

ALL INDIA UNION BANK EMPLOYEES FEDERATION

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2nd June 2018

Circular No. 48/XVI/2018

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

Dear Comrades,

Building up a STRUGGLE FUND

Building up a STRUGGLE FUND has become an immense necessity for our Federation in the backdrop of fighting various legal battles against the anti-employee decisions of the Management. While the Management is in an advantageous position to incur huge expenses for obtaining assistance of legal practitioner; our Federation is not in a position to do that. You may recall that in a legal fight against the Management for holding our Squatting programme on 24th February 2014 in front of central office, the Federation with much difficulty had to pay Rs.1.30 lac to the legal practitioner.

Therefore, to fight the legal battles, Federation is giving a call for building up a STRUGGLE FUND through a minimum contribution of Rs.200 by the members. Units are given liberty in regard to method of collecting the contribution from the members. Units are to collect the contribution in their own way and remit the amount to Federation's A/C No. 301602010006863 by calculating the contribution of their total members @ minimum Rs.200 per member.

Whenever we raise a genuine demand for the employees Management is not found to be in favour of conceding to the demand. On the other hand the organization recognized by the Management is not found to raise active voice against Management's anti-employee decisions. In such a situation, besides resorting to organizational actions, our Federation has to take recourse to legal steps against the Management. The glaring example of such situation is the struggle for payment of appropriate overtime allowance as per Bipartite Settlement. Management did not want to pay and similarly the recognized union (AIUBEA) fully accepted Management's stand. Naturally our Federation had to take harsh legal step for protecting the rights and interests of the employees. Management has been compelled to release the allowance from their unwilling hands. However, the battle is not yet over. Even after written commitment before the Conciliation Officer, in the name of scrutinizing the claims, overtime allowance for the period from 20.11.2016 to 31.12.2016 has not been paid in some States; while in rest of the States the allowance has not been paid in a good number of branches. OT allowance for the period beyond 5.00 P.M. on 12th & 13th November to eligible employees is yet to be obtained. We have, on 1st June 2018, written a letter to the ALC(C), for taking necessary actions in that regard. A copy of the letter is enclosed for your

information. **On the top of these, a greater battle is awaiting for us to fight against Management's despicable claim that no employee was asked to do overtime work on 9th, 10th and 11th November 2016.** It's a challenge before our Federation and we have accepted the challenge.

The legal battle is not only for overtime allowance. There are battles on other issues also. We informed you earlier that our demand for reimbursement of cost of cleaning materials has been referred by the Ministry of Labour, Government of India to the Central Government Industrial Tribunal for adjudication. Through a long battle of 13 years the Federation was able to achieve the demand from the unwilling hands of the Management. But, the facility has been extended to Award Staff members w.e.f. 1st April 2017 whereas it was given to officer brethren w.e.f. October 2004. So, injustice still exists. For a longer period there was no Judge in the Tribunal. Now, after appointment of a Judge the date for hearing is fixed on 1st August 2018.

Another battle is being fought by the Federation in the Central Government Industrial Tribunal-cum-Labour Court against illegal termination of Personal Drivers from their employment.

A big battle is pending before the RLC(C), Kolkata demanding absorption of all casual and temporary employees into permanent employment of the Bank.

Recently, Ministry of Labour, Government of India has found the Dispute raised by the Federation on promotion policy for Subordinate Staff members fit for adjudication and therefore referred the same for adjudication in the Central Government Industrial Tribunal. The Schedule of reference is as under:

- 1) *Whether the claim of the Union that the management of Union Bank of India has arbitrarily denied the right to promotion of subordinate staffs to clerical vacant posts is legal and justified? If yes, what relief the workmen are entitled to?*
- 2) *Whether the union's demand of promotion to 634 clerical vacancies in promotion process of 2015-16 in place of declared 288 vacancies in terms of promotion policy settlement for subordinate staff is legal and/or justified? If yes, what relief the workmen are entitled to?*

From the above, our members will definitely understand the necessity of building up the STRUGGLE FUND. Therefore, the Units are requested to collect the contribution at their earliest convenience.

With Greetings,

Yours comradely



Jagannath Chakraborty
General Secretary

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1st June 2018

The Asstt. Labour Commissioner (Central)
Kolkata - II
Office of the Dy. CLC (Central)
2nd M.S.O. Building, 5th Floor, Nizam Palace
234/4, A.J.C. Bose Road
Kolkata - 700020



I.D. No. : 7/21/2007-E-3

Industrial Dispute against action of the Management of Union Bank of India in not paying overtime allowance in terms of Bipartite Settlement

Madam,

We draw your kind attention towards the conciliation proceeding held on 17th May 2018 wherein following positions emerged on the 3 (three) segments of our demand for payment of overtime allowance in terms of Bipartite Settlement.

For the period from 20th November to 31st December 2016 :

Management agreed to pay the overtime allowance for this period alongwith the salary for the month of May-2018. As reported, it has not at all been paid in some States while in rest of the States so many branches have been left out from making the payment under the plea that the overtime work of the employees have not yet been scrutinized whereas it is on record that the Management started the exercise of obtaining claims from the employees on 15th February 2018. Since in terms of Bipartite Settlement scrutinizing and approving of overtime work has to be done by the Branch Head / Officer-in-Charge of the department either on the same day or on the next, scrutinizing work should have been completed by 31st December 2016. Hence, there was no justification whatsoever for pushing the said work to 2018.

For the period from 5.00 P.M. onward of 12th and 13th November 2016 :

Management categorically clarified during the conciliation held on 17th May 2018 that they did not put any restriction in regard to duration of overtime work already extracted

from the workmen for paying the allowance for 12th & 13th November 2016. On enquiry, it has been found that in some States overtime allowance for the period upto 5.00 P.M. was paid to all those workmen who attended the office on those two days and no OT claim sheet was obtained from them. In some States despite the claim for OT allowance for the work performed beyond 5.00 P.M., the payment was restricted for the period upto 5.00 P.M. Therefore, a clear and unambiguous instruction should go from the central Management to the branches for making the payment of overtime allowance for the period from 5.00 P.M. onward of 12th and 13th November 2016 to those workmen from whom work was extracted beyond 5.00 P.M. otherwise their submission before your good office will carry no meaning at all.

For the period from 9th to 11th November 2016 :

Despite Management's ridiculous claim during the conciliation proceeding held on 17th May 2018 that they did not ask any workman to do overtime work on any day from 9th to 11th November 2016, you were kind enough to request the Management for reconsidering their decision. Since the Management has to inform their decision on 22nd June 2018 slated for conciliation on the Dispute and your request for reconsideration was not only based on facts but also emanated from legal position of the Dispute, we are restricting our Federation to say anything in this regard at this stage.

Under the aforesaid, we request you kindly to advise the Management for confirming latest by 22nd June 2018 that overtime allowance for the period from 20th November to 31st December 2016 and for the period from 5.00 P.M. onward of 12th and 13th November 2016 has fully been paid to all the eligible employees.

Thanking you,

Yours faithfully



(Jagannath Chakraborty)
General Secretary