

BCC:BR:113/699

November 12, 2021

**CIRCULAR TO ALL BRANCHES/ OFFICES IN INDIA.**

Issued by  
Strategic HR Dept, BCC, Mumbai

Madam/ Dear Sir,

**Re : Tripartite Settlement dated 11.11.2021 signed between the Management of the Bank, All India Bank of Baroda Employees' Coordination Committee (AIBOBECC) and All India Bank of Baroda Employees' Federation (AIBOBEF) for grant of 'recognition to AIBOBECC and 'consultative status' to AIBOBEF.**

We are pleased to inform that a Tripartite Memorandum of Settlement for grant of 'Recognition' to All India Bank of Baroda Employees' Coordination Committee and 'Consultative Status' to All India Bank of Baroda Employees' Federation, 2021 has been signed between the Bank and AIBOBECC (recognized Union) and AIBOBEF on 11<sup>th</sup> November 2021. This replaces the earlier settlement dated 1.9.1973 drawn up on similar lines between the Management, the then recognized union, All India Bank of Baroda Employees' Federation and All India Bank of Baroda Employees' Coordination Committee which had accorded consultative status to the AIBOBECC.

**Accordingly, All India Bank of Baroda Employees' Coordination Committee, being the majority workman union is now recognized as the sole collective bargaining agent of all employees of the Bank, who come under the definition of 'Workman' under the Industrial Disputes Act, 1947, as amended from time to time.**

The All India Bank of Baroda Employees' Federation is hereby granted 'consultative status' in terms of the aforesaid settlement dated 11.11.2021 and thereby shall be consulted by the Management on any issues for which a settlement is proposed to be entered into with the recognized union.

Our Bank has a great history of very progressive & growth oriented IR which works for the best interest of our employees as well as for the growth of our Bank. We trust that the signing of this historic Tripartite Settlement shall pave the way for a new era of progressive IR scenario in the Bank.

We enclose a copy of the aforesaid Settlement for information of all concerned.

Yours, faithfully,



(PRAKASH VIR RATHI)  
CHIEF GENERAL MANAGER (HRM)

**Encl. as above**





## MEMORANDUM OF SETTLEMENT

(Under Section 2(p) read with Section 18(1) of the Industrial Disputes Act, 1947, read with Rule 58(4) of the Industrial Disputes (Central) Rules 1957)

*between*

**BANK OF BARODA**

*and*

**ALL INDIA BANK OF BARODA EMPLOYEES' COORDINATION COMMITTEE**

(Sole Collective Bargaining Agent on behalf of Workmen in Bank of Baroda)

*and*

**ALL INDIA BANK OF BARODA EMPLOYEES' FEDERATION**

(Second largest Workmen Union in Bank of Baroda in terms of Membership Verification Report dated 7.1.2021)

*on*

**SETTLEMENT FOR GRANT OF 'RECOGNITION' TO 'ALL INDIA BANK OF BARODA EMPLOYEES' COORDINATION COMMITTEE' AND 'CONSULTATIVE STATUS' TO 'ALL INDIA BANK OF BARODA EMPLOYEES' FEDERATION', 2021.**

DATED 11.11.2021.

Bank of Baroda  
Baroda Corporate Centre  
C-26, G Block, Bandra-Kurla Complex,  
Bandra East, Mumbai 400 0051

**NAME OF THE PARTIES.**

**Bank of Baroda** having its Head Office at Mandvi, Baroda being a Corporation constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970.

Represented by Mr. Prakash Vir Rathi  
Chief General Manager (HRM)

Mrs. Swapna Bandopadhyaya  
General Manager (HRM)

Mr. C. M. Tripathy  
Head (HR Operations)

Mr. Shashi Bhushan Kumar  
Dy. General Manager (HRM)

&

**All India Bank of Baroda Employees' Coordination Committee.**

Represented by Mr. C S Dahiya  
President

Mr. Janak Rawal  
Secretary

Mr. Rajneesh Gupta  
Joint Secretary

Mr. Indranil Mitra  
Assistant Secretary

Mr. Peddada Ajay Kumar  
Assistant Secretary

&

**All India Bank of Baroda Employees' Federation.**

Represented by Mr. Vinil Saxena  
President

Mr. Milind Nadkarni  
General Secretary

Mr. Karunesh Shukla  
Dy. General Secretary

Mr. Maganbhai M Patel  
Dy. General Secretary

Mr. Janardhan Thunga  
Dy. General Secretary

## 1.0 SHORT RECITAL.

- 1.1 **WHEREAS** Bank of Baroda (hereinafter referred to as 'the Bank') vide letter dated 9.6.1973 recognized 'All India Bank of Baroda Employees' Federation' (hereinafter referred to as 'the Federation') as the sole collective bargaining agent of all employees of the Bank who come under the definition of 'workman' under the Industrial Disputes Act, 1947, as amended from time to time.
- 1.2 **AND WHEREAS** the Memorandum of Settlement under Section 12(3) of the Industrial Disputes Act, 1947 was signed on 1.9.1973 (hereinafter referred to as '1973 Settlement' between the Management of 'the Bank' and its employees represented by 'the Federation' and All India Bank of Baroda Employees' Coordination Committee (hereinafter referred to as 'the Coordination Committee').
- 1.3 **AND WHEREAS** vide the '1973 Settlement', it was agreed that 'the Coordination Committee' shall be consulted by the management of 'the Bank' but the agreement on such issues will be reached by the management with 'the Federation', which is a recognized body and the Sole Collective Bargaining Agent on behalf of Workmen in Bank of Baroda.
- 1.4 **AND WHEREAS** 'the Federation' continued to enjoy the majority status among workmen unions of the Bank, since 1973 in all subsequent membership verification exercises conducted by 'the Bank', till 9<sup>th</sup> December 2020.
- 1.5 **AND WHEREAS** subsequent to merger of erstwhile Dena Bank and erstwhile Vijaya Bank with Bank of Baroda, w.e.f. 1<sup>st</sup> April 2019, 'the Bank' had undertaken a one-time exercise for ascertaining/ verification of union membership details of employees of 'the Bank' for the purpose of enabling check-off facility for all unions in the Bank. On conclusion of the process, an industrial dispute was raised by 'the Coordination Committee' with the Chief Labour Commissioner (Central), New Delhi, and a Notice of Strike and agitation was served on 'the Bank' claiming grant of 'majority status' among workmen unions of 'the Bank' post merger.
- 1.6 **AND WHEREAS** in compliance of clause VI, 'Recognition of Unions under the Code of Discipline', on completion of ~2 years period after having granted the 'recognition status' to 'the Federation' vide letter No. HO:HRM:HR-A:110/13356 dated 10.12.2018 by the Bank, 'the Bank' undertook a fresh exercise for verification of membership strength of Workmen unions operating in 'the Bank' for the purpose of ascertaining majority status among workmen unions of 'the Bank' by appointing an executive in the rank of General Manager (TEG/S VII) as the Designated Officer, as per the provisions of 'The Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980' and 'The Nationalised Banks (Management and Miscellaneous Provisions) (Amendment) Scheme, 2008'.
- 1.7 **AND WHEREAS** in terms of the Membership Verification Report dated 7.1.2021 of the Designated Officer, 'the Coordination Committee' was certified as having the majority status among workmen unions operating in the Bank.
- 1.8 **AND WHEREAS** in terms of the Membership Verification Report dated 7.1.2021 of the Designated Officer, 'the Federation' was certified as the second largest union among workmen unions operating in the Bank.

Settlement for grant of 'Recognition' to 'All India Bank of Baroda Employees' Coordination Committee' and 'Consultative Status' to 'All India Bank of Baroda Employees' Federation', 2021.

- 1.9 **AND THEREFORE** 'the Bank' vide letter No. BCC:STR-HR:113/85 dated 22.1.2021 granted 'the Coordination Committee', the status of 'recognition as the sole collective bargaining agent of all employees of 'the Bank' who come under the definition of 'Workman' of Industrial Disputes Act, 1947'. This recognition is granted to 'the Coordination Committee' for a period of ~2 years, provided 'the Coordination Committee' is not found responsible for a breach of the 'Code of Discipline' during this period.
- 1.10 **AND WHEREAS** having granted the 'recognition' status to 'the Coordination Committee' on being declared as the majority union among workmen unions of 'the Bank', the '1973 Settlement' has become infructuous in view of the change in the membership status of both the workmen unions.
- 1.11 **AND WHEREAS** 'the Federation' vide letter dated 28.10.2021 urged the Bank to confer the 'Consultative Status' to 'the Federation' by entering into a fresh settlement on the lines of the '1973 Settlement'.
- 1.12 **AND WHEREAS** vide letter dated 30.10.2021, 'the Coordination Committee' has expressed its willingness to sign the settlement extending Consultative Status to 'the Federation', subject to withdrawal of the writ petition (No. 5712 of 2021) filed by 'the Federation' before the Hon'ble High Court of Karnataka.
- 2.0 TERMS OF SETTLEMENT.**
- 2.1 That 'the Federation' agrees to withdraw the Writ Petition (No. 5712/ 2021) filed before the Hon'ble High Court of Karnataka and such other industrial disputes, if any, before any authority challenging the 'recognition status' granted to 'the Coordination Committee' by the Bank vide aforesaid letter dated 22.1.2021 and shall initiate steps to withdraw the case with petition No. 5712/ 2021.
- 2.2 This Settlement shall be called "**Settlement for grant of 'Recognition' to 'All India Bank of Baroda Employees' Coordination Committee' and 'Consultative Status' to 'All India Bank of Baroda Employees' Federation', 2021**" dated 11.11.2021.
- 2.3 This Settlement shall come into force with immediate effect.
- 2.4 With regard to settlement of All India issues, it is agreed by and between the parties that 'the Federation' shall be consulted by the management of the 'the Bank' but the agreement on such issues will be reached by the management with 'the Coordination Committee', which is the recognized body.
- 2.5 With regard to the settlement of local issues and disputes/ grievances, relating to matters in a local area/ region/ zone of the Bank, 'the Federation' apart from the 'Coordination Committee' shall have the right to represent in local issues concerning its members in the respective region/ zone.
- 2.6 The Management of 'the Bank', 'the Coordination Committee' and 'the Federation' agrees to abide by the Code of Discipline in Industry with respect to the rights and responsibilities of Management and Union(s) in maintaining a healthy Industrial Relations climate. Appendix I of the Code of Discipline shall be deemed to be an integral part of this Settlement and is also annexed as Annexure to this settlement.

**Settlement for grant of 'Recognition' to 'All India Bank of Baroda Employees' Coordination Committee' and 'Consultative Status' to 'All India Bank of Baroda Employees' Federation', 2021.**

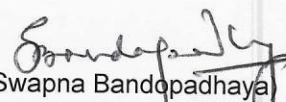
- 2.7 Without prejudice to the rights of the 'Coordination Committee' and 'the Federation' under this Settlement, it is agreed by and between the parties that grant of 'recognition' to the 'Coordination Committee' and that of the 'Consultation status' to the 'Federation', is not intended to include the settlement of any matters pertaining to wages & service conditions which are decided/settled as per prevailing practice, at the Industry/ national level or are emanating as a result of statutory/ regulatory directions.

**SIGNATURE OF THE PARTIES.**

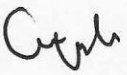
**For Bank of Baroda.**



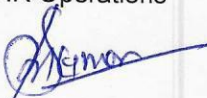
(Prakash Vir Rathi)  
Chief General Manager (HRM)



(Swapna Bandopadhyaya)  
General Manager (HRM)




(C. M. Tripathy)  
Head – HR Operations

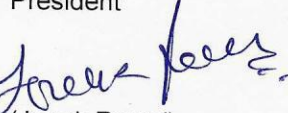


(Shashi Bhushan Kumar)  
Dy. General Manager (HRM)


**For All India Bank of Baroda  
Employees' Coordination  
Committee.**



(C S Dahiya)  
President




(Janak Rawal)  
Secretary



(Rajneesh Gupta)  
Joint Secretary



(Indranil Mitra)  
Assistant Secretary




(Peddada Ajay Kumar)  
Assistant Secretary


**For All India Bank of Baroda  
Employees' Federation.**




(Vinil Saxena)  
President



(Milind Nadkarni)  
General Secretary



(Karunesh Shukla)  
Dy. General Secretary




(Maganbhai M Patel)  
Dy. General Secretary



(Janardhan Thunga)  
Dy. General Secretary

**Witnesses**

**For Bank of Baroda.**

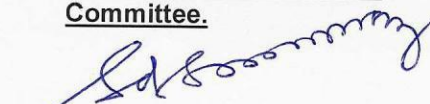


(Leena John)  
Chief Manager (HRM)




(Shweta Chandel)  
Chief Manager (HRM)

**For All India Bank of Baroda  
Employees' Coordination  
Committee.**

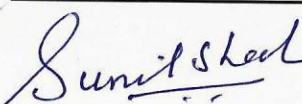


(S D Srinivasan)  
Member, Chennai Unit



(P V Patil)  
Member, Mumbai Unit

**For All India Bank of Baroda  
Employees' Federation.**



(Sunil Shah)  
Joint Secretary



(Rekha Kavle)  
Joint Secretary

**Dated, this 11<sup>th</sup> of November, 2021 at Bank of Baroda, Baroda Corporate Centre, Mumbai.**

- c.c. : The Secretary, Govt. of India, Ministry of Labour, New Delhi.  
c.c. : The Chief Labour Commissioner (Central), New Delhi.  
c.c. : The Dy. Chief Labour Commissioner (Central), Mumbai.  
c.c. : The Regional Labour Commissioner (Central), Mumbai.

**Settlement for grant of 'Recognition' to 'All India Bank of Baroda Employees' Coordination Committee' and 'Consultative Status' to 'All India Bank of Baroda Employees' Federation', 2021.**

## APPENDIX I – CODE OF DISCIPLINE IN INDUSTRY.

- I. **To Maintain Discipline in Industry** (both in public and private sectors) - There has to be (i) a just recognition by employers and workers of the rights and responsibilities of either party, as defined by the laws and agreements (including bipartite and tripartite agreements arrived at all levels from time to time) and (ii) a proper and willing discharge by either party of its obligations consequent on such recognition.

The Central and State Governments, on their part, will arrange to examine and set right any shortcomings in the machinery they constitute for the administration of labour laws.

### **To ensure better discipline in industry:**

#### II. **Management and Union(s) Agree -**

- (i) that no unilateral action should be taken in connection with any industrial matter and that disputes should be settled at appropriate level;
- (ii) that the existing machinery for settlement of disputes should be utilized with the utmost expedition;
- (iii) that there should be no strike or lockout without notice;
- (iv) that affirming their faith in democratic principles, they bind themselves to settle all future differences, disputes and grievances by mutual negotiation, conciliation and voluntary arbitration;
- (v) that neither party will have recourse to (a) coercion, (b) intimidation (c) victimization or (d) go-slow;
- (vi) that they will avoid (a) litigation (b) sit-down and stay-in strikes and (c) lock-outs;
- (vii) that they will promote constructive co-operation between their representatives at all levels and as between workers themselves and abide by the spirit of agreements mutually entered into;
- (viii) that they will establish upon a mutually agreed basis, a grievance procedure which will ensure a speedy and full investigation leading to settlement;
- (ix) that they will abide by various stages in the grievance procedure and take no arbitrary action which would by-pass this procedure; and
- (x) that they will educate the management personnel and workers regarding their obligations to each other.

#### II. **Management Agree -**

- (i) not to increase work-loads unless agreed upon or settled otherwise;
- (ii) not to support or encourage any unfair labour practice such as (a) interference with the right of employees to enrol or continue as union members, (b) discrimination, restraint

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*[Handwritten signatures and initials are present at the bottom of the page, including a large signature on the left and several smaller ones on the right.]*

or coercion against any employee because of recognized activity of trade unions and  
(c) victimization of any employee and abuse of authority in any form;

- (iii) to take prompt action for (a) settlement of grievances and (b) implementation of settlements, awards, decisions and orders;
- (iv) to display in conspicuous places in the undertaking the provisions of this Code in the local language(s);
- (v) to distinguish between actions justifying immediate discharge and those where discharge must be preceded by a warning, reprimand, suspension or some other form of disciplinary action and to arrange that all such disciplinary action should be subject to an appeal through normal grievances procedure;
- (vi) to take appropriate disciplinary action against its officers and members in cases where enquiries reveal that they were responsible for precipitate action by workers leading to indiscipline and
- (vii) to recognize the union in accordance with the criteria (Annexure I) evolved at the 16th session of the Indian Labour Conference held in May 1958.

#### IV. Union(s) Agree -

- (i) not to engage in any form of physical duress;
- (ii) not to permit demonstrations which are not peaceful and not to permit rowdiness in demonstration.
- (iii) that their members will not engage or cause other employees to engage in any union activity during working hours, unless as provided for by law, agreement or practice;
- (iv) to discourage unfair labour practices such as (a) negligence of duty, (b) careless operation (c) damage to property, (d) interference with or disturbance to normal work and (e) insubordination;
- (v) to take prompt action to implement awards, agreements, settlements and decisions;
- (vi) to display in conspicuous places in the union offices, the provisions of this Code in the local language(s); and
- (vii) to express disapproval and to take appropriate action against office bearers and members for indulging in action against the spirit of this Code.



Settlement for grant of 'Recognition' to 'All India Bank of Baroda Employees' Coordination Committee' and 'Consultative Status' to 'All India Bank of Baroda Employees' Federation', 2021.