

ALL INDIA UNION BANK EMPLOYEES FEDERATION

C/o Union Bank of India
15 India Exchange Place
Kolkata - 700 001
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18th May 2018

Circular No. 46/XVI/2018

To All Units and CC members &
Woman Sub-Committee Members

Dear Comrades,

Payment of overtime allowance in terms of Bipartite Settlement

Through the circular of 4th May 2018 on this issue we informed you of Management's agreeing to pay overtime allowance for the period from 20th November to 31st December 2016. As regards our demand for payment of overtime allowance for the period beyond 5 P.M. on 12th and 13th November 2016 (since upto 5 P.M. the allowance was already paid) and from 9th to 11th November 2016 and Management's request for withdrawal of show cause notice issued to the MD & CEO were taken up by the Conciliation Officer yesterday (17.05.2018). Under authorization of the MD & CEO, the General Manager, FGMO, Kolkata made a written submission before the Conciliation Officer. We give below their submission along with our comments thereon.

OT Allowance for the period after 5 P.M. on 12th and 13th November 2016 :

"It is submitted that Respondent Bank has issued instructions vide Staff Circular No. 6484 dated 11.11.2016 to all the Field General Manager's Offices and Regional Offices for payment of overtime allowances as applicable to eligible staff members for working on 12th and 13th November 2016. It is submitted that no restrictions or bar was imposed by the Respondent bank at any given point of time for payment of overtime allowances to all those employees who worked beyond 5:00 P.M. on 12th & 13th November 2016. Hence no further new/fresh instructions were issued in this regard by the Respondent Bank."

From the above submission, it is clear that our demand for payment of overtime allowances for the period beyond 5.00 P.M. on 12th & 13th November 2016 to those employees who had worked for that period is fulfilled. It is observed that in some States employees were asked to submit OT sheet for those two dates, while in some other States employees were not asked to submit any OT sheet. But, in both the

situation overtime allowance was paid upto 5.00 P.M. and therefore payment of OT allowance is still pending for the period beyond 5.00 P.M. on those two dates. We therefore give below the suggestions from the headquarters and units are requested to follow the suggestions scrupulously and accordingly guide the employees. It will be better if these suggestions are clearly and specifically circulated in local language among the employees. For any confusion / further clarification they may talk to the undersigned.

Situation No. 1 (where employees were asked to submit OT sheet)

Here, the employees should claim the payment of overtime allowance on the basis of the submitted overtime sheet for the period beyond 5.00 P.M. that they had mentioned in the overtime sheet for 12th & 13th November 2016. They need not submit OT sheet for 12th & 13th November 2016 any further.

Situation No. 2 (where employees were not asked to submit OT sheets)

Here, the employees should submit the OT sheet showing the time that they worked on 12th & 13th November 2016 beyond 5.00 P.M. and claim the overtime allowance.

Units are also requested to take up the matter with respective Regional Head and on the basis of above-mentioned submission of the MD & CEO ask for his (RH) clear and specific instruction to the branches for payment of overtime allowance for the period beyond 5.00 P.M. on 12th & 13th November.

OT Allowance for the period from 20th November to 31st December 2016

During conciliation proceeding Management stated that overtime allowance for the above period will be paid along with the salary for the month of May 2018.

OT Allowance for the period from 9th to 11th November 2016

*“ It is submitted that 9.11.2016 was not a public holiday and Bank was very much open on that day, but cash transactions through the counter were not allowed by the Respondent Bank. Further, **Respondent Bank did not issue any instructions for working late beyond the office hours for 10/11/2016 and 11/11/2016. Thus, overtime was not required to be paid for 9th, 10th and 11th November 2016.**”*

We have no words to term the above version of the Management - is it ridiculous or a reflection of highest degree of being anti-employee or a naked symbol of deceiving the employees. Whatever it might be; our Federation is determined not to leave the battle field without achieving the legitimate right of the employees.

Management in their submission raised a point that the Federation circulated the information relating to various matters of conciliation on this Dispute through WhatsApp messenger to a large number of people and, therefore, prayed before the ALC(C) that Federation be advised to refrain from circulating such communication over social media. As we, from our Federation, did not circulate any unauthorised information relating to conciliation proceeding among the employees, there was no such advice from the ALC(C). Naturally, we have not given any comment in the conciliation proceeding held on 17th May 2018 on said irrelevant submission of the Management. We feel that it should always be the duty of a democratically functioning trade union to keep the employees informed about day-to-day developments of an agitation. We have done it and in what way it is to be done that is our prerogative and not to be dictated by the Management.

Finally, in their submission the Management requested the Conciliation Officer to withdraw the show cause notice as, according to them, the dispute raised by the Federation is without any cause. In response to the request, the Conciliation Officer has stated that the matter will be considered when decision is communicated for reconsideration in respect of OT during demonetization period for pending 3 days (9th, 10th and 11th November 2016) by 22nd June 2018.

A copy of the conciliation proceeding held on 17th May 2018 is enclosed. We request all our Units for giving massive circulation of this circular and conciliation proceeding among all the employees.

With Greetings,

Yours comradely



Jagannath Chakraborty
General Secretary

Parties present:

Representatives of Union Bank of India :-

Shri Girish Joshi, Dy. Zonal Head.
Sri A.K. Banerjee, Sr. Manager (HR)
Sri K.S.Harish, Chief Manager (Law)

Representatives of All India Union Bank Employees Federation:

Shri Jagannath Chakraborty, General Secretary.

Whereas the bank authority stated that since no written instructions were issued to the Branch heads for working beyond working hours on 9th, 10th & 11th November, 2016 so their cases could not be examined for payment of OT. However Bank agreed to pay OT for the period from 12th November to 31.12.2016 during demonetisation. Moreover if any false claim is raised then severe action by the bank authority will be taken up. The banking authorities requested for withdrawal of show cause notice issued to the MD & CEO since the cases for OT during demonetisation is being paid alongwith May 2018 salary. However, the management is not agreeable on reconsideration of the 3 days for O.T.

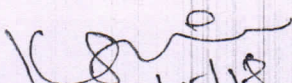
The union stated that the reply submitted by the bank appears that as if the employees worked on their own beyond 5 p.m. on 9th, 10th & 11th November 2016 since no written instructions was issued by the Bank to their branch heads as well as to the currency chests of the bank all over the country. This is totally untrue that the employees worked of their own on 9th, 10th & 11th Nov, 2016 beyond their working hours. In fact the branch heads extracted over time work from them and they had to worked even up to late night. The union further added that the bank has failed to abide by the instructions of Indian Banks Association guidelines.

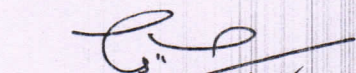
The union also stated that prior to the letter dated nil submitted by the Zonal Bank office on 11.05.2018 the bank had contended that they had paid OT during demonetisation period to all the employees. Then why the Bank is now recalculating for OT w.e.f. 20.11.2016 to 31.12.2016 of the employees during demonization period.

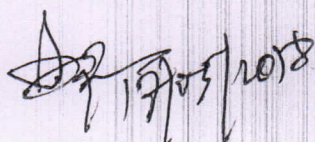
After hearing both the sides the authority requested the bank authorities to reconsider the genuine cases only who were attached with the currency chest on 9th Nov 2016 in addition to 10th & 11th of Nov, 2016 and other employees who worked beyond 5 p.m. on 10th & 11th Nov 2016 when the bank has agreed to consider the OT of those genuine employees who worked beyond office hours w.e.f. 12th & 13th Nov 2016 and w.e.f. 20th Nov 2016 to 31st Dec 2016. Since OT in respect of 14th to 19th of Nov 2016 has already been paid. Then the three days which were left out may be reconsidered. The request of the banking authorities for withdrawal of show cause will be considered when decision is communicated for reconsideration in respect of OT during demonization period for above 3 days by 22.06.2018 for finalisation of the case and further proceedings will not be taken up.

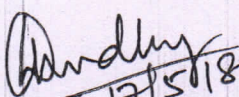
The union is also requested to raise their voice for genuine cases only.

Rep. of Union Bank of India.

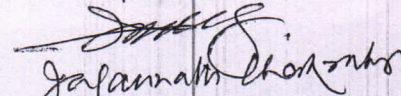

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17/5/18
(Dipali Chowdhury)
ALC(C), KOLKATA
(Dipali Chowdhury)
सहायक श्रमायुक्त (केन्द्रीय)
Assistant Labour Commissioner (Central)
कोलकाता / Kolkata

Rep. of Union


Jagannath Chakraborty
17/05/2018