



## Minu Dwivedi

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### Practice Areas

Corporate

### Sectors

White Collar Crimes and Compliance

Services

Manufacturing

Insurance & Pension

### About

Minu has work experience of 19 years.

Her practice area is General Corporate and Commercial with special focus on Labour and Employment, White Collar Crimes, FCPA, Anti-Corruption and Anti-Bribery, Disciplinary and Other Workplace Investigations, POSH, Ethics, HR, and Corporate Governance. Additionally, she also advises on specialized areas such as Food laws, Drugs and Cosmetics, Statutory and Operational Compliances, Foreign Direct Investment, Environment, Biodiversity, Legal Metrology, FCRA, and Impact Investment work.

She is adept in leading matters for a wide spectrum of domestic and international clients across diverse sectors including IT, Professional Services/Multinational Consulting Firms/Delivery Centers, FMCG, Manufacturing, Life Sciences, Energy, Telecom, Healthcare and Pharma, Hospitality, Tourism and Retail, Education, NGO, Logistics and Transportation.

She is actively engaged in assisting clients on workplace policies and processes, statutory compliances, compensation and benefits structuring, onboarding and off-boarding support, employment agreements and handbooks, corporate investigations, boardroom dispute resolution, HR audits, implementation of retirement/retention schemes, immigration, mobility and other international employment issues, industrial relations, trade unions and labour welfare measures, risk mitigation, litigation, separation

strategies, employment law issues within an M&A or other transactional context, training on inclusion and diversity, anti-discrimination, POSH and the new Labour Codes.

Minu has provided industry feedback and reform suggestions to the Ministry of Industry and Commerce, Government of India under the aegis of Invest India as a Member of the Labour Law Working Groups and assisted the Ministry of Labour and Employment, Government of India on, amongst others, the new Labour Codes to address multiple issues and loopholes.

She serves as a day-to-day legal advisor and supports the HR departments of multiple clients at various stages of their employment process, from initial hiring and background checks to sensitive termination decisions and the enforcement of post-termination restrictive covenants, confidentiality, non-solicitation, and non-disparagement obligations.

She specializes in conducting investigations in the context of FCPA, Anti-Corruption and Anti-Bribery, and Disciplinary Matters, including conducting in-person interviews with the relevant individuals, preparing and reviewing documentation pertaining to the investigation, preparing a detailed report on the investigation findings, recommending corrective measures and assisting in their implementation.

Her work in the Education sector includes advising on matters relating to collaboration with foreign universities, establishment of global schools with international affiliation, grant of deemed to be university status, conduct of non-core educational activities, outsourcing of educational infrastructure, restructuring/merger of educational societies and trusts, fee-fixation, reservation of seats and creation of corporate quota in engineering colleges.

Minu's experience in Food laws includes assisting clients in obtaining food licenses under the Food Safety and Standards Act, 2006, advising on food retail business in India, contract farming arrangements, mandatory packaging/labeling requirements, and prescribed standards for imported food, production, and quality control of vegetarian food products in India and on-board sale of food and beverages to flight passengers.

Previously, as part of the Infrastructure Litigation team, Minu had been involved in several high-value and precedent-setting litigations affecting private DISCOMs (Distribution Companies) in NCT of Delhi, worked on diverse regulatory issues pertaining to the Power sector including tariff appeals on behalf of clients and represented clients at different judicial and quasi-judicial forums.

## Experience

Some indicative assignments in the aforementioned areas handled by Minu are as follows:

- **An American multinational company having three subsidiaries in India with operations in Hyderabad, Chennai, and Kochi:** Conducted a detailed independent internal investigation into, amongst others, claims of suspected misconduct, kickbacks, anti-company activities, breach of fiduciary and statutory duties, financial impropriety, corporate processes involving the finance, administration, HR, and IT functions and vendor selection/ management process whereby violations of legal provisions, as well as internal controls, corporate policies, code of conduct, abuse of authority, anti-bribery and anti-corruption provisions and conflict of interest issues were identified. As a sub-set of the above investigation, Minu handled a post-term sexual harassment complaint anonymously made by a former employee against the key witness in the investigation as well as other

retaliatory and ancillary complaints received during the investigation period, drafted all required documentation/communications and assisted in implementation of the recommended actions including resolution of the issues that arose during the implementation process without compromising the integrity of the overall investigation process.

- **The Indian subsidiary of a California-based software production and consulting company having operations in Chennai and Bengaluru:** Provided crucial guidance and sensitized the company's management in India and the US on handling of a sexual harassment complaint against a senior employee by working closely with the internal committee to compliantly manage and complete the redressal process in a cost-effective and time-bound manner, assisted in creating a safe working environment for female employees, sensitively handling and managing the parties to the sexual harassment complaint, the company's stakeholders, and the function heads both in India and the US and advised on issues of cyberstalking and cyber harassment anonymously perpetrated by the accused against the victim, de-escalation of the ramifications arising therefrom, and guided the company in the implementation of more robust processes and policies on sexual harassment, the necessity of having an anti-fraternization policy and related reporting of consensual relationships at the workplace.
- **A global pharmaceutical company having manufacturing operations in India:** Investigated and submitted findings on a senior employee cum director's business profile, political connections and associations, criminal records, financial probity, reputation, perceived integrity, social media presence, and the potential exposure therefrom to the global pharmaceutical company, reviewed the company's contractual arrangement with the global staffing and recruitment firm that had sourced and placed such employee as the head of India operations, advised on actions to be initiated against the employee and other measures to be undertaken in parallel at the management, functional, and operational levels, the company's rights and remedies against the global staffing and recruitment firm and recommended employment actions to amicably separate with the senior employee without disruption of the business operations in India and handled the employee's exit from directorship, subsequent appointment of an additional director on the board of directors and other corporate compliances.
- **An Indian company delivering digital transformation services to global brands using digital technologies:** Assisted the company's internal committee and management in handling multiple sexual harassment complaints raised by its female employees against their manager and team leader, who was its key client's employee deputed at the company's premises. These complaints arose shortly before the renewal of the company's contract with the client and after the manager had informally pointed out performance concerns to the victims. Minu assisted the company in navigating its delicate relationship with its client counterpart, reviewed the business risks involved, and worked with the company on client management aspects without compromising the statutory requirements of the sexual harassment laws and by ensuring that the company's interest was adequately safeguarded against any counter-complaints by the victims, witnesses, clients, and/or the client's employee. As an external member, Minu advised on the legality of having a joint internal committee composed of representatives of both the company and the client and facilitated the internal committee in handling, managing, and ensuring full redressal of the complaints in a legally compliant manner.

- **Optum Global Solutions, a UnitedHealth Group entity:** Advisory services on social security compliance for domestic and international workers, considerations for eligibility and calculation of statutory bonus, work hours optimization and minimizing overtime utilization across 6 States in India, Grievance Redressal Committee requirements, contract labour management for core and non-core functions, reduction in force and employee transfer in an M&A context.
- **Alliant Group, Giesecke & Devrient, Bechtel India, Cerner Corporation, Wolters Kluwer United States Inc.:** Advised on Employer's obligations related to Death Claims in cases of an employee's intestate demise, nominations, and related issues.
- **Nokia Solutions and Networks India Private Limited:** Reviewed operating model and existing Health and Safety officer coverage and advised on appointment, qualifications, and other statutory requirements of resources from an occupational health and safety perspective for Research and Development, network implementation, and manufacturing activities under the existing Building and Other Construction Worker laws and the proposed Occupational Safety, Health and Working Conditions Code, 2020.
- **India-based Delivery Centers of Global network of Consulting Firms:** Assisted with employment and labour compliances, employee onboarding and engagement, workplace policies and training, procurement of operational licenses and registrations, social security compliance, retention strategies, remote/ hybrid work arrangements, handling new hire performance issues, opening of physical workplace, applicable health and safety protocols and measures, compliance requirements under the new Labour Codes, restructuring of wages, overtime obligations, enforceability of longer notice periods, corporate vaccination drives, setting-up of crowd sourcing sites and isolation centers including related waivers, COVID-19 lockdowns/leaves/relaxations/financial support, nomination requirements for death benefits, handling employee redundancies/retrenchments/separations/exits/abandonment/dual employment, recruitment process outsourcing, and contract labour management.
- **The Guwahati (Assam) factory of a private manufacturing company:** Reviewed prevailing industrial relations and drafted a Voluntary Retirement Scheme after undertaking a benchmarking study of ex-gratia benefits provided by other private Indian manufacturing companies and advised on the introduction and implementation of a Voluntary Retirement Scheme.
- **Broken Hill Proprietary (USA) Inc.:** Advised on the visa regime in India, issuance of employment visas to foreign nationals coming to India for execution of projects/contracts, liability, if any attached to issuance of invitation letter by an Indian company, security clearance, immigration formalities and other Indian tax and labour / employment law compliance requirements for expatriates contracted to undertake offshore exploration activities outside Indian territorial waters but within the exclusive economic zone of India.
- **A Japanese global med-tech company which is a leading manufacturer of optical products:** Conducted an independent anti-bribery and anti-corruption investigation of the operations of its Indian subsidiary.
- **The Indian Subsidiary of a Japanese auto component manufacturing company:** Advised on various ongoing industrial disputes initiated by the workers against the Indian subsidiary including

advice on the proposed litigation strategy to protect the interests of the Indian subsidiary and bring a closure to all the pending court cases.

- **A Japanese E-commerce Company:** Reviewed an employee's current employment status with the Indian subsidiary of the client pursuant to transfer of his employment from Japan to India and advised the client on
  - the employee's statutory and contractual rights against the client and its Indian subsidiary;
  - the obligations of the client and its Indian subsidiary toward the employee; and
  - the recommended process to be followed for termination of the employee's employment with the Indian subsidiary of the client amicably and to safeguard against the matter becoming contentious.
- **A Singapore-based law firm:** Advised on the criminal charges, penal consequences, possible exposure to the Indian subsidiary and its officers, statutory reporting obligations, and related issues concerning certain illegal transactions undertaken and corrupt practices adopted by the Chief Financial Officer (CFO) and Administration & Finance Department Head of an Indian subsidiary of a Japanese company engaged in the manufacture of electronic devices.
- **A UK Software Company:** Conducted an independent anti-bribery and anti-corruption investigation of an Indian subsidiary of a UK company engaged in providing software and services to the insurance sector including an extensive audit of all the IT procurements undertaken in India during a specified period, review of arrangements with IT vendors, suspension and subsequent termination of employees and contractual relationships.
- **A Private Distribution Utility:** Advised in framing and implementing policies on Practices for Good Corporate Governance which included anti-corruption practices, open door policy, whistleblower protection, money laundering, and conflict of interest related issues.
- **A Multinational Company:** Undertook an on-site disciplinary investigation into the allegations of various HR, administrative, managerial, and inter-personal issues being faced by the employees of the Indian subsidiary providing information technology-enabled services by conducting interviews, providing a summary of findings, related recommendations and preparing all the documentation related to employee departures.
- **A Multinational Service & Hospitality Company:** Conducted an HR investigation into the consumption of drugs and alcohol at the workplace and alleged violation of the 'Alcohol and Drug-Free Workplace Policy' of the Indian Subsidiary and provided a preliminary investigation report.
- **Independent Directors of an independent professional investment information and credit rating agency:** Advised on governance issues pursuant to investigation initiated by the Serious Fraud Investigation Office (SFIO) and whistle-blower complaints to the Securities and Exchange Board of India (SEBI).

## Memberships

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Bar Council of Delhi

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## Publications

**Efficient contracting: the key to a successful client-PEO-employee relationship** – Published by International Bar Association on June 20, 2023 and Lexology on July 03, 2023

**A Letter of Intent vis à vis an Offer Letter: Five key points for an Employer to effectively draft a Letter of Intent** – Published on JSA Blog on April 27, 2023

**The Employee Moonlighting Dilemma** – Published on JSA Blog on September 23, 2022 and Lexology on October 3, 2022

**Regulating Remote Working: Need of the Hour** - Published in ET HR World on September 19, 2022 and Lexology on September 20, 2022

**Challenges in implementing Haryana job reservation in private employment: Labour Benefits vs. Production Losses** - Published on Mondaq on November 11, 2020.

**Evaluating the Code on Social Security, 2020** - Published on Mondaq on November 4, 2020.

**Key Reforms impacting Contract Labour under Code on Occupational Safety, Health and Working Conditions, 2020** - Published on BW Legal World on October 28, 2020.

**Implications of the Industrial Relations Code, 2020** - Published on Mondaq on October 20, 2020.

**Impact of Code on Wages, 2019 on Private Sector** - Published on Mondaq on October 14, 2020.

**COVID 19 – A Catalyst for Gig Economy** – Published on Peoplematters on October 9, 2020.

**Will private employers have flexibility to take employment decisions during lockdown?** - Published in ET HR World on May 15, 2020.

**Decoding the Code on Wages 2019: Why the move to protect workers can backfire** – Published on CNBC TV18 on August 20, 2019

**Win some, lose some** - Published in The Financial Express on March 11, 2016.

**Welcome boost to working women** - Published in The Hindu Business Line on January 5, 2016.

**Rajasthan hits the ground running** - Published in The Hindu Business Line on January 4, 2015.

**New sexual harassment law difficult to implement** - Published on GovernanceNow.com on January 8, 2014.

**Tightening gaps in the existing POSH framework** - Published in ET HR World on February 11, 2024

## Key Accolades

IFLR 1000 Asia Pacific Ranking 2023 - Notable Practitioner, Corporate and M&A

IFLR 1000 Asia Pacific Ranking 2022 - Notable Practitioner, Corporate and M&A

IFLR 1000 Asia Pacific Ranking 2021 - Notable Practitioner, Corporate and M&A

Legal 500 2022 – Key Practitioner, Labour and Employment

Legal 500 2024 – Recommended Lawyer, Labour and Employment

## Education

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B.A. Philosophy (Hons.), Delhi University (2002)

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LL.B. Campus Law Centre, Delhi University (2005)

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## Languages Spoken

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English

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Hindi

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