



FOXMANDAL

EMPLOYMENT & LABOUR



Bangalore | Chennai | Dhaka | Hyderabad | Kolkata
London | Mumbai | New Delhi | Noida | Pune | Surat

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FoxMandal (“**FM**”), one of India’s oldest and largest full service legal organisation, traces back its origin to Calcutta when in 1896 J K Fox and G C Mandal, joined in partnership to establish one of the first Indo-British law firms by the name of “FoxMandal”. Upto 1984, the firm grew in Calcutta and established itself as a leading law firm in India. In 1984, the management of the firm was persuaded to open an associate office in New Delhi under the name of FoxMandal with local partners based in New Delhi.

The immense success of the firm’s operations in New Delhi was instrumental in establishing other associate offices in India, UK and Bangladesh including Bangalore, Chennai, Dhaka, Hyderabad, Kolkata, Mumbai, Noida, New Delhi, London and Surat. FM is a well-reputed full service law firm presenting an appropriate mix of the necessary legal expertise, industry specialization and commercial acumen. This firm of advocates, solicitors and notaries, comprises of over 150 lawyers with 20 partners and 100 para-legal staff. Our offices situated in all the important regions in India ensure that our clients receive cost-effective, value added and fully integrated services.

Over the years, FoxMandal has been ranked as the top firm in India by various international journals. **Mr. Som Mandal is recipient of Economic Times Excellence in Leadership Award in August 2022.** In the year 2020 “Legal Comprehensive” recognised **Mr. Som Mandal** amongst one of the best “**TOP 100 Lawyers in the world**”. In the year 2019 FoxMandal was awarded “**Times Power Icons**” award for exemplary contribution in the field of “**Global Legal Service**”. In 2018 AI (Acquisition International) awarded FoxMandal Global Excellence Award “**National Law firm of the year 2018-India**”. In 2018 ICFM (Inter Continental Finance & Law Magazine nominated FoxMandal as one of the top 100 leading firms in the world. FM was also acknowledged by “**ACQ5 Law Awards 2017**” for “**National Law Firm of the Year**” for work done across all areas. FM was also acknowledged by “**Who’s Who Legal (WWL) 2016**” and “**Mr. Som Mandal was featured as a top legal consultant in Energy and Mining sector in India**”. FM was recognized by “**Legal 500 magazine 2015 edition**” for work done across all areas. FM was awarded the “**India Law Firm Awards 2014**” for the best **Corporate Commercial Law Firm** by “**India Business Law Journal (IBLJ)**”. FM was featured in “**The lawyers- 2014 Asia Pacific 150**” amongst “**Top 10 Indian**

law firms". FM won **"Acquisition International M&A award 2014"**. FM was awarded the **"Disinvestment law firm of the year – India"** by **Intercontinental finance magazine (ICFM)**, 2014. FM won the **"Acquisition international Dispute Resolution Firm of the Year Award 2013"**. The firm won **"Intercontinental Finance 2012 Global Award"**. FM was awarded the best **"Dispute Resolution Law Firm 2012 Finance Monthly Law Awards"**. FM won **"The Best National Law Firm, 2008"** award by the **International Legal Alliance Summit & Awards, 2008** at Paris and distinguished during the International Legal Awards Ceremony amongst the leading law firms from 22 countries. We have been awarded the **"Employer of Choice, 2008"**, a response among over 15,000 lawyers region-wide by **ALB (Asian Legal Business)**. FoxMandal has been recognized with **"Client Choice Award, 2007"** in India from more than 1,300 individual assessments received from corporate counsel worldwide by **ILO (International Law Office)**, the **Official Partner to the International Bar Association**, for FM stands apart for the excellent client care and the quality of service. It has been awarded for the law firms' ability to add real value to their clients' business above and beyond the other players in the market. Amongst others, we have been adjudged as **"The Best Law Firm of the Year"** for India in 2006 by **IFLR (International Financial Law Review)**, a Euromoney publication.

The firm's practice areas includes, banking and finance, (including project finance, capital markets and mutual funds), initial public offerings, insurance, commercial disputes, property law and conveyancing, corporate and commercial law, energy (including coal, oil and gas), mining, telecommunications, intellectual property, partnership, testamentary, air law (including aircraft leasing), shipping, taxation, direct and indirect, and dispute resolution by litigation and arbitration before international and domestic tribunals.

This firm's strength is its team of experienced and trained lawyers who treasure the value of diligence and knowledge as well as creativity and innovation in addressing their client's needs. FM aims to offer to its clients, legal advice that meets the clients' needs and expectations, and in this it has been hugely successful as is evidenced by the firm's ratings by various international journals.

EMPLOYMENT AND LABOUR LAWS:

Our Employment-Labour Laws practice covers broadly the following:

1. H.R Manual and Staff Handbook

Drafting and documentation of conditions of service, social benefits, rules and regulations, code of ethics, disciplinary and grievance matters, leaves, benefits and various other policies.

2. Due Diligence/ Compliance study of Labour Laws

Inspection of records, highlighting discrepancies and advising remedial measures. Conducting on the spot physical inspection of factories and establishments.

3. Employees Code of Conduct

Drafting a manual/code of fair ethics and good conduct applicable to employees at workplace and outside workplace for strengthening the image/brand of the company and minimizing the risk of violation of the applicable laws and regulations.

4. Social Security and Insurance Benefits

Advising on Social Security Laws and compliance requirements. As well as soliciting on the support staff various social security issues. Providing assistance to the management for complying with the health and safety issues.



5. Severance and Retrenchment Laws

Advising the management on various policies regarding the Indian retrenchment laws and their compliance thereof, wrongful dismissal, handling redundancy claims.

6. Social Benefits

Advising on social beneficial laws of Maternity Benefit Act for ensuring compliance of the provisions of leave, maternity benefit and certain other benefits to the women employees and to ensure compliance of the same as well as advising and drafting of anti harassment policies. Also advising Payment of Bonus to the employees in certain companies on the basis of profits or production, as well as advising on the maintenance of records and register, Payment of Gratuity Act, Employees State Insurance, Provident Fund and to ensure compliance of the provisions envisaged in the relevant Acts applicable.

7. Contracts

Advising and drafting business transfer agreements wherein employees are transferred to another company, drafting of Employment Contracts, Retainership Agreement, Termination Letter, Probation Clauses, Non Disclosure Agreements, Confidentiality Agreement, Secondment Agreement etc.

8. Contract Labour and Regulations

Advising on registration of establishments, maintenance of registers and other records, hiring of contract labour and licensing of contractors and ensuring the compliance of the provisions laid down in the relevant law. Further advising the management on the compliance of the provisions relating to welfare, health, safety and conditions of service of contract labour. Assisting the management in licensing and regulation of the sector.

9. Trade Union Laws and related activities

Advising the management on the issues related to handling and negotiating with trade unions, the laws applicable and their compliance thereof.

10. Workplace accident and fatal accident compensation Law

Advising the management on employer's liability (civil and criminal) for compensation payable to an employee involved in an accident fatal or otherwise. Also advising the management on the compliance of the provision as envisaged in the relevant laws applicable.

11. Factories' Law

Advising the management on registration and licensing of factories, health and safety safeguards to be maintained, and welfare and other such conditions of service and ensuring compliance of the provisions of the relevant Laws.

12. Environmental Laws

Advising the client on National and International treaties and legislations. Pollution Control in any environmental medium, construction related environmental issues, environment implications on the acquisitions and/ or sale of business and regulatory compliances. Counseling the client on issues in relation to eco-auditing and eco-assessment. Assisting in obtaining environmental clearances for infrastructure projects as well as environmental audits.

13. Employment Claims

Handling cases on behalf of management before specified labour courts and tribunals.

An indicative list of our clients in this sector is as follows:

1. Kuwait Airways
2. Malaysian Airlines
3. French Embassy

4. Smart Chip Ltd.
5. Quark City
6. Invensys India
7. Tata Motors
8. Welco Overseas
9. I-Gate
10. Bank of Tokyo & Mitsubishi
11. Dianappon Ink and Chemicals
12. Kaplan Inc
13. Indian Oil Corporation
14. Financial Times, London
15. Max New York Life
16. ABB Ltd.
17. World Bank
18. Danoe Asia
19. Advanta B.V
20. Polar Industries
21. Noble Brothers
22. Tyco Engineering
23. Tyco Thermal
24. Synthes Medical
25. Brambo S.P.A
26. IT & T
27. Gas Authority of India Limited
28. Deloitte & Touche, U.S.A
29. Panalpina World Transport
30. Trellborg Ceiling Solution- Asia Pacific
31. Tyco Healthcare
32. Tyco International
33. Mobera Systems
34. Research in Motion (RIM)
35. Planman
36. Fortune Brands, Inc
37. Electronic Act
38. Jabil
39. Lexis Nexis

40. Morgan Stanley
41. Continental Airlines
42. Leica Geosystems
43. Golden Source Inc
44. HSBC Ltd.
45. Constella Group
46. Protiviti
47. SC Johnson
48. ArcelorMittal
49. MasterCard worldwide

FM's expert team advises its clients on the laws and regulations in relation to the following issues:

H.R.	DUE DILIGENCE
<ul style="list-style-type: none"> • Kuwait Airways • Malaysian Airlines • French Embassy • Tata Motors Ltd. • Smart Chip Ltd. • Quark City • Invensys India 	<ul style="list-style-type: none"> • Tata Motors • Quark City • Malaysian Airlines • Welco Overseas • Igate • Bank of Tokyo & Mitsubishi
SOCIAL SECURITIES	RETRENCHMENT
<ul style="list-style-type: none"> • Indian Oil Corporation • Smart Chip Ltd. • Quark City • Financial Times, London • Max New York Life • ABB Ltd. • World Bank • Danox Asia • Malaysian Airlines 	<ul style="list-style-type: none"> • Advanta B.V. • Polar Industries • Igate • Noble Brothers • Invensys • Tyco Engineering • Tyco Thermal • Synthes Medical • Financial Times, London • Kaplan Inc. • Bank of Tokyo & Mitsubishi

	<ul style="list-style-type: none"> • Branto S.P.A. • Kuwait Airways
Social Benefits	Contracts
<ul style="list-style-type: none"> • IT & T • Gas Authority of India Limited • French Embassy in India • Quark City • Deloitte & Touche, U.S.A. • Panalpina World Transport • Trelborg Ceiling Solution – Asia Pacific • Tyco Healthcare • Tyco International • Mobera Systems • Max New York Life 	<ul style="list-style-type: none"> • Financial Times, London • Research in Motion (RIM) • Planman • Kaplan Inc. • Bank of Tokyo & Mitsubishi • ABB • Quark City • Smart Chip Ltd. • Kuwait Airways • Fortune Brands, Inc. • Electronic Act • Jabil • Advanta B.V. • French Embassy • Malaysian Airlines
Contract Labour	Trade Union Laws
<ul style="list-style-type: none"> • Tata Motors • Polar Industries • Welco Overseas • Indian Oil Corporation • IT & T • Kuwait Airways • Malaysian Airlines • French Embassy • Bank of Tokyo & Mitsubishi 	<ul style="list-style-type: none"> • Polar Industries • Welco Overseas • Tata Motors • Bank of Tokyo & Mitsubishi • ADD Ltd. • Invensys • Kuwait Airways • Malaysian Airlines • Cathey Pacific

WORKPLACE	FACTORY
<ul style="list-style-type: none"> • Welco Overseas • Dianappon Int. Chemicals • Polar Industries • Kuwait Airways • Tyco Engineering • Tyco Thermal 	<ul style="list-style-type: none"> • Welco Overseas • ABB Ltd. • Quark city • Tata Motors Ltd. • Polar Industries • Tyco Engineering

ENVIRONMENTAL LAWS
<ul style="list-style-type: none"> • World Bank • ABB Ltd. • Tyco Engineering • Tata Motors • Polar Industries



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