



# ALL INDIA BANK EMPLOYEES' ASSOCIATION

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**CIRCULAR NO. 28/498/2022/69**

**18-11-2022**

**Camp: New Delhi**

**TO ALL UNIONS AND MEMBERS:**

Dear Comrades,

## **Our Strike on 19<sup>th</sup> Nov. 2022 deferred due to positive outcome in the conciliation meeting**

After our Strike Notice served on IBA and Banks, IBA held a round of bilateral talks on 5-11-2022 to explore the possibilities of finding mutually acceptable solution to the issues raised by us in the strike notice. While we could explain our issues and standpoints in detail, and management also could express their viewpoints, no tangible outcome was possible.

Thereafter on 10-11-2022, Chief Labour Commissioner held a round of conciliation meeting. While DFS/Ministry of Finance and IBA attended the meeting, the concerned bank managements were absent as though to throw spanner in the wheel in finding possible solutions.

But CLC advised that IBA should again hold another round of bilateral talks with AIBEA in which all the concerned bank managements should also participate. Accordingly, the IBA invited AIBEA for another bilateral meeting which was held on 16-11-2022 and in which the respective bank managements were also present.

In this round of meeting, while some of the bank managements clearly expressed their commitment to bilateral talks to resolve issues and demands, some of the management did not come forward to offer solutions or agree to abide by mutual discussions to resolve the problems within the available provisions of labour laws and bipartite settlements. Hence an amicable or acceptable solution was evading and AIBEA decided to go ahead with the proposed Strike. This was also informed to the IBA and CLC.

In this background, CLC again convened the conciliation meeting today at 4-00 pm and advised AIBEA, IBA, DFS and all the 11 Bank managements to attend the same. Accordingly conciliation proceedings were held today from 4-00 pm to 8-00 pm.

Chief Labour Commissioner Shri. Remis Thiru himself conducted the proceedings. Dy. CLC Smt. Shakuntala Patnaik, Shri O.P. Singh, RLC-HQ and Shri. Kumar Amritesh, ALC-IR also participated in the entire proceedings.

From Dept. of Financial Services, Ministry of Finance, Shri K.B. Nayyar, Dy. Secretary participated in the meeting. From IBA, Shri. Brajeswar Sharma, Sr. Advisor-IR&HR attended the meeting. Representatives of respective Bank managements took part in the proceedings.

From AIBEA, we reiterated our commitment to bilateralism and bipartism and expressed our strong views to resolve the issues through mutual discussions. We expressed our deep concern that some of the Banks are violating the provisions agreed in the industry-level Bipartite Settlement even though their Banks are a party to the BP Settlements.

We also pointed out that on issues like outsourcing and deployment of clerical staff, etc. which are already part of the bipartite settlement and on which IBA has raised the issue for further discussions and improvements, it is unfair on the part of individual banks to unilaterally move in the matter and vitiate industrial relations resulting in conflicts, litigations and disputes.

We further pointed out that there is an increasing tendency on the part of some of the managements not to adhere to the legal provisions of labour laws like Trade Unions Act, 1926 or Industrial Disputes Act, 1947 and thus infringing upon the legal rights of the Unions like right of representation by duly elected office bearers, provision of Sec. 33 of ID Act, provision of Protected Workmen.

We pointed out that in one Bank, the management wrongfully denied 'protected workman' status to an office bearer and consequently he has been terminated without adopting the prescribed procedure. CLC assured that the concerned Bank management would be suitably advised to abide by legal provision and extend 'protected workman' status to that union office bearer.

We also pointed out that in another Bank, the duly elected office bearers are being denied the right to represent and negotiate with the management. CLC assured that he would advise the concerned Bank to follow the provisions of Trade Unions Act.

We also brought to the attention of the CLC that even decisions of Supreme Court and High Court are not being respected and cited the example that while Supreme Court has held that Bank Deposit Collectors are 'workmen' under the ID Act and Delhi High Court has hence held that they are eligible for Gratuity under Gratuity Act, 1972, some Banks are illegally denying Gratuity to Deposit Collectors. CLC opined that being workmen they are eligible for Gratuity under the Act.

We also drew the attention of the CLC that in taking disciplinary action against employees on any alleged misconduct, the provisions of Disciplinary Action Procedure should be scrupulously followed and that some of the Banks are not adhering to the same which has led to victimisation and vindictive punishments against trade union activists which has naturally resulted in industrial unrest in Banks like Federal Bank and Sonali Bank.

We also reiterated that for AIBEA, jobs and job security of the employees are very paramount and supreme but we drew his attention to the problems being faced in Citi Bank and MUFG Bank.

The CLC Shri Remis Thiru gave a patient hearing to all our views and contentions and stated that all are bound by laws, rules and settlements. Shri K B Nayyar also echoed the same views. Shri. Brajeswar Sharma said that it would be the endeavour of IBA to resolve the issues through discussions and appealed to the AIBEA to withdraw the strike. CLC and DFS also requested AIBEA to withdraw the strike.

**After a lot of detailed discussions, deliberations and proceedings, the following conclusions were arrived at:**

- **The CLC advised the Banks and the AIBEA to discuss the issues relating to Outsourcing and transfer policy at IBA level as the matter stands referred to them. Till final decision is taken at IBA level, no unilateral action should be taken by the Banks.**
- **The CLC advised the DFS to issue appropriate directions to all Banks in regard to compliance of labour laws, particularly, ID Act 1947 and Trade Unions Act 1926.**

- The CLC assured that all disputes relating to outsourcing that are pending with various RLCs would be put on hold.
- The management of Sonali Bank agreed to start meaningful bilateral discussions with the AIBEA within 15 days to resolve the issue within the provisions of ID Act and Bipartite Settlement.
- CSB Bank management had already informed that they are ready to discuss with the Unions the demand for wage revision on receipt of the charter of demand from the Unions.
- The management of MUFEG Bank stated that they are ready to meet the union representatives to discuss the issue raised by the Union.
- The CLC would advise the management of Citi Bank to discuss the issue with their Unions to find an amicable solution in a time bound manner.

In view of the above positive outcome of the conciliation meeting, AIBEA informed the CLC, DFS and IBA that our proposed strike action on the 19<sup>th</sup> November, 2022 would be deferred. Accordingly we have immediately sent messages to all our unions that our strike call standers deferred.

We congratulate all our Unions and rank and file members for their enthusiastic and rightful response to our agitational programme. Our unity alone paved the way for an amicable solution to our issues. Red Salute to all our members.

We thank the Convener and leaders of UFBU for their spontaneous support to our agitation which added to our strength. We thank our sister organisation AIBOA for their direction to their units and members not to undertake any clerical work on the strike day which act of solidarity was highly appreciative.

We thank the DFS and IBA for their full involvement in the process to facilitate fruitful discussions and amicable solutions.

We are extremely thankful to Shri Remis Thiru, Chief Labour Commissioner for his painstaking and persistent efforts which yielded the desired result to bring all parties together to an acceptable common viewpoint with the view to avoid the unrest and strike action in the Banks keeping the larger interest of the banking sector. His role was really commendable.

The role of Dy.CLC Madam Shakuntala Patnaik, Shri O.P. Singh, RLC-HQ & Shri. Kumar Amrithesh, ALC-IR were equally responsible to reach the conclusions.

**Comrades, this struggle has given us the lesson:  
Unions have to fight and achieve our rights, and  
equally unions have to fight to retain our rights.**

With greetings.

Yours Comradely,



**C.H. VENKATACHALAM  
GENERAL SECRETARY**