

Minu Dwivedi

Practice Areas	Sectors
Corporate	Manufacturing
Labour and Employment	IT and Services
White Collar Crimes and Compliance	Food and Retail
	Insurance & Pension

About

Minu has over 19 years of work experience.

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 Education, 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 and employment law issues within an M&A transaction or other transactional context, and regularly conducts trainings 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 Group and has 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, creation of corporate quota in engineering colleges and impact of recently enacted Right of Children to Free and Compulsory Education Act, 2009 on private unaided schools imparting K-12 education in India.

Minu's Food laws related experience includes assisting clients in obtaining licenses under the Food Safety and Standards Act, 2006 and advising on food retail business in India, contract farming arrangements, mandatory packaging /labelling 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 a part of the Infrastructure Litigation team, Minu was actively involved in several high value and precedent setting litigations affecting private DISCOMs (Distribution Companies) in Delhi, worked on diverse regulatory issues pertaining to the Power sector including tariff appeals on behalf of clients and represented clients both independently and as a part of the team 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 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 anticorruption 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 an American 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 a 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, 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.

- 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 and whistle-blower complaints to the Securities and Exchange Board of India.
- A UK Software Company having a subsidiary in India: 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 Multinational Company having a subsidiary in India: 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 having a subsidiary in India: 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.
- A Japanese global med-tech company which is a leading manufacturer of optical products having a subsidiary in India: Conducted an independent anti-bribery and anti-corruption investigation of the operations of its Indian subsidiary.
- A Japanese corporation engaged in provision of architectural, engineering and construction services having a subsidiary in India: Assisted on dismissal of the Deputy General Manager pursuant to investigation findings involving kickbacks and various anti-company activities, undertook a corporate status check of specified vendors of the Indian subsidiary, responded to legal notices received from disgruntled employees and advised on employee retention arrangements pursuant to proposed scaling down of Indian business operations.
- A Singapore-based law firm: Advised on the criminal charges, penal consequences, possible exposure to the Singapore-based law firm's Japanese client's Indian subsidiary and its officers, carried out statutory reporting obligations, and advised on related issues concerning certain illegal transactions undertaken and corrupt practices adopted by the Chief Financial Officer and Administration & Finance Department Head engaged in the manufacture of electronic devices.
- 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.
- **Optum Global Solutions, a UnitedHealth Group entity**: Advised 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.
- **Premiere Global Services, Inc.**: Advised on statutory, contractual and ex-gratia payments pursuant to termination of employment and assisted in the negotiation and settlement of all outstanding issues raised by former employees in 3 Indian States including avoidance of arbitration proceedings and drafting of required documentation for amicable closure of all disputes.
- 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 new 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.
- One of the leading visual effects and animation studios for feature film and television: Advised on diverse employment issues related to, amongst others, overseas secondment, security breaches, freelance work by artist in breach of contract, change in employment terms of employee returning from rehabilitation, handling accidental death of employee, assistance in investigation of data breach by employee, handling of seconded employee who was imprisoned overseas by Police and drafting of related documentation.
- Tata Consultancy Services Ltd., Temasek Holdings Advisors India Private Limited, National Association of Software and Services Companies, NIVEA India Pvt. Ltd., TATA SIA Airlines Limited (Air Vistara), Guardian India Operations Private Limited, BSES Rajdhani Power Limited, AirSeva India Private Limited, Experian Credit Information Company of India Limited, SSP India Private Limited, Humboldt Wedag India Private Limited and Value Showcase Global Sourcing India Private Limited, Simon & Schuster Publishers India Private Limited, Check Point Software Technologies (India) Private Limited, Korn Ferry International Private Limited, Guardian India Operations Private Limited, Industrial Bank of Korea, Chanel India Business Solutions Private Limited, AirSeva India Private Limited, FIL India Business Services Private Limited, INVISTA Sales & Service India Private Limited and Sistema Shyam

Teleservices Limited: Advised and assisted on POSH Policies and related compliances including conduct of POSH Trainings for employees and POSH Committee members and representation as external member of POSH Committees.

- Sistema Smart Technologies Limited, INSITEL Services Private Limited, SACAP India Private Limited, Sistema Internet Limited, Glenmark Pharmaceuticals Limited, Giesecke & Devrient India Pvt. Ltd., Midland Credit Management India Private Limited, Amazon Development Centre (India) Private Limited, Burndy Technology and Global Business Services Private Limited, Industrial Bank of Korea, Dr. Lal Pathlabs Limited, Yum Restaurants, Navis India Technologies Private Limited, STMicroelectronics Private Limited, alliantgroup India Talent Private Limited, Striim Engineering Services India Private Limited, WSO2: Advised on the impact of the Supreme Court's recent ruling on the interpretation of 'basic wages' under provident fund law and practical implications of the ruling, particularly relating to wage restructuring, past compliance, risk assessment of liability and provisioning of provident fund liability in the books of accounts.
- **Bolt Financial, Inc.**: Advised on employee compensation structure/CTC, significance of various salary components, changes expected under the new Labour Codes, engagement of work force via engagement of a professional employer organisation and drafted and advised on terms of engagement of a whole-time director.
- **The Boeing Company**: Advised on various labour / employment issues ranging from corrective action plans against delinquent employees, introduction of a performance improvement plan, fitness for duty evaluation, statutory provisions on withdrawal of provident/pension fund accumulations by international workers, benefits available to an 'Overseas Citizen of India' and assisted from an HR due diligence perspective in the acquisition of Narus Networks Private Limited, a software development company in India including preparation / finalization of employee transfer / retention agreements.
- **Department for International Development**: Advised on various labour / employment issues including procedure for conducting disciplinary enquiry for misconduct at workplace, payment of subsistence allowance during pendency of enquiry proceedings, undertaking of business activities and pursuing of employment opportunities by spouses of expatriate employees, re-employment of VRS optees, principal employer's obligations towards contract labour.
- **Chennai Liaison Office of IKEA Trading (Hong Kong) Ltd.**: Advised and assisted in office closure including drafting of documentation for transfer of executive employees, declaring redundancy of non-executive employees and bi-partite settlements.
- **Hewitt Associates LLC**: Advised on social security and tax compliances for international workers coming to India on secondment under an employment visa.
- **INVISTA Sales & Service India Pvt. Ltd.**: Advised and assisted on various statutory and regulatory compliances and procedural requirements under the applicable labour/employment and legal metrology laws including representation before statutory labour authorities.
- Sistema Shyam TeleServices Limited operating under the MTS brand in India: Advised and assisted on legal strategy for workforce reduction and closure of offices in 18 telecom circles,

classification of workforce, severance payments required to be made and the documentation required.

- **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.
- Fluor Daniel India Pvt. Ltd.: Advised on complicated provident fund issues relating to deposit of expatriate employee contributions with a private provident fund, participation in such private provident fund, withdrawal of monies from such private provident fund and related issues.
- **TRS Staffing Solutions, Inc., a temporary staffing company**: Advised on the various labour, employment and social security laws of India applicable to their staffing/recruitment plan in India.
- **Gas Natural** *Fenosa*: Advised on the various types of dismissals under the Indian Employment laws, methodology for calculation of severance payments for each type of dismissal, limits for individual dismissal, considerations for mass dismissal and related issues.
- **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.
- An Indian subsidiary of a Japanese trading and chemicals manufacturer: Reviewed an employee's employment status and advised on (i) the employee's statutory and contractual rights against the client; (ii) the company's obligations towards the employee; (iii) the recommended process to be followed for the employee's exit in the prevailing facts and circumstances and to safeguard against the matter becoming contentious; (iv) the legal requirements that the company needed to satisfy for the employee's exit from the company; and (v) the level of the package generally accepted in local employment practices.
- 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 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 (i) the employee's statutory and contractual rights against the client and its Indian subsidiary; (ii) the obligations of the client and its Indian subsidiary toward the employee; and (iii) 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.
- An American multinational manufacturer of connectors, fittings and tools for electrical utilities, commercial, industrial and maintenance companies: Assisted and advised on multiple employment related issues including, amongst others, strategizing suspension and exit of a senior

employee based on review of internal investigation findings, re-organization of teams to streamline job roles and handle redundancies, transaction support in their M&A deals, covid-related restrictions applicable to establishments in different jurisdictions, unauthorised absence from work, last in first out, performance improvement programs and termination of employees.

- An American multinational aerospace and defense conglomerate: Advised on diverse issues related to, amongst others, training programs, hiring, retrenchment, incentive programs, covid-related policies, employment agreements for different jurisdictions, fixed term employment contracts, employment benefits, overtime, employee transfer to foreign jurisdictions, employee compensation legislation, maternity benefit, notice pay, provident fund, relocation payment, professional tax, creche, standing orders, insurance, remote-working and consultancy agreements while serving as Indian legal advisor for labour and employment portfolio.
- A major American airline operating domestic and international routes: Advised on diverse employment matters relating to, amongst others, eligibility of international employees under fixed reward plans, paid leave entitlements and probation requirements in 3 Indian States, maternity and paternity benefits, disciplinary inquiry process and related templates, handling of employee exits, workplace complaints and review of employment terms.
- Helion Advisors Pvt. Ltd.: Advised on terms of separation of its three senior partners and the documentation required therefor.
- **Pan-India telecommunication service provider**: Assisted on proposed transfer of its employees to another pan-India telecommunication service provider pursuant to a business transfer/demerger, matters relating to upfront payment of severance payments, transfer of accumulated service benefits and the documentation required therefor.
- VIVO Mobile India Pvt. Ltd.: Assisted in setting up a manufacturing facility in Uttar Pradesh and compliance with various statutory, regulatory and procedural requirements under the applicable labour and employment laws.
- A company engaged in import and marketing of man-made fibres: Assisted on various statutory and regulatory compliances and procedural requirements under the applicable labour/employment laws, metrology related laws and on closure of its India offices through a voluntary winding-up process, dismissal and retrenchment of its employee workforce, redundancy and other severance payments and winding-up of its employee-benefit trusts.
- **Rakuten Group, Inc.**: Advised on transfer of Indian employees to Rakuten's German entity, due diligence support on employment law issues relating to acquisition of Altiostar Networks, Inc., introduction of an employee retention bonus plan and review/drafting of related documentation.
- Sri Sivasubramaniya Nadar College of Engineering, Chennai: Advised on fixation of fee, reservation of management seats / creation of a corporate quota and conferment of deemed to be university status by the University Grants Commission.
- Royal Institution of Chartered Surveyors, an international not-for-profit professional membership body of chartered surveyors: Advised on the possibility of a tie up with Lingaya University (a deemed to be university) and Amity University (a private university), the Indian education laws applicable to foreign education service providers and related issues and the structure to be adopted for the client's proposed short term and long-term academic program for India.

- **GEMS International School** *set up by the* **GEMS Education Society**, *a not-for-profit society*: Advised on Indian laws governing school owned and transporter buses used for transportation of students.
- **Dr. K. N. Modi Foundation:** Advised on permissibility of engagement of educational service providers and creating aspecial purpose vehicle for conduct of non-core educational activities, legality of outsourcing educational infrastructure outside standard curriculum hours, restructuring / merger of societies and trusts and the impact of taxation.
- Stevens Institute of Technology, a technological university located in New Jersey, USA: Undertook a feasibility analysis on proposed collaboration with a public charitable trust for the establishment of a de novo technical institution in India and advised on issues concerning approval and recognition at the State level, registration with Professional Council, University affiliation and accreditation.
- **Ross University**, *a for-profit university owned by* **DeVry**, **Inc.**: Advised on statutory and regulatory requirements under Indian laws for a foreign educated Indian doctor to enroll as a medical practitioner in India viz., with regard to obtaining eligibility certificate, qualifying screening test and obtaining registration with Medical Council of India / State Medical Council of India.
- Air India SATS Airport Services Private Limited: Advised on approvals required for setting up a training academy for offering certificate courses on ground and cargo handling services at Airports.
- **Infinity Infotech Parks Ltd.:** Advised on licenses and approvals required for setting up a private unaided non-minority world school to provide pre-primary, primary, secondary and higher secondary education in India in the States of Maharashtra and Karnataka in collaboration with a leading international school and the legal framework regulating programs for Advanced Industrial Skills.
- **Zero Mass Water**: Advised on India entry, collaboration with Bird Group for production and distribution of drinking water, regulatory licenses & certifications for bottling and selling water and related issues.
- **Bunge India Pvt. Ltd.:** Advised on prescribed melting point of Hydrogenated Vegetable Oil or 'Vanaspati' and Bakery or Industrial Margarine and on manufacture and sale of mustard oil obtained other than by solvent extraction process.
- **NuTek Food Science LLC**: Advised on regulatory requirements for import and sale of salt substitute including product labelling and certifications.
- Sistema Shyam Teleservices Limited (SSTL) its majority shareholder Sistema JSFC: Advised and assisted on all aspects of employee transfers from SSTL to Reliance Communications Limited (RCOM) and related issues in connection with the demerger of SSTL's telecom wireless business operated under MTS brand to RCOM.
- **A Multinational Company**: Conducted an Ethics Audit as part of a legal due diligence exercise to rule out unlawful, improper or unethical activities and corruption practices.
- **Girls Who Code Inc.:** Advised on setting up of a Section 8 company, obtaining tax registrations and exemptions, FCRA permission/registration, funding including through CSR funds and related issues.

Memberships

Bar Council of Delhi

International Bar Association

Select Publications

Policy Suggestions Balancing Working Time Arrangements Without Ruffling Workforce Sentiment - Published in ET Edge Insights on 23.07.2024

Getting the Ball Rolling on the Labour Codes - Published in ETHRWorld on 26.05.2024

Tightening Gaps in the Existing POSH Framework - Published in ETHRWorld on 11.02.2024

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

Key Accolades

IFLR 1000 Asia Pacific Ranking - Notable Practitioner, Corporate and M&A - 2021, 2022, 2023, 2024

Legal 500 - Key Practitioner, Recommended Lawyer, Labour and Employment - 2022, 2024

Asialaw – Notable Practitioner, Labour and Employment - 2024

India Forbes- Legal Powerlist 2022 - Top 100 Individual Lawyers (Above 10 Year Experience)

Education

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

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

Languages Spoken

English Hindi