

EMPLOYMENT RELATIONS TRIBUNAL

AWARD

RN 882

Before:

Rashid HOSSEN	-	President
Jean Paul Sarah	-	Member
Jheenarainsing Soobagrah	-	Member
Maurice Christian Aimé Laurette	-	Member

In the matter of:-

Bank of Baroda Employees Association

And

Bank of Baroda

In a letter dated 04 February 2005 addressed to the Minister of Labour, Industrial Relations and Employment, the Bank of Baroda Employees Association reported the existence of an Industrial dispute between itself and the Bank of Baroda.

As no settlement could be reached, the Minister, in terms of Section 82(1)(f) of the Industrial Relations Act, 1973, (now repealed) referred to the Permanent Arbitration Tribunal (now Employment Relations Tribunal) the industrial dispute as outlined below.

Section 108 (10) of the Employment Relations Act 2008 makes provisions for proceedings pending immediately before the commencement of the Act before the Permanent Arbitration Tribunal to be deemed to be proceedings before the Act and may be proceeded with before the Tribunal.

The matter has been heard on its merit and at each and every opportunity during its various proceedings, the Tribunal invited and encouraged the parties for further negotiations towards a collective agreement and this with a view to restore and maintain harmonious industrial relations.

The Tribunal is pleased to note that its effort and hope were not a vain exercise.

On 8th of June 2010, the parties moved for an award in terms of an agreement reached as follows:

"Whether the salaries of Telephone operators, clerks, supervisors, officers and managers should be increased by 30% with effect from 01 January 2004, or otherwise.

The Parties have agreed that the following increases shall apply:

- **1st January 2004 to 31st December 2006**

The basic salary of each employee shall be increased by 6% of the basic salary payable to that employee for the month of December 2003.

- **1st January 2007 to 31st December 2009**

The basic salary of each employee shall be increased by 8% of the basic salary payable to that employee for the month of December 2006.

- **1st January 2010 to 31st December 2012**

The basic salary of each employee shall be increased by 12.5% of the basic salary payable to that employee for the month of December 2009.

The revised scales of Basic salary are given below:

CATEGORY	EXISTING 31.12.2003	REVISED 01.01.04- 31.12.06	REVISED 01.01.07- 31.12.09	REVISED 01.01.10- 31.12.12
		6.00%	8%	12.50%
Telephone Operators	Rs5,375.00 (150x25) Rs9,125.00	Rs5,700.00 (160x24) (135x1) Rs9,675.00	Rs6,160.00 (175x24) (90x1) Rs10,450.00	Rs6,930.00 (200x24) (30x1) Rs11,760.00
Clerks	Rs 6,720.00 (200x15) (220x14) Rs12,800.00	Rs7,125.00 (215x15) (235x13) (165x1) Rs13,570.00	Rs7,695.00 (235x15) (255x13) (125x1) Rs14,660.00	Rs8,660.00 (260x15) (285x13) (225x1) Rs16,490.00
Supervisors	Rs10,235 (230x15) (250x14) Rs17,185.00	Rs10,850.00 (245x15) (265x13) (250x1) Rs18,220.00	Rs11,720.00 (265x15) (285x13) (280x1) Rs19,680.00	Rs13,185.00 (300x15) (320x13) (295x1) Rs22,140.00
Officers	Rs15,225.00 (340x14) Rs19,985.00	Rs16,140.00 (360x13) (365x1) Rs21,185.00	Rs17,435.00 (390x13) (375x1) Rs22,880.00	Rs19,615.00 (440x13) (405x1) Rs25,740.00
Managers	Rs21,785.00 (430x5) Rs23,935.00	Rs23,095.00 (455x4) (460x1) Rs25,375.00	Rs24,945.00 (495x4) (480x1) Rs27,405.00	Rs28,065.00 (560x4) (530x1) Rs30,835.00

The Parties shall enter into negotiations as from 1st July 2012 in respect of the increase for the period 1st January 2013 to 31st December 2015. It is the intention of the parties that such future negotiations be conducted in a spirit of good faith and good industrial relations and that the outcome of those negotiations be known by the beginning of December 2012.

2. Whether clerks having completed 10 years of service should automatically be promoted to the grade of Senior clerk/Supervisor, or otherwise. Or clerks having more than 10 years of service should get an extra allowance as follows:

Length of Service

After 10 years

Allowance per month

Rs500

After 15 years	Rs1,000
After 20 years	Rs1,500
After 25 years	Rs2,000
After 30 years	Rs2,500
After 35 years	Rs3,000

This dispute is withdrawn.

3. Whether the bank should increase the cashier's allowance from Rs210 to Rs500 per month and chief cashier's allowance from Rs260 to Rs1,000 per month or otherwise.

The following shall be the new monthly Cashier's Allowances:

- Cashier : Rs250 per month
- Chief Cashier : Rs350 per month

4. Whether a key allowance of Rs500 per month should be paid to any staff working in branches, who is required to keep keys of the safe, or otherwise.

This dispute is withdrawn.

5. Whether the bank should increase the closing allowance paid twice yearly to supervisors and officers/managers from Rs1,100 to Rs1,200 and Rs2,000 to Rs2,500 respectively, or otherwise.

The following shall be the new bi-annual Closing Allowances:

- Supervisors : Rs1,300
- Officers/Managers : Rs1,400

6. Whether the bank should increase the monthly entertainment expenses payable to managers from Rs800 to Rs1,500, or otherwise.

The following shall be the new monthly Entertainment Allowances:

- Managers : Rs900

7. Whether the bank should increase the Medical Expenses up to Rs15,000 yearly to All staff, or otherwise.

Medical Expenses incurred, a member of staff shall be refunded up to a maximum of:

- Single : Rs2,500
- Married : Rs4,500

In any one calendar year.

8. Whether the Bank should pay gratuity up to one month on last salary drawn for each year of service, to all staff having completed 10 years of continuous service with the bank instead of 15 years, or otherwise.

The dispute is withdrawn.

9. Whether the bank should increase the meal expenses from Rs60 to Rs100 paid to any staff required to work beyond 7 p.m on any working day and in afternoon of any non working day, or otherwise.

This dispute is settled in terms of the proposal made by the Union.

The Meal Expenses (paid to any staff required to work beyond 7p.m on any working day and in afternoon of any non working day) shall be increased from Rs60 to Rs100.

10. Whether the bank should provide transport facility or refund equivalent to taxi charges to all staff require to work beyond 7p.m in branches in towns and beyond 6p.m for branches Villages or otherwise.

The dispute is withdrawn.

11. Whether the bank should review the rate of interest payable on the provident Fund at 3% above savings bank rate or otherwise.

The dispute is withdrawn.

12 (a) Whether the bank should yearly provide each confirmed female employees with uniforms, the quantity, colour and fashion to be decided by the bank in consultation with the female employees.

(b) Whether the bank should provide every male employee with a clothing allowance of Rs2,000 yearly.

Those disputes are withdrawn.

13. Whether the bank should revise the monthly Conveyance Allowance, payable to managers from Rs800 (amount being paid since 1996) to 10% of actual salary drawn or otherwise.

This dispute is withdrawn.

14. Whether the bank should revise the Mobile Allowance, paid to clerical and supervisory staff working in mobile branch from Rs10-Rs15 per day to Rs50 per day respectively or otherwise.

This dispute is withdrawn.

15. Whether the bank should increase the ceiling of the multipurpose loan from Rs60,000 to Rs100,000 (or equivalent to 10 months salary whichever is lesser) and repayment to be over a period of four years at the interest rate of 2% above savings bank rate, instead of interest payable at prime lending rate, or otherwise.

This dispute is settled in terms of the proposal made by Management, viz, with effect as from the date of the interim award of the PAT, the provision of multipurpose loan to employee of the Bank is revised as follows:-

- Limit: Rs75,000 or 6 times the salary of the employee, whichever is the lower of the two
- Rate of interest: PLR(Prime Lending Rate) with monthly rests
- Eligibility: 5 years of service
- Repayment: 36 months
- Security: Demand Promissory Note & lien Provident Fund Balance
- Other Conditions: Total deductions should not exceed 50% of the Gross Salary

16. Whether the bank should increase the car loan scheme from the existing 20 months salary to 25 months salary and the repayment to be extended from 7 years to 8 years at the rate of interest to be reduced from existing 4% to 3% per Annum, or otherwise.

This dispute is settled in terms of the proposal made by Management, and the rate of interest applicable to the Car Loan Scheme shall be 4%p.a as existing The revised agreed conditions shall be:

- Limit: Rs600,000 or 20 months salary which ever is lower
- Interest: 4% per annum with monthly rests
- Eligibility: 5 years of service
- Security: D.P. Note (Demand Promissory Note)
Lien on car + Insurance on car
- Repayment: 84 months
- Deduction: Total deductions including the car loan installment not to exceed 50% of gross salary.

17. Whether the bank should extend the repayment period of the one months advance salary, free of interest from the existing 10 monthly installments to 12 monthly equal installments.

This dispute is settled in terms of the proposal made by the Union, i.e the annual one month advance salary, free of interest, shall be repaid in 12 equal monthly installments SUBJECT TO

- No staff availing himself of more than one advance in any period of 12 consecutive months, and
- The whole of the advance being repaid in full prior to any new advance being disbursed.

18. Whether the bank should pay an allowance to staff working in I.T. department per month as follows:

1. Supervisors/Officers Rs2,000 per month,
2. Clerks Rs1,000 per month.

This dispute is withdrawn

19. Whether the bank should revise the staff Housing Loan Scheme to 60 months salary or Rs750,000 (Maximum) whichever is the lesser and the repayment period to be revised from 240 months to 300 months (or such shorter repayment depending upon retirement date).

This dispute is settled in terms of the proposal made by Management, and the rate of interest applicable to the staff Housing Loan Scheme is 3% (current rate). The revised agreed conditions shall be:

- Limit: Manager/Officer 600,000
 Supervisor 500,000
 Clerk 450,000
- Rate of interest: 3% per annum with monthly rests
- Eligibility: 5 years of service
- Repayment: 240 months on remaining period of
- service,whichever is less.
- Security: First rank fixed charge on property
- Other Conditions: As per existing terms

20. Whether bank shall revise unforeseen sick leave as follows:

An employee who is certified by the bank's panel of doctors or by a registered Medical Practitioner, to be suffering from an illness requiring prolonged treatment, or other serious illness shall upon confirmation of such illness by the bank's panel of doctor's or the medical practitioner, be granted a maximum of 6 months leave on full pay, followed by a further period of 6 consecutive months leave on half(¹/₂) pay and a further period of 12 consecutive months leave without pay.

The existing scheme will continue in full force and effect, but new rules will be. introduced after discussion between management and the Union to prevent fraud or misuse of the scheme. The dispute is otherwise withdrawn.

21. Whether the bank shall grant casual leave as follows.

(a) Bank should grant employees paid emergency leave not exceeding 2 working days in any one calendar year, non cumulative, in the event of death of the employee's spouse, children, parents, brothers, sisters, parent in law or grand parents or in the case of disasters such as flood or fire which affect the employee's personal belongings and/or property.

(b) Bank should grant 7 working days marriage leave on the occasion of an employees marriage (once only during his service with the bank).

Those disputes are withdrawn.

22. Whether the bank should insure every employee on a 24 hour basis world wide in the event of death of total permanent disablement arising from an accident, subject to the following.

<u>Grades</u>	<u>Medical Expenses</u>	<u>Death/TotalPermanent disability(Rs)</u>
Officers/Managers	Rs20,000	1,000,000
Supervisors	Rs15,000	500,000
Clerks	Rs10,000	200,000

This dispute is withdrawn.

23. Whether the bank should grant an examination leave for each day that an employee sits for an examination considered to be relevant to the bank's needs, or otherwise.

This dispute is withdrawn.

24. Whether the bank should grant to an employee, who acts in a higher position on a temporary basis at the written request of his supervising officer, an acting/higher responsibility allowance equivalent not to less than 03 increments in his substantive post, provided that substantially he performs the full duties and assumes the full responsibility of the higher position in which he is acting for a continuous minimum period of 10 working days.

This dispute is withdrawn.

25. Whether the bank should grant vacation leave on full pay to every employee according to length of service, as follows:

<u>Length of service (years)</u>	<u>Annual entitlements</u>
1 to 10	15 days
11 to 20	20 days
21 to 30	25 days
Over 30	30 days

All employees shall be allowed to keep a bank of vacation leave up to 180 days. The bank vacation leave shall be used as preretirement leave, for prolonged illness, for overseas leave up to 45 days, for construction of the employee private residence or any leave that may be approved by the bank.

Vacation leave may, at the employees option, be spent either locally or abroad.

This dispute is withdrawn.

26. Whether the bank should grant 5% of annual salary as travel grant, payable in January each year to all employees having completed 10 years of service or from date of being promoted whichever is the lesser or otherwise.

This dispute is settled upon the proposal of the Bank's Corporate Office to introduce the following scheme, to be known as the Travel Concession Reimbursement Scheme, in lieu of claim 26, which scheme extends to an employee and his/her family (spouse & up to 2 children).

Name of facility: "Travel Concession Reimbursement Scheme"

Date from which applicable: Prospectively from the date of the order of the Tribunal.

General conditions under which the concession may be availed of:

1. Once in 4 years for staff member and his family
2. The definition of 'family' for the purpose of the concession shall be spouse & wholly dependent unmarried children (max. of 2 children) of less than 21 years of age.
3. If wife & husband both are working in the bank, only one staff member can avail of this facility.

4. Eligibility for reimbursement shall be fare from place of work to any place in the country. In the present case, the maximum entitlement shall be cheapest fare by the cheapest mode of available public conveyance to Rodrigues or actual expenses made for travel (on production of bill, tickets and receipt) which ever is the lower.

Clarification:

If the staff member chooses to avail the facility for self and his spouse, his/her entitlement for reimbursement shall be for fare (as above) for two persons (to and fro).

If the staff member travels with his/her spouse and one child, the entitlement(as above shall be for 3 persons.

5. The concession may be availed of once every four years, and shall reckon from the date this provision comes in force to the time 4 years hence when the block is completed, for all employees who have completed 10 years or more of service in the Bank on the said date and once in this block of 4 years, the employee can avail of this facility with prior communication/sanction of leave and this facility from the competent Authority.

6. In case the staff member chooses not to actually utilise the facility in the block of 4 years, then on the date of expiry of the block, he /she can encash 75% of his/her total entitlement on that date."

Upon the award being published, the details/modalities and procedures shall be worked out by Management and communicated to staff in the form of a circular. It is understood that all existing benefits, facilities on which there is no revision shall continue as they are".

The Tribunal awards as per the agreement reached.

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(sd) Rashid Hossen
President

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(sd) Jean Paul Sarah
Member

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(sd) Jheenarainsing Soobagrah
Member

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(sd) Maurice Christian Aimé Laurette
Member

Date: 5 July 2010