



## Labour and Employment Laws (Including EHS)

The Labour and Employment Laws Practice of The Valid Points Law Offices strives to advise clients on various legal, tax and regulatory aspects of employment and labour law connected with workforce management and employees, applicability of various laws on entities, end-to-end assistance in labour & employment issues emanating from any business transfer, slump sale, M&A, re-structuring, closure, transfer, secondment, trainings, data sharing, technology sharing, risk assessment & management, and entry/exit of employees or drafting and/or reviewing employment documentation and advising on a wide range of labour law issues, including structuring of ESOPs, transfer of employees, employment termination and restrictive covenants in employment arrangements. The key scope of work includes:

**A. Day-to-day Advisory:** on operational matters ranging from implementation of labour codes, creating or reviewing the strategy for recruitment, transfer, re-structuring or terminating workforce, issues related to provident fund contributions, payment of gratuity, payment of bonus, superannuation/retirement benefits, work conditions and health and safety regulations, and harassment issues, etc. or any advisory related to employment agreements, company policies, entry & termination and secondment of employees or expats working in India.

**B. Transactional Advisory:** in undertaking end-to-end support in documentation, negotiations, tax-efficient structuring of stock options or advisory on the aspects related to transfer of employee under the M&A deals. Drafting & negotiations of relevant clauses in the business transfer agreement, term sheets, escrow agreements and schemes of arrangement. Assistance in preparing the organizations for any strategic alliances, collaborations, technology transfers and licensing from the perspective of employment & labour laws and related documentation and policies.

**C. Agreements & Policies:** Drafting and reviewing of all agreements and documentation related to employment and labour laws, including offer letters, employment agreements of all grades of employees, verification of clauses on confidentiality, data protection, protection of IP, non-compete and consequences of termination, confidentiality agreements, assignment agreements, non-compete agreement, non-solicitation agreement, consultancy agreements, secondment agreements, release agreement, full-and-final settlement, etc. Drafting of Employee handbook with policies on POSH, whistle blower, D&I, fraud & anti-corruption, cybersecurity, privacy & data protection, social media policy, leave, travel, work from home and any such policy that impacts HR. Providing assistance in updating the agreements constantly to keep them in sync with legal amendments and developments. Standardization of contracts includes assisting companies in creating standard contracts and documentation for day-to-day usage.

**D. Audit:** encompassing assessment of compliance standards with applicable labour and employment laws relating to entry/exit of employees, terms & conditions of employment, employee compensation, employment agreements, and adherence to company policies, adherence to confidentiality, IP assignment confidentiality and non-competition, workplace health & safety requirements, fire safety, environmental concerns, employee compensation, etc.



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**E. IPR:** assistance in creating the right strategy for a comprehensive protection of the IP or proprietary information of the employer, drafting/reviewing/negotiating clauses related to IP or confidentiality in the employment documents and employee manuals and in the drafting of documentation for transfer of IP from employees to the employer.

**F. Dispute Resolution:** Employer-employee disputes, complaints of harassment, including sexual harassment, boardroom disputes, creating strategies on IP and data protection, issues emanating from employee background checks or exit processes, breach of employment terms, assistance in conducting disciplinary proceedings or conducting any enquiry, drafting/reviewing/negotiating wage settlement agreements or matters related to workplace accidents.

### **Representative experience:**

- ❖ Advise clients on various labour laws, central, state as well as municipal, w.r.t. understanding the provisions, methods of calculation of wages/concession/PG/gratuities/cess/etc. and clarity on any update/announcements/amendments in labour laws area – so that the software can be updated and queries pursuant to the software from all customers of client and its results can be calibrated by the client. The advisory is from taxation perspective as well, direct as well as indirect taxation.
- ❖ Advisory, including drafting of the agreements with the day care centres and tuition centres to be opened by client along with the necessary labour law & regulatory compliances and policies to be followed.
- ❖ Advisory on the implications of the Supreme Court judgement in *Regional Provident Commissioner (III) West Bengal vs Vivekananda Vidya Mandir and Others* and impact on the restructuring of salary of the employees and related policies/practices.
- ❖ Advisory on the implications of the various labour laws and regulatory compliances for the client which is engaged in manufacturing and giving installation and construction services to railways pan-India.
- ❖ Drafting of the Employee Handbook covering policies related to employment terms, working conditions, wages, leaves, holidays, conduct of employees, grievance redressal, travel policy, work from office and work from home policies, Policy on Anti-Sexual Harassment, IT policy, Social Media Policy and all other aspects of labour & employment.
- ❖ Drafted Employee Handbook/ Company Policies as per Indian laws and cover the Mission, vision and Objective of the Company, all aspects from starting Employment: Confirmation of Employment, Data Protection & Probation, during your Employment: Conduct at Work, Confidentiality, Dress Code, General Attendance (Absence/Timekeeping), Parking, Performance Review, Personal Details, Personal Property, Private Mail, Selling and/or Buying Goods, Equal Opportunities and Diversity, POSH Policy, Training and Development, Hours of Work, Pay and Other Benefits, Annual, Bank and Public Holidays, Health and Safety, Sickness/Injury Absence, Payments and Conditions, Maternity, Paternity, Adoption and Family Friendly Provisions, Special Leave, Use of E-mail, Internet and Social Networking, Disciplinary Procedure, Ethics, Confidential Reporting/Whistle Blower Policy, Grievance Procedure and Termination/Leaving/ Return of Property.



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- ❖ Creating Template Agreements/ documents required in the entire process of hiring, termination and exit of employees, executives at all levels: Offer Letter, Employment Agreement, NDA, Full and Final Settlement letter, Release Letter, Relieving Letter and Experience certificate
- ❖ Advisory on the aspects related to leave adjustments, reduction on wages/salaries, termination of engagement of contractors and corresponding payment of wages to contract labour, and termination of employees; assisted in all related paperwork and advisory in changes in company policies pursuant to COVID-19 situation.
- ❖ Advisory on the aspects related to reduction on wages/salaries and termination of employees pursuant to COVID-19 situation. Examination of the various notifications issued by the Ministry of Home and Ministry of Labour & Employment along with the state government of Karnataka and review of their impact on the company.
- ❖ Conducted Labour audit to find out all the non-compliances and highlight them in a red-flag report; assist the company in completing the regulatory steps that were not completed; conducted an inspection of the manufacturing unit, warehouses and establishments of the client to verify the compliances and implementation of the policies of the company.