



ALL INDIA BANK EMPLOYEES' ASSOCIATION

Central Office: "PRABHAT NIVAS" Regn. No.2037

Singapore Plaza, 164, Linghi Chetty Street, Chennai-600001

Phone: 2535 1522 Fax: 2535 8853 Web: www.aibea.in

e mail ~ chv.aibea@gmail.com & aibeahq@gmail.com M 98400 89920

CIRCULAR LETTER No. 28/225/2022/5

2-3-2022

To All Office Bearers / State Federations / All Bankwise Unions:

Dear Comrades,

Protected Workmen

Industrial Disputes Act, 1947 provides for Protected Workmen and restrictions on management in altering their service conditions or giving punishments like dismissal, etc. during pendency of any dispute to such protected workmen.

Section 33 (3) of I.D. Act provides as under:

"Notwithstanding anything contained in sub-section (2), **no employer shall, during the pendency of any such proceeding in respect of an industrial dispute, take any action against any protected workman concerned in such dispute –**

(a) **by altering, to the prejudice of such protected workman, the conditions of service** applicable to him immediately before the commencement of such proceedings; or

(b) **by discharging or punishing, whether by dismissal or otherwise,** such protected workman, *save with the express permission in writing of the authority before which the proceeding is pending.*

Explanation - For the purposes of this sub-section, a "protected workman", in relation to an establishment, means a workman who, being a member of the executive or other office bearer of a registered trade union connected with the establishment, is recognized as such in accordance with rules made in this behalf.

**How many are eligible to be notified as Protected Workmen –
Section 33 (4) of the I.D. Act:**

In every establishment, the number of workmen to be recognised as protected workmen for the purposes of Sub Section 3 shall be **1 % of the total number of workmen** employed therein subject to a **minimum number of 5 protected workmen** and a **maximum number of 100 protected workmen** and for the aforesaid purpose, the appropriate Government may make rules providing for the distribution of such protected workmen among various trade unions, if any, connected with the establishment and the manner in which the workmen may be chosen and recognised as protected workmen.

Industrial Disputes (Central) Rules, 1957,

Rule 61 (1):

Every registered trade union connected with an industrial establishment, to which the Act applies, shall communicate to the employer **before 30th April every year**, the names and addresses of such of the officers of the union who are employed in that establishment and who, in the opinion of the Union should be recognized as "protected workmen." **Any change** in the incumbency of any such office bearer shall be communicated to the employer by the Union **within 15 days of such change**.

Rule 61 (2):

The employer shall, subject to Section 33 (4), recognise such workmen to be protected workmen for the purposes of sub-section (3) of the said Section and communicate to the union, in writing, within 15 days of the receipt of the names and addresses under Sub Rule 1, the list of workmen recognized as protected workmen (for the period of 12 months from the date of such communication).

What our Unions should do: It is observed that some of the units are not aware of these provisions and hence are not in the practice of informing the management of the union's list of names of Protected Workmen. While it is true that the real strength of the union depends upon our unity and militant capacity to fight against possible instances of victimization, at the same time we should not lose sight of the provisions available under law.

Hence all our Unions should submit to the management (**before 30th April every year**) the list of names of office bearers/ Committee members as per the entitlement according to their membership (1% of membership – Min. 5 – Max. 100) to be notified as Protected Workmen. **Acknowledgement should be obtained from the management for receipt of this letter.** As and when Conferences are held, the changed list should be submitted within 15 days.

For the current year i.e. 2022, all our bankwise Unions are to submit the list of Protected Workmen to their management before the end of April, 2022.

With Greetings,

Yours Comradely,



**C.H. VENKATACHALAM
GENERAL SECRETARY**