



**KING STUBB & KASIVA**

ADVOCATES AND ATTORNEYS

# LABOUR AND EMPLOYMENT

*Structuring human relations*



# ABOUT KING STUBB & KASIVA

King Stubb & Kasiva (“KSK”) is a full-service national law firm in India with offices in New Delhi, Mumbai, Bengaluru, Chennai, Hyderabad, Kochi, Mangalore & Pune. KSK has alliances with associate lawyers in all states and union territories of India and international locations. We can cater to all corporate legal, regulatory and dispute resolution requirements of our clients across the length and breadth of the country. We also have a huge informal network of international law firms across ninety-seven countries.

We represent large, medium & small business houses, multinational corporations, banking & financial institutions, technology and manufacturing pioneers, private equity and venture capital investors and start-ups across the country.

KSK does not just provide legal expertise; we take a position and provide commercially savvy advice – we partner with our clients to deliver the best business solutions. We do this by knowing their industries, the trends and issues, and their competitors. We are always focused on providing interactions between our firm and our client which delivers the highest levels of integrity, hard work and trust in order to create a perfectly professional relationship.

## OUR ADVANTAGE

Our Labour & Employment practice focuses on assisting and advising clients in avoiding any waste of management resources and promoting company goals. We guide our clients on all aspects of labour management, ranging from setting up establishments/units in India to the closure of businesses and liabilities arising from them.

We believe in keeping our clients well informed as to the various new developments in law, as well as assist them in formulating strategies enable them to effectively handle the issues/concerns. The global reach, consistent high quality, and efficiency of our team make KSK uniquely qualified to provide both local and multi-national businesses with comprehensive and effective employment and labour solutions.



# SERVICES OFFERED

- Advisory on the setting up of business operations in India and registration requirements such as labour laws applicable to an establishments/units, requirements under applicable labour laws and the drafting/review of documents to be submitted with the regulatory authorities for registration.
- Advisory on trade unions and employment-related litigation, disciplinary proceedings, employees' rights, employee benefits, constitutional rights, service contracts, labour disputes and industrial actions, health and safety legislations, collective bargaining, and trade disputes.



- Advisory on issues relating to fixed-term employment, consulting arrangements, training arrangements, and assisting clients concerning employment contracts of senior managerial personnel and junior level employees.
- Extensively advised clients on various issues relating to the retrenchment of employees under the provisions of the Industrial Disputes Act, 1947, including advice on payments due to such employees under the Provident Fund Act, Gratuity Act, etc.

# SERVICES OFFERED

- Employment law due diligence and identification of risks involved and advice on downsizing, reorganization of workforce, transfer of undertakings, transfer/transition of employees and employee benefits under corporate transactions as well as the drafting/review of related documents.
- Advisory on collective bargaining and wage settlements, strategies to be adopted in handling union issues, collective bargaining, charter of demands and settlement of industrial disputes.
- Drafting wage settlements or settlement agreements with unions and employees.
- Advisory on laws prohibiting discrimination at workplace, grievance redressal mechanism, and handling instances of discrimination and drafting of anti-discrimination guidelines.
- Advisory on whistle-blower laws, their legal requirements in India, the formation and implementation of whistle-blower policy and protected disclosures and drafting of whistle-blower policies and guidelines.
- Advisory on sexual harassment of women at workplace, formation of POSH policy, constitution of internal committees (ICs) and handling the sexual harassment complaints and drafting of POSH policies for the organisations.
- Advisory on legal requirements under the new labour codes and transition of the existing structure to one under the new labour codes, review and drafting of existing policies following analysis of gaps to be filled once the labour codes are implemented.
- Advisory on contentious matters such as the conciliation of industrial disputes and strategies to be adopted by the clients in relation to them as well as drafting communications to be sent to the employees and regulatory authorities regarding the problematic issues as well as representation of clients before various courts and labour authorities vis-à-vis related disputes.
- Advisory on the stoppage of work, lay-off and closure of business units, preparation of process documents for the above, and necessary letters/documents, in relation to communication of the exigencies to the employees and regulatory authorities.

# SERVICES OFFERED

- Advisory on the engagement of contract workers/third party employees regarding contract labour management, best practices to be adopted and wages for the contract workers; manpower supply, vendor agreements and appointment letters to be issued to the contract workers by the contractors.
- Advisory on the drafting, formulation and implementation of HR policies, standing orders, employee handbook/manual.
- Advisory on wages and employee benefits concerning the structuring of wages and other benefits in compliance with applicable labour laws; advice on special provisions pertaining to the International Workers under the EPF Act.
- Advise on structuring HR policies in line with the organisational requirements and also Do's and Don'ts while adopting flexi-working modules.
- Advisory and drafting concerning conditions of work of employees such as leaves, holidays, hours of work, etc., change in conditions of work, health, safety and insurance requirements, the engagement of women at night and drafting communications to the regulatory authorities and policies/guidelines for health and safety of workers, notices for change in conditions of service.
- Advisory and drafting on the retention of employees and restrictive covenants regarding the execution of employment bonds and their enforceability under Indian laws and incorporation and enforceability of restrictive covenants such as non-compete and non-solicitation, structuring stock incentives like ESOP, ESPP, SAR, etc.
- Advisory on intellectual property rights and data protection concerning IP protection and assignment and drafting NDAs and privacy policies.



# SERVICES OFFERED

- Advisory on the classification of workforce, the engagement of expat workers, secondment of employees and drafting related agreements.
- Advisory on issues pertaining to background verification, pre-employment privacy, confidentiality issues, setting up a process for recruitment and hiring from legal perspective.
- Advisory on separation and termination of employment of employees, including senior management employees, abandonment of employment by the employees, notice period requirements, severance pay, garden leave provisions, disciplinary process, suspension of employment, retrenchment and also mutual severance.
- Drafting on full and final settlement of employee benefits and compensation, disciplinary policy and process document, exit documents, termination letters, letters for voluntary abandonment of service, mutual severance and settlement agreements, etc.
- Advisory and legal audit on compliance requirements under each labour legislations such as compliance assessment, identification of gaps/risks and advising on mitigation of risks.

# KEY CONTACTS



**Suma RV**  
Partner - Labour & Employment  
suma@ksandk.com



**Jidesh Kumar**  
Managing Partner  
jidesh@ksandk.com



**Rajesh Sivaswamy**  
Senior Partner  
rajesh@ksandk.com



**Aurelia Menezes**  
Partner  
aurelia@ksandk.com

## NEW DELHI

UNIT-14, GROUND FLOOR, DLF TOWER-A, JASOLA, NEW DELHI  
TEL: +911141318190/41032969  
EMAIL: DELHI@KSANDK.COM

## BANGALORE

1A & 1B, LAVELLE MANSION, 1/2, LAVELLE ROAD, BANGALORE  
TEL: +91 80 41179111/41179222,  
EMAIL: BANGALORE@KSANDK.COM

## CHENNAI

211, ALPHA WING, SECOND FLOOR, RAHEJA TOWERS, #177, AN / NA SALAI, CHENNAI  
TEL: +91 44 28605955/28606955  
EMAIL: CHENNAI@KSANDK.COM

## MUMBAI

61, ATLANTA BUILDING, JAMNALAL BAJAJ ROAD, NARIMAN POINT, MUMBAI  
TEL: +91 22 62372076/22020080  
EMAIL: MUMBAI@KSANDK.COM

## HYDERABAD

609, SHANGRILA PLAZA, ROAD NO. 2, BANJARA HILLS, HYDERABAD, TELANGANA  
TEL: +91 40 48516011/+91 40 48506011  
EMAIL: HYDERABAD@KSANDK.COM

## KOCHI

1ST FLOOR, MANAVALAN BUILDING, BANERJI ROAD, ERNAKULAM, KOCHI  
TEL: +91 484-3592950  
EMAIL: KOCHI@KSANDK.COM

## PUNE

BOOTSTART COWORK, 1ST FLOOR, ARCADIAN BUILDING PLOT NO 12, LANE 5A, KOREGAON PARK,  
PUNE  
TEL: +91 9952966619  
EMAIL: PUNE@KSANDK.COM

## MANGALORE

OFFICE NO. 406, 4TH FLOOR, AJANTA BUSINESS CENTER, KAPIKAD, BEJAI, MANGALORE- 575004  
TEL:+91 8244634375  
EMAIL:MANGALORE@KSANDK.COM