballard Estate
Mumbai – 400 001

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Kolkata

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HSA Advocates