
Labor & Employment

Practice Profile



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, Bengaluru and Kolkata.



The key strength of the team is that there is partner involvement throughout the course of assignments which ensures quick turnaround of deliverables.

~ Chambers and Partners



HSA Advocates is an excellent law firm with proactive approach and exceptional team which provides prompt service and very clear opinions.

~ Legal 500



Praised for having 'great knowledge' of the practice area and for 'clear' communication of complicated legal matters to clients.

~ RSG India Report



LABOR & EMPLOYMENT IN INDIA

Human capital is one of the key drivers of economic growth. While labour and employment have historically been regulated extensively by successive Central and State Governments with a clear focus on employee welfare ('Welfare of labour' is included in the Concurrent List of our Constitution, where both the Central & State Governments are competent to enact legislation), there have been increasing calls for modernization of the country's labour laws framework in order to boost investor confidence and industry productivity.

There is no single code in India on labour and employment laws covering all pertinent aspects, and labour and employment matters are regulated by constitutional, statutory and contractual rights of employees.

While the white-collar workforce is primarily governed by the specifics of their employment contract, blue collar workforce is subject range of statutory provisions. These include laws on wage regulation, occupational health and safety, social security, pensions and insurance, trade unions, equal opportunity, protection of vulnerable groups and job security, among others. T

The intricate and convoluted system of applicable labour laws is a frequent tripping point for businesses. This complexity of labour laws in India has been acknowledged by several international organizations, including the World bank. The government has been to provide clarity and boost ease of doing business.

Rapid changes in workplace due to technological advancement, automation, digitalization and mobility have necessitated frequent changes to applicable laws. It is essential for all India-based companies to understand all applicable laws and keep abreast of latest changes with regard to labour and employment laws and rules, in order to mitigate future risks and liabilities.

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

SERVICE OFFERINGS

Employment agreements

- Drafting or reviewing of employment agreements that balance legal requirements with business concerns
- Advice on restrictive covenants such as non-compete and con-solicit clauses
- Ensuring effective protection of data and intellectual property through the terms of the agreement
- Verifying compliance of the terms related to leaves, termination and other aspects with the applicable Central and State laws

Employment Handbook and other company policies

- Drafting or reviewing of Employment Handbooks or other company policy documents, including mandatory and optional policies such as
- Mandatory policies include the Prevention of Sexual Harassment of Women at the Workplace and Risk Management
- Optional policies include Anti-Corruption and Whistle-blower, Performance Improvement Plan, Sabbatical Leave, Equal Opportunity, Workplace Safety, Technology, Compensation and Benefits, Privacy and Confidentiality, and Ethics, Conduct & Discipline

Regulatory support

- Ascertainment of applicability and compliance under the relevant Central and State laws on labour and employment aspects, including a comprehensive evaluation of applicable statutes, administrative regulations as well as judicial decisions
- Advisory on issues including but not limited to employment concerns in mergers & acquisitions, compliance and risk management, workforce rationalization, outsourcing of business processes to third parties, employer-employee disputes, privacy and data protection

Social security laws

- Advisory on compliance and notices from regulatory authorities
- Representation in disputes under the Employees Provident Funds and Miscellaneous Provision Act, 1952; the Employees State Insurance Act, 1948 and; the Employees Compensation Act, 1923

Wage regulations

- Advisory on compliance and notices from regulatory authorities
- Representation in disputes under the Code on Wages, 2019 and the applicable notifications/regulations made under the Payment of Wages Act, 1936; the Minimum Wages Act, 1948; the Payment of Gratuity Act, 1972 and; the Payment of Bonus Act, 1965

Industrial labour laws

- Advisory on compliance and notices from regulatory authorities, and representation in disputes under various Central labour laws including but not limited to the Industrial Disputes Act, 1947; the Factories Act, 1948; the Trade Unions Act, 1926; the Industrial Employment (Standing Orders) Act, 1946; the Contract Labour (Regulation and Abolition) Act, 1970 and; the Child Labour (Prohibition and Abolition) Act 1986
- Classification of employees as Workman/Non-Workman based on the job-profile and determination of applicable legal provisions

State-specific labour laws

- Advisory on compliance and notices from regulatory authorities
- Representation in disputes under the Shops and Commercial Establishments Act (of respective States) and other State Government Statutes, Regulations, Orders and Notifications

Laws relating to equality and empowerment of women and vulnerable groups

- Advisory on compliance and notices from regulatory authorities
- Representation in disputes under the Maternity Benefit Act, 1961; The Sexual Harassment at the Workplace (Prevention, Prohibition and Redressal) Act, 2013; Rights of Persons with Disabilities Act, 2016 and the Code on Wages, 2019

OUR PRACTICE

HIGHLIGHTS

AKZO NOBEL INDIA

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

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

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

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

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

INNOVACER MANAGEMENT

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

ISS INDIA

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

MARCHE RETAIL

As the retained legal counsel, advising on licenses and approvals, setting up of new stores, lease and rental agreements, agreements with suppliers, tax related matters, employment related matters (employment contracts, termination, employee disputes, HR policies) and all other legal assignments of the Company

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

OSTRO ENERGY

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

PINBOX SOLUTIONS PTE.

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

SI GROUP

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

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

STERLITE POWER TRANSMISSION

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

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

VERTICAL FOX LLC

In relation to legal and related tax advisory services on setting up of structure and establishment in India for undertaking software development activities and transitioning of key personnel from Idyllic Software to Vertical Fox LLC's India operations/establishment

HSA

AT A GLANCE

Full-service capabilities



BANKING & FINANCE



PROJECTS, ENERGY & INFRASTRUCTURE



COMPETITION & ANTITRUST



PROJECT FINANCE



CORPORATE & COMMERCIAL



REAL ESTATE



DEFENCE & AEROSPACE



REGULATORY & POLICY



DISPUTE RESOLUTION



RESTRUCTURING & INSOLVENCY



ENVIRONMENT, HEALTH & SAFETY



TAXATION



INVESTIGATIONS



TECHNOLOGY, MEDIA & TELECOMMUNICATIONS

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

Phone: (+91) (80) 4631 7000
Email: bengaluru@hsalegal.com

Mumbai

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

Phone: (+91) (22) 4340 0400
Email: mumbai@hsalegal.com

Kolkata

No. 14 S/P, Block C,
Chowringhee Mansions
Kolkata – 700 016

Phone: (+91) (33) 4035 0000
Email: kolkata@hsalegal.com

Stay connected



www.hsalegal.com



mail@hsalegal.com



HSA Advocates