

EMPLOYMENT

Celebrating Partnerships



OVERVIEW

India remains a relentless focal point in terms of growth and investment for several organisations across the globe. With steady economic indicators in the infrastructure, agriculture, and foreign investment sectors, India's success on a global scale is set to continue into the next decade.

We at Khaitan Legal Associates readily recognise the importance of providing our clients with solution-driven, bespoke legal services in order to address their Indian law requirements. Equipped with international vision, reach, scope, and capability, Khaitan Legal Associates is committed to the highest principles of integrity, legal expertise, excellence, client care, and focus.

With India's growth set to flourish, the mobility and employment of personnel remain a fundamental concern for multinationals and their HR teams across the world. Employment, labour, and HR form a crucial part of our client's business interests and are therefore important areas of practice to us.

Primarily, clients seek comprehensive solutions from legal advisers to help them tie in employment law issues with a whole host of other affiliated issues, including regulatory, social security, and tax. At Khaitan Legal Associates, the employment team works in an integrated manner with the corporate team to provide clients with comprehensive business-focused solutions.

Due to the delicate and often pressing nature of employment matters, we at Khaitan Legal Associates ensure that our advisors are available at short notice to address our client's concerns in a prompt fashion.

Our team has advised international and domestic clients on a range of labour and employment-related matters. Our team provides prompt and practical advice on the full range of employment issues, from contracts and day-to-day employee relations advisory matters to the most complex restrictive covenant disputes and high-value discrimination and bonus claims. Our team has advised leading entities on collective redundancies, cross-border issues, hiring and firing, sexual harassment investigations, and other disciplinary proceedings.

OUR EXPERIENCE & EXPERTISE

In India, the employment landscape includes a plethora of central as well as state-specific laws and regulations that are constantly evolving, and employers are required to be aware of and compliant with such laws that are applicable to them at all times.

Our employment team has advised our clients on various legal and regulatory issues in relation to Indian employment and labour laws, which include a full range of contentious and non-contentious services. Our team has advised clients on complex regulatory and legal issues with respect to Indian employment. We have also advised on contractual documentation, including employee and ex-pat contracts, staff handbooks, ensuring regulatory compliance, sexual harassment claims, structuring ESOPs, assisting clients in resolving and managing a culturally diverse work force, non-compete issues, dealing with local tax and social security regimes, managing global rewards and benefits packages, and the like.

Our expertise also includes dealing with delicate issues, including termination of employment and sexual harassment of women at the workplace, in a culturally sensitive as well as practical manner.

We have also provided strategic advice to clients in terms of recruitment as well as retention of employees, termination of employment, and sexual harassment, specializing in drafting employee handbooks that are individually customized in order to meet the specific requirements of our clients. Our team advised and guided HR managers, their teams, and in-house counsel to ensure that clients remain compliant with Indian rules, regulations, and local laws at all times.

HR AUDITS

Our employment team has the unique advantage of having provided our clients with a bespoke audit product. Our audit procedures have typically involved evaluation of the level of compliance met by a client in relation to local employment, labour, tax, regulatory, and corporate laws.

The audit has also incorporated an appraisal of all related documentation, company procedures, and handbooks to ensure the client is compliant with local laws. Our team has also provided the relevant strategy advice and any appropriate remedial advice for clients who have infringed local rules and regulations.

WORKSHOPS AND SEMINARS ON EMPLOYMENT & HR BEST PRACTICES

Khaitan Legal Associates is renowned for delivering bespoke seminars and workshops to clients, business contacts, and consultancies across the globe on various aspects of Indian employment and labour laws, tax laws, and HR best practices.

Our workshops and seminars have been specially customised as per the client's individual requirements and have ranged from short breakfast seminars to day-long workshops. We have emphasized on interactive sessions with our audience in order to create a proactive atmosphere. For more information on our workshops, please feel free to contact us.

SELECT EXPERIENCE

- Advised on the investigation and other disciplinary hearing/processes relating to a sexual harassment complaint at the Indian office of the world's largest human resources consulting firm.
- Advised on and drafted exit and entry documentation for the transfer of more than 150 employees in an Indian company as a part of a business transfer.
- Advised foreign and Indian clients on their rights and liabilities vis-à-vis their respective employees under confidentiality, non-solicitation, and non-compete provisions in the employment contracts.
- Assisted in setting up the internal complaints committee compliances on sexual harassment in client organizations and advised on requisite compliances.
- Assisted a multi-national company in its internal investigation of whistle-blower communications, conducted interviews with relevant employees and personnel vis-à-vis the whistle-blower's allegations, and prepared a detailed report of the investigation surrounding whistle-blower notices for the board of the company and its parent entity.
- Advised on director's appointment, removal, and resignation in Indian companies and drafted necessary documents in this regard.
- Advised a US-based petrochemical company with a presence in India in drafting its employee handbook for three different locations.
- Advised on the closure of the offices of a leading US apparel brand in India, leading to the retrenchment of around 100 employees, both workmen, and non-workmen.
- Advised the Indian subsidiary of a leading US enterprise on the dismissal of the employees on ethical grounds.
- Advised a subsidiary of a French software company in India on the termination of employees on account of performance issues.
- Advised on the investigation and other disciplinary hearing/processes relating to a sexual harassment complaint at the factory of the Indian subsidiary of a leading British chemical-making company.
- Part of the internal complaints committee on sexual harassment in client organizations.
- Advised one of the largest European post-secondary education groups in setting up its joint venture in India and training centre.



Sakate Khaitan
Senior Partner
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Sakate is the managing partner of the firm with over 30 years of experience. A rare combination of lawyer and MBA.



Varsha Jalan
Partner
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A bright and young Corporate Partner heading the Bengaluru office, Varsha is an expert in corporate transactions, start-ups and insurance regulatory.

OUR EMPLOYMENT TEAM



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