

Mr. Mang Jangal / Mr. Kalayyan
28/10/2013.

MEMORANDUM OF SETTLEMENT DATED 25.10.2013 ARRIVED AT UNDER SECTION 12(3) OF THE INDUSTRIAL DISPUTES ACT, 1947 BEFORE THE CHIEF LABOUR COMMISSIONER (CENTRAL), NEW DELHI OVER CHARTER OF DEMANDS OF WAGE STRUCTURE AND ALLIED MATTERS BETWEEN THE FOLLOWING FIVE MAJOR FEDERATIONS OF PORT & DOCK WORKERS OPERATING IN MAJOR PORT TRUSTS AND DOCK LABOUR BOARD AND MANAGEMENT.

PRESENT

REPRESENTING MANAGEMENT

1. Shri Paul Antony, Chairman,
Cochin Port Trust
& Bipartite Wage Negotiation Committee
2. Shri P Marapandiyam
Chairman, Mormugao Port Trust
3. Shri R.P.S.Kahlon,
Chairman, Kolkata Port Trust
4. Dr P. D. Vaghela,
Chairman, Kandla Port Trust
5. Shri Atulya Misra,
Chairman, Chennai Port Trust
6. Shri Rajeev Gupta,
Chairman, Mumbai Port Trust
7. Dr. P. Tamilvanan,
Chairman, New Mangalore Port Trust

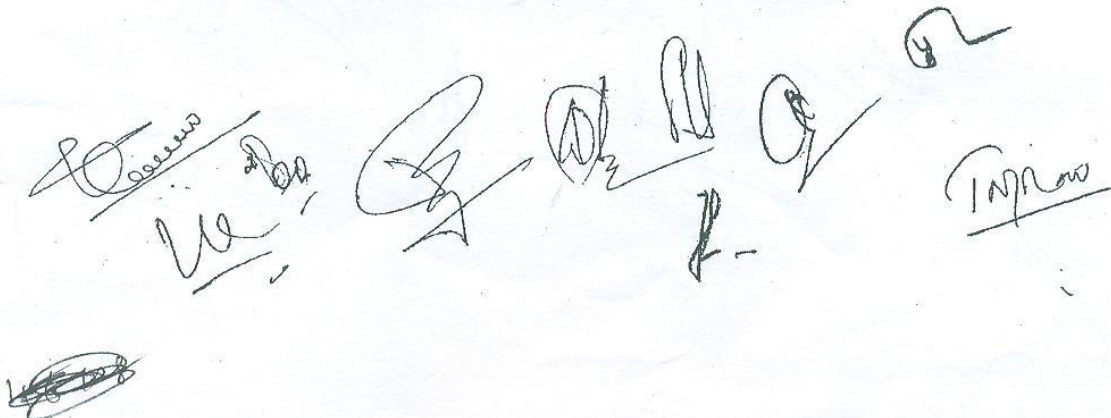
REPRESENTING LABOUR

All India Port & Dock Workers' Federation (HMS)

1. Shri S. R. Kulkarni,
President
2. Shri P. M. Mohammed Haneef,
General Secretary
3. Shri D. K. Sarma,
Addl. General Secretary
4. Shri M. L. Bellani,
Secretary
5. Shri G.M. Krishnamurthy,
Vice-President

All India Port & Dock Workers' Federation (Workers) (HMS)

1. Dr. Shanti Patel,
President
2. Shri S.K. Shetye,
General Secretary



8. Shri S.A.C. Bose
Chairman, VOC Port Trust

Indian National Port & Dock Workers'
Federation (INTUC)

1. Shri Prabhat Samantray,
President

9. Dr. P. D. Shenoy,
IAS (Retd), Former Secretary to the GOI,
Ministry of Labour

2. Shri G. Kalan,
General Secretary

10. Shri K.V. Krishna Kumar, President
Federation of Associations of Stevedores

Water Transport Workers' Federation
of India (CITU)

1. Shri T Narendra Rao,
General Secretary

11. Shri Yogesh Mehta, General Secretary
Federation of Associations of Stevedores

2 Shri C.D Nandakumar
Secretary

12. Shri A JanardhanaRao,
Managing Director,
Indian Ports Association

Port, Dock & Waterfront Workers'
Federation of India (AITUC)

1. Shri V.V. Rama Rao,
General Secretary

SHORT RECITAL

- 1.1 Consequent upon the expiry of the period of operation of the Settlement dated 19.01.2010 on wage revision of Port and Dock Workers of the Major Port Trusts and Dock Labour Boards of India on 31.12.2011, Government of India, Ministry of Shipping, constituted a Bipartite Wage Negotiation Committee (BWNC) vide Office Memorandum No. LB-11021/19/2006-L I dated 07.06.2012, as below:

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MEMBERS REPRESENTING THE MANAGEMENT SIDE

- | | | |
|--------|---|------------------|
| 1. | Chairman, Indian Ports Association | Chairman |
| 2. | Chairman, Kolkata Port Trust | Member |
| 3. | Chairman, Kandla Port Trust | Member |
| 4. | Chairman, Chennai Port Trust | Member |
| 5. | Chairman, Mumbai Port Trust | Member |
| 6. | Chairman, New Mangalore Port Trust | Member |
| 7. | Chairman, VOC Port Trust | Member |
| 8&9. | Federation of Associations of Stevedores | Members |
| 10. | Managing Director, Indian Ports Association | Member Secretary |
| 11&12. | 2 Members to be co-opted by Chairman,
IPA from other Chairmen, Port Trusts,
Retired Ministry/ Port Officers or Experts
from Professional Bodies. | Members |

1.2 As per the Ministry's letter Chairman BWNC, co-opted Dr P. D Shenoy, IAS (Retd), Former Secretary to the GOI, Ministry of Labour and Ex -CLC & Shri M. Sambasivulu, Ex-Advisor (MS&P), Singarani Collieries Limited as members of BWNC on 09.07.2012 & 05.07.2012 respectively. Shri M. Sambasivulu was replaced by Shri Paul Antony, Chairman, CoPT on 19.03.2013. Consequent on the repatriation of Shri Ajeya Kallam, Chairman, VPT to his parent cadre on 31.05.2013, Shri Paul Antony, Chairman CoPT has assumed charge of Chairman, BWNC and Shri Marapandiyam, Chairman, MgPT was co-opted as a member of BWNC.

1.3 Representation of workers on B.W.N.C was based on the available results of Secret Ballot/ Check off system for the year 2011 as under:

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Sl No.	Name of the Federation	No. of representatives appointed in BWNC
1.	All India Port & Dock Workers Federation(HMS)	5
2.	All India Port & Dock Workers Federation (Workers)(HMS)	2
3	Indian National Port & Dock Workers Federation (INTUC)	2
4	Water Transport Workers Federation of India (CITU)	2
5	Port, Dock & Waterfront Workers Federation of India (AITUC)	1
	Total	12

1.4 Names of the representatives of the Management side and each Federation are given in Appendix I.

2. CHARTER OF DEMANDS

2.1 All the five Federations representing the workers of the Major Port Trusts and Dock Labour Boards submitted their Charter of Demands individually. The Management side requested the Federations represented on BWNC, for a Common Charter of Demands. The Federations submitted a Common Charter of Demands on 07.08.2012.

2.2 The first meeting of the Bipartite Wage Negotiation Committee was held at Mumbai on 23.07.2012 followed by 12 meetings at New Delhi and at different Ports. A series of meetings were held wherein the Charter of Demands submitted by the Federations and measures suggested by the Management side to improve productivity were deliberated upon item-wise. Dates and venues of meetings held are in Appendix-II.

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2.3 The following terms of Settlement was arrived at under Section 12 (3) of the Industrial Disputes Act, 1947 before the Chief Labour Commissioner (C) as full and final settlement of all demands of the Federations.

3. TERMS OF SETTLEMENT

It is agreed that the wage structure, terms and conditions of employment applicable to Group C and D employees of Major Port Trusts and Dock Labour Boards will be revised as below:

4. COVERAGE

This Settlement will apply to and cover the following Group - C & D employees / workmen:

- (i) Persons employed by the Major Port Trusts of Mumbai, Kolkata, Chennai, Visakhapatnam, Cochin, Mormugao, Kandla, Paradip, VOC, New Mangalore and Jawaharlal Nehru and/ or paid directly by the Port Trusts;
- (ii) Persons employed by Calcutta Dock Labour Board; and
- (iii) Persons registered or unregistered (listed) under any of the Schemes framed under the Dock Workers (Regulation of Employment) Act, 1948.

Note: Any other issues related to individual Ports regarding coverage may be discussed & settled locally

5. DATE OF EFFECT AND PERIOD OF SETTLEMENT

This Settlement will take effect from the 1st January, 2012 and remain operative for a period of 5 years from the 1st January, 2012 to 31st December, 2016. The revised pay and allowances except those indicated otherwise agreed to as per this settlement are payable with effect from 01.01.2012.

6. The revised pay scales will be linked to All India Consumer Price Index Number 198 for Industrial Workers (General) based on 2001=100(AICPI) series. Revised pay scales corresponding to the existing scales of pay from 1.1.2012 are at Appendix-III.

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7. FITMENT OF PAY ON THE 1ST JANUARY, 2012 IN THE REVISED PAY SCALES

7.1 Basic pay in the revised pay scale would be fixed as under:

A	B	C	D
Basic pay as on 31.12.2011 and Special Pay & Stagnation Increment	Variable D.A. upto AICPI 198 points i.e. 57.14% (base year 2001 = 100) on basic pay as on 01.01.2012	10.5 % of A+B	Aggregate amount # A+B+C

The aggregate amount would be rounded off to next ten rupees and pay fixed in the revised pay scale.

7.2 The above fitment formula is not applicable to the employees appointed on or after 01.01.2012 and they will start at the minimum of the corresponding revised pay scale.

8. STAGNATION INCREMENT

Pay scales have been restructured in such a way that there will not normally be any stagnation. However, if there is stagnation, one stagnation increment will be allowed every two years. In addition, an employee stagnating after the expiry of the period of settlement will be granted stagnation increment every year subject to adjustments in the next wage settlement.

9. RATE OF INCREMENT, DATE OF NEXT INCREMENT IN THE REVISED PAY SCALE & FIXATION OF PAY ON PROMOTION

9.1 The annual increment will be granted at 3% of the revised basic pay with cumulative effect and the amount so arrived at shall be rounded off to the next Rs.10/-. After the pay of an employee is fixed in the revised scale of pay, his next increment will be due on the anniversary of the last increment drawn in the existing pay scale. In the case of those whose anniversary date of increment is 1st January, they will be allowed the normal increment of the revised pay scale from 1st January. Where the pay of two or more employees of the same category in the

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existing scale of pay and in the inter-se seniority gets fixed at the same amount in the revised pay scale and the date of increment of the senior of the two employees falls due after the date of increment of the junior employee, the date of increment of the senior employee will be advanced to coincide with the date of increment of the employee junior to him, provided other conditions for advancing the date of increment are fulfilled.

9.2 Employees will be permitted to opt for the revised scale with effect from 01.01.2012 or from the date of next increment due before 31.12.2012.

9.3 Employees promoted on or after 01.01.2012 will be permitted to exercise fresh option for fixation of pay as per the existing provisions.

9.4 If the feeder and promotional posts fall in the same revised pay scale, the employee so promoted would be allowed fixation benefits by granting two increments as per the existing practice.

9.5 On promotion, an employee will be granted one increment equal to 3% of his revised pay and pay fixed in the promoted pay scale by rounding off to next multiple of 10.

9.6 In the case of regular promotion and financial upgradation under MACP Scheme, if an employee opts for fixation of pay from the date of next annual increment in the feeder post he shall be allowed fixed amount as indicated below from the date of promotion to the date of fixation of pay in the promotion post:

Scales 1 to 4	Rs. 230 Per month
Scales 5 to 7	Rs. 345 Per month
Scales 8 to 10	Rs. 460 Per month

9.7 In the case of promotion from Group C to Class II/ I taking place on or after 01.01.2012, their pay will be fixed in the Class II/ I post as if they had continued in the pre revised scale and the drop in pay plus DA on the date of promotion will be protected by grant of Personal Pay as illustrated in Appendix-IV.

9.8 Group C employees who have been granted financial upgradation to Class II/ Scales under MACP Scheme upto 31.12.2011 will be allowed Pay & Allowances as if they have continued in Group C scale

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10. FAMILY PLANNING ALLOWANCE

- 10.1 The existing amount of Family Planning Allowance will be revised to 3% of the minimum of the revised Pay Scale corresponding to the Pay Scale held by the employee at the time of sterilization.
- 10.2 Revised Rates of Family Planning Allowance in respect of employees who will earn Family Planning Allowance would be regulated by granting one increment equal to 3% of his respective revised pay scale.

11. INCREMENT GRANTED FOR EXCELLENCE IN SPORTS

Increment for excellence in sports will be regulated as per the instructions issued by the Central Government from time to time.

12. DEARNESS ALLOWANCE

- 12.1 All India Consumer Price Index Number for Industrial Workers (General) based on 2001=100 (AICPI) series will be used for grant of compensation to the employees for price rise.
- 12.2 D. A. installments would be released 4 times in a year, with effect from 1st January, 1st April, 1st July and 1st October.
- 12.3 D.A. would be paid for increase in AICPI above quarterly index average of 198 to which the pay scales are related.
- 12.4 The percentage increase in the Quarterly average of the AICPI for the period ending February, May, August and November over the index 198 would be taken up to two decimal points.
- 12.5 The rate of compensation to the employees over the basic pay at index average of 198 also be in whole numbers with fractions carried forward.
- 12.6 The percentage of neutralization to employees in different pay ranges would be 100%.

If and when Government announces its decision in respect of the revision of Industrial Dearness Allowance Scheme, it will be made applicable to the Port and Dock workers also from the date as specified in the Government order.

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Foot Note I

Quarterly averages	Payable from
September, October and November	1 st January
December, January and February	1 st April
March, April and May	1 st July
June, July and August	1 st October

Foot Note II

The Quarterly average of AICPI for the months of September, October and November, 2011 worked out to 198 and from 01.01.2012 is being merged in the basic pay. D.A. installment would be Nil on 01.01.2012.

- 12.7 The payment of D.A involving fractions of 50 paise and above will be rounded off to the next higher rupee and fractions of less than 50 paise will be ignored.
- 12.8 The pay for the purpose of calculation of D.A. will be the basic pay drawn in the prescribed scale of pay including stagnation increment but will not include any other type of pay such like special pay, personal pay etc.
- 12.9 The D.A will continue to be a distinct element of remuneration and will not be treated as pay within the ambit of FR 9 (21).

13. HOUSE RENT ALLOWANCE

- 13.1 An employee, who is not allotted accommodation by the Port Trust and Dock Labour Board will be paid House Rent Allowance at the following rates , without production of rent receipt.

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Name of the Port	Rates of HRA
Mumbai, Jawaharlal Nehru, Chennai and Kolkata(excluding Haldia)	30% of actual basic pay plus stagnation increment.
Visakhapatnam, Cochin, New Mangalore and Mormugao	20% of actual basic pay plus stagnation increment
Kandla, VOC	15% of the actual basic pay plus stagnation increment
Paradip and Haldia*	10% of actual basic pay plus stagnation increment

*The demand of the Federations for enhancement of HRA in respect of Haldia Dock Complex may be examined by the Kolkata Port Trust and appropriate action taken.

13.2 If the employees are posted to work in higher grade cities where the Trade Promotion Centers / Guest Houses of the respective Port situate, such employees shall be allowed HRA at higher rate as applicable to that city.

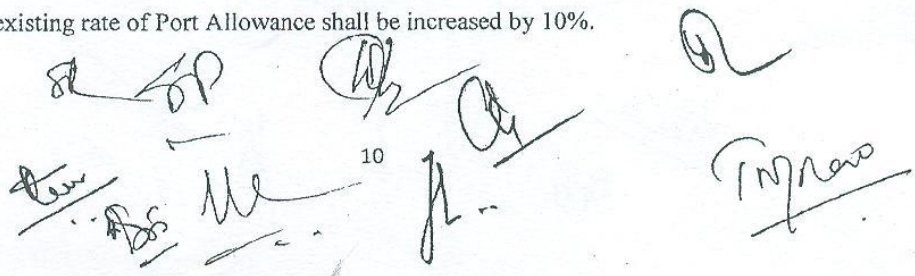
14. HOUSE RENT RECOVERY

14.1 Recovery of rent for Port and DLB Quarters will be made on living area basis under Government of India's orders as revised from time to time under FR 45 (A).

14.2 For sub-standard quarters the recovery of rent will be as envisaged under FR 45. As regards recovery of rent for dormitory or bachelor accommodation, the recovery of rent may be made at fixed rates, to be calculated by Ports under FR 45 A (Standard Rent).

15. PORT ALLOWANCE

The existing rate of Port Allowance shall be increased by 10%.



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16. TRANSPORT REIMBURSEMENT

- 16.1 The existing rate of Transport Reimbursement will be enhanced from Rs.424 per month to Rs525/- p.m. plus applicable DA to all eligible employees. Existing terms and conditions governing the grant of Transport Reimbursement procedure will continue to apply, also extending the facility to those who occupy port accommodation irrespective of any distance.
- 16.2 Transport Reimbursement will be allowed to handicapped employees at double the rate.

17 CHILDREN EDUCATION ALLOWANCE & REIMBURSEMENT OF TUITION FEES

17.1 Under the Scheme of Children Education Allowance reimbursement can be availed by an employee upto a maximum of 2 children.

17.2 Reimbursement as indicated above will be applicable for expenditure on the education of school going children only i.e., for children from classes nursery to twelfth, including classes eleventh and twelfth held by junior colleges or schools affiliated to Universities or Boards of Examination. The reimbursement of Children Education Allowance shall have no nexus with the performance of the child in his class. In other words, even if a child fails in a particular class, the reimbursement of Children Education Allowance shall not be stopped.

17.3 Reimbursement for the following items can be claimed under this Scheme:

Tuition fee, admission fee, term fee, laboratory fee, special fee charged for agriculture, electronics, music or any other subject, fee charged for practical work under the programme of work experience, fee paid for the use of any aid or appliance by the child, library fee, games/sports fee and fees for extra-curricular activities. This also includes reimbursement for purchase of 1 set of text books and notebooks, 2 sets of uniforms and 1 set of school shoes which can be claimed for a child in a year.

17.4 The annual ceiling fixed for reimbursement of Children Education Allowance is Rs 15,000 per child up to a maximum of two children. Under this Scheme, reimbursement can be claimed once every quarter. The amount that can be claimed in a quarter could be more than Rs 3,750, and in another quarter less than Rs 3,750, subject to the annual ceiling of Rs. 15,000 per child being maintained.

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- 17.5 For children with disabilities, reimbursement will be twice the normal rate and the annual ceiling will be Rs.30,000/-
- 17.6 In case, both the spouses are port employees, only one of them can avail reimbursement under Children Education Allowance Scheme.
- 17.7 The above limits would be automatically raised by 25% every time the Dearness Allowance goes up by 50%.
- 17.8 When Government of India liberalize the Children Education Allowance Scheme for their employees the same would be made available to Port employees from the date of effect of Government orders.

18 WASHING REIMBURSEMENT

Washing Reimbursement and Special Washing Reimbursement will be enhanced from Rs.125 and Rs.163 per month to Rs 155 and Rs.200 respectively, with automatic increase of 25%when DA goes up by 50%. The claim for Special Washing Allowance in respect of hospital staff, sanitary staff and fire brigade staff, will be discussed and settled locally.

19 REVISION OF T.A AND D.A

The Travelling Allowance and Daily Allowance rates will be as follows:

(A) Entitlements for travel on tour.

Sl. No.	Pay Range	Normal trains#	Rajdhani express	Shatabdi Express
1	Below Rs.19,100/-	Second Sleeper	AC Chair Car*	-
2	Rs.19,100 and above but below Rs.34,400/-	I Class/ II AC 3 tier sleeper/ AC Chair Car*	AC Chair Car*	-
3	Rs.34,400/- and above	II AC 2 tier sleeper/ I Class/ AC 3 tier	II AC 2 tier sleeper	AC Chair Car

Normal trains mean train other than Rajdhani and Shatabdi Express

*Those who are entitled to travel by First Class/ II AC 3 tier sleeper/ AC Chair Car may at their discretion travel by AC 2 tier sleeper when any of the trains connecting the origins and destinations concerned by the shortest route do not provide these three classes of accommodation.

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**AC 3 tier sleeper in trains in which AC Chair Car is not provided.

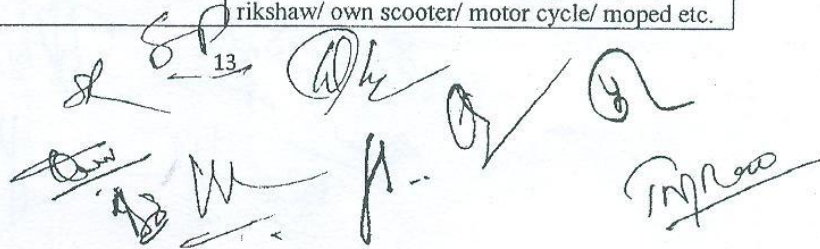
The revised travel entitlements are subject to the following:

- (i) In cases of places not connected by rail, travel by AC bus for all those entitled to travel by AC II tier by train and Deluxe / ordinary bus for others is allowed.
- (ii) In case road travel between places connected by rail, travel by any means of public transport, including Air is allowed provided the total fare does not exceed the train fare by entitled class.
- (iii) All employees are allowed to travel below their entitled class of travel.
- (B) Entitlements for journey by sea or river steamer

Pay range	Travel entitlement
Employees on pay of Rs.34,400/- and above	If there be two classes only on the steamer, the lower class
Employees on pay of Rs.19,100/- and above but less than Rs.34,400/-	If there be two classes only on the steamer, the lower class. If there be three classes, the middle or the 2 nd class. If there be four classes, the 3 rd class.
Employees on pay below Rs.19,100/-	The lowest class.

(C) Milage Allowance for journey by road (SR 46)

Pay range	Travel entitlement
Employees on pay of Rs.34,400/- and above	Actual fare by any type of public bus including Air Conditioned Bus Or At the rate of Rs.16/ KM for journeys by taxi or Rs.8/KM for journey by auto rikshaw/ own scooter/ motor cycle/ moped etc.
Employees on pay below Rs.34,400/-	Actual fare by ordinary bus only Or At the rate of Rs.8/KM for journey by auto rikshaw/ own scooter/ motor cycle/ moped etc.

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(D) Daily Allowance on tour

Pay range	Daily allowance
Employees on pay of Rs.19,100/- and above	Reimbursement for hotel accommodation of up to Rs.500/- per day, reimbursement of travel charges of up to Rs.100/- per diem for travel within the city and reimbursement of food bills not exceeding Rs.150/- per day.
Employees on pay below Rs.19,100/-	Reimbursement for hotel accommodation of up to Rs.300/- per day, reimbursement of travel charges of up to Rs.50/- per diem for travel within the city and reimbursement of food bills not exceeding Rs.100/- per day.

Note: As and when the Ministry of Shipping revises the Daily Allowance rates of officers, these rates would be revised on the same principles.

20. OVER TIME ALLOWANCE

If any employee is asked by the management to work beyond prescribed working hours, overtime allowance will be paid at prescribed rate as per present practice in Ports. In cases where Court cases are pending, payment of OTA will be regulated subject to final outcome of the Court Case.

21. HOLIDAY WAGES

There will be no change in the existing method of calculation of Holiday Wages.

22. DESIGN ALLOWANCE

Design Allowance payable to Junior Engineers posted for design work will be revised from Rs.400/- to Rs. 500/- per month.

23. OTHER ALLOWANCES

All the local allowances will be discussed and settled locally within a period of six months.

24. CONVEYANCE ADVANCE

Conveyance advance for the purchase of vehicles will be sanctioned as below:

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- a) Scooter/ Moped/Motor Cycle - 8 Months basic pay subject to a maximum of Rs.70,000 or 80% of the cost of the vehicle whichever is less
- b) Cycle -Rs. 3000/-

25. HOUSE BUILDING ADVANCE

- 25.1 Existing House Building Advance Regulations will be continued with the revised pay structure. Whenever Central Govt. revises the ceiling of HBA the same would be made applicable to Port employees. Ports in which the Scheme of grant of House Building Advance is not there, they should explore the feasibility of introducing scheme for grant of interest subsidy on loans taken for house building.
- 25.2 Ports which are not having Regulations for waiver of outstanding House Building Advance and interest in the event of death of employees while in service should examine the feasibility of extending the same.

26. COMPUTER ADVANCE

Employees will be given an advance up to 10 months basic pay or Rs.80,000/- or the actual cost of computer, whichever is the least, for the purchase of a personal computer. Interest rate will be charged at the rate notified by the Central Government from time to time.

27. FESTIVAL ADVANCE

Quantum of Festival Advance will be decided locally.

28. LEAVE TRAVEL CONCESSION

- 28.1 Travel entitlements for the purpose of LTC will be the same as for official tour, but no daily allowance shall be admissible for travel on LTC.
- 28.2 The parents and or step parents who are wholly dependent on the employees shall be included in the definition of family for the purpose of LTC, irrespective of whether they are residing with the employee or not. The definition of dependency will be linked to the minimum family pension prescribed and dearness relief thereon.

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28.3 The facility shall be admissible only in respect of journeys performed in vehicles operated by the Government or any Corporation in the Public Sector run by the Central or State Government or local body.

28.4 The privileges with regard to class of travel currently being enjoyed by an employee will not be adversely affected by any decision taken as a result of the settlement.

29. NIGHT WEIGHTAGE

The existing practice of calculating Night Weightage will be continued.

30. SPECIAL ADVANCE FOR EMPLOYEES AND THEIR WARDS MARRIAGE

Ports will provide possible arrangement to grant advance from Welfare Fund.

31. OUTSTATION ALLOWANCE

Employees who go to other Ports on board the port crafts for dry docking/ repairs would be allowed, in addition to normal pay and allowances, Outstation Allowance at the rate of 33 1/3% of basic pay from the date of departure to the date of return to home port. The complement of staff to be deputed shall be decided by the management.

32. LEAVE ENTITLEMENTS

32.1 Female employee, with fewer than two surviving children, on valid adoption of child below the age of one year, will be granted leave for a period of 180days immediately after the valid adoption. Paternity leave of 15 days will be allowed to male employee with fewer than two surviving children on valid adoption of child below the age of one year.

32.2 Special Casual Leave for office bearers of unions will be granted as per Central Government Rules .

32.3 Special Casual leave for breakdown of public Transport system due to bandh etc. will be granted as per Central Government Rules.

32.4 HRA is payable for first 180 days of leave at the rates applicable at the last place of duty; continuance beyond 180 days will be subject to the production of prescribed certificate.

32.5 Women employees having minor children below the age of 18 years will be granted Child Care Leave for a maximum period of 2 years (i.e. 730 days) during their entire service for taking care of upto 2 children whether for rearing or to look after any of their needs like examination, sickness etc. The Central Government orders issued in this regard from time to time shall apply.

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32.6 All other conditions in the matter of grant of leave will be governed by the existing Leave Regulations / Wage Settlements.

33 RISK ALLOWANCE

Existing Risk allowance will be revised through local settlement within six months failing which the dispute will be referred for adjudication/ arbitration.

34 TRAINING AND REDEPLOYMENT

The Management agreed in principle for training and redeployment of employees. However, the modalities in this regard may be discussed and settled locally.

35. FUNERAL EXPENSES

Management is agreeable for grant of funeral expenses of deceased employees. But the quantum may be discussed and settled locally

36. CANTEEN FACILITIES

The employers agree to provide amenities including drinking water, sanitary facilities, subsidized canteens, rest rooms etc. near the place of work.

37. SETTING UP OF CRECHES

Ports may set up crèches, wherever necessary.

38. MODIFIED ASSURED CAREER PROGRESSION

38.1 Three financial upgradations shall be granted under the Modified Assured Career Progression Scheme to Group C and D employees on completion of 10 years, 20 years and 30 years of regular service, provided there was no regular promotion during the period of 10, 20 and 30 years and subject to the existing conditions of MACP.

38.2 Clarifications issued by the Central Government from time to time in respect of MACP will apply.

39 PAYMENT OF ARREARS

39.1 All efforts will be made to make payment of arrears arising out of this Settlement within a period of two months from the date of signing of the Settlement.

39.2 If any Port could not pay the arrears within the period of two months the Port management will hold discussions with the local affiliates of the signatory Federations and decide the time frame for making payment of arrears.

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40. PENSION

40.1 Ports which are having their own Pension Regulations should update their Pension Regulations incorporating up to date amendments issued to CCS (Pension) Rules as advised by the Ministry within a period of six months. Similarly Ports which have not so far framed their own Pension Regulations in line with Central Government Rules should do so within a period of six months.

40.2 The demand of the Federations relating to consolidation of the pension/ family pension consequent on the revision of pay and allowances with effect from 01.01.2012 will be analysed and put forth by a Sub Committee of the BWNC and will be examined by the IPA in consultation with Ministry of Shipping and a decision will be taken within a reasonable time.

(A)

41. PRODUCTION & PRODUCTIVITY

41.1 The pay revision and benefits will have definite impact on the financial viability of the ports and increase cost of operations. The Federations thus agree to actively and positively participate with the management to take measures to improve the financial viability and productivity.

41.2 All parties recognize that Major Ports are passing through a difficult situation in view of the global recession and also due to emerging private ports in the vicinity of Major Ports. This calls for optimum utilization of the available infrastructure, technological upgradation, higher productivity and resource generation. The Challenges emanating from intra and/ or inter port competition, within the country/ region, calls for urgent need for improvement of efficiency, customer satisfaction, augmentation of financial viability and new enterprise culture in the Major Ports. Otherwise, the importance of State owned port operators would diminish unless productivity is increased and sustained. With a view to increase productivity it was agreed that revision of datum and piece rate incentive will be undertaken based on the performance of previous three years and duly taking into consideration the applicable guidelines, relevant factors and operational requirements. In case there is no settlement at local level on the above issue within six months from the date of signing this Settlement, the disputed matter will be sent for adjudication/ arbitration under the Industrial Disputes Act, 1947.

41.3 National Industrial Tribunal Award on manning scales in the Ports of Kolkata (including Haldia), Chennai and Mumbai shall be discussed between the local Unions and Management and to be implemented within two months from the date of BWNC Settlement.

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42. EXISTING BENEFITS

As a consequence of the implementation of this Settlement, any facility, privilege, amenity, right, benefit, monetary or otherwise or concession to which an employee or a category of employees might be entitled to by way of any Award, practice or usage in force shall not be withdrawn, reduced or curtailed, except to the extent and manner as explicitly provided for in this Settlement. Provided, however, that this protection clause shall not be used by the Federations and their affiliated unions and any person or persons enjoying benefits under this Settlement for preventing Port/DLB Management from taking steps for the implementation of the provisions of this Settlement for improving productivity.

43. It is agreed that the demands of the five Major Labour Federations on the following matters submitted jointly through their Charter of Demands, shall be discussed and settled with the Federations/ Unions at local level by mutual discussions.

- | Sl. No. | Issues |
|---------|---|
| 1 | Categorization and Classification of new categories |
| 2 | Fixation of pay of Skilled Categories as per Skilled Scheme |
| 3 | Pilotage Allowance |
| 4 | Dust Allowance |
| 5 | Computer Allowance |
| 6 | Change Over Shift Allowance |
| 7 | Island Allowance |
| 8 | Food Allowance |
| 9 | Unclean Allowance |
| 10 | Stream Allowance |
| 11 | Special. Pay for Crane Operators/Drivers/Winch Operators |
| 12 | Cash Handling Allowance |
| 13 | Festival Allowance/ Gift |
| 14 | Special Allowance |
| 15 | Hardship Allowance |
| 16 | Higher Qualification Allowance |
| 17 | Working hours |
| 18 | Uniforms |
| 19 | Special Gift |
| 20 | Welfare measures |
| 21 | Separate rest room facilities and priority in quarters facility for women |
| 22 | Contract Labour appointment |
| 23 | Taking over of Stevedoring by Ports |
| 24 | Union office space on free of rent |

19

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25	Payment of cost of 200 units of electricity free
26	Issue related to payment of HRA to employees of Haldia Dock Complex
27	Time bound promotion beyond Skilled Categories
28	Posting of adequate Para Medical Staff
29	Abolishing Group C & D posts for the creation of Class I & II posts
30	Insurance coverage

44. EMPLOYMENT TO DEPENDENTS OF DECEASED / MEDICALLY INVALIDATED EMPLOYEES

The demands of the Federations for payment of compensation to the dependants of the employees died in harness / medically invalidated employees may be examined by the respective Ports at local level.

45. IMPLEMENTATION OF EARLIER SETTLEMENTS

The management in discussion with the local affiliates of the labour Federations signatory to this settlement will take action for implementation of unimplemented Clauses of the earlier settlements within six months from the date of signing of this settlement

46. RETIREMENT AGE

Any change in the retirement age of the Central Government employees will be adopted for the Port and Dock workers

47. HIV/AIDS POLICY

It is agreed to have the HIV/AIDS Policy in Major Port Trusts and its modalities will be discussed and decided locally

48. GENERAL

Chairmen of Port Trusts may use their good offices to ensure that Dock Workers not covered by this settlement and who are getting wages as per the previous settlements by virtue of any statutory settlements/ court orders continue to get benefits as per this settlement.

49. CONCLUSION

49.1 Any discrepancies/ anomalies and disputed interpretations arising out of this Settlement and matters relating to implementation of this Settlement will be discussed between the five

20

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Federations and the Port Management with a view to resolving them. It is further agreed that in the event of any disagreement between the parties on any points concerning any Clause including issues to be discussed at local level under this settlement, the disputed point will be referred to an Arbitrator/ Adjudicator under the Industrial Disputes Act, 1947 for an Award.

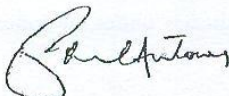
49.2 The Federations and their affiliated unions agree that no fresh issues involving additional financial implication will be raised during the period of this Settlement, excepting those claims pending in the courts, tribunals, conciliation proceedings and arbitration, including those issues which the parties have agreed to discuss and decide at local level by this settlement, and also the issues which are referred to arbitration/ adjudication. This Clause will not estop employees/ workmen from receiving Productivity Linked Reward during the currency of this Settlement.

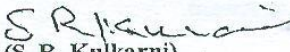
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REPRESENTING MANAGEMENT

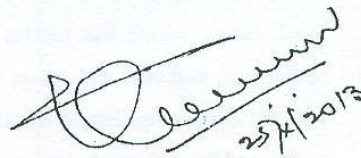
REPRESENTING LABOUR

All India Port & Dock Workers
Federation(HMS)

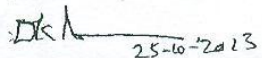

1. (Paul Antony)
Chairman,
Cochin Port Trust
& Bipartite Wage Negotiation Committee

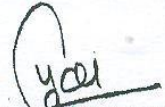

1. (S. R. Kulkarni)
President

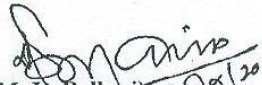
2 (P Marapandiyam)
Chairman, Mormugao Port Trust

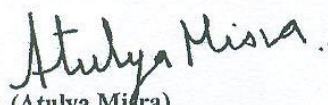

2. (P. M. Mohammed Haneef)
General Secretary

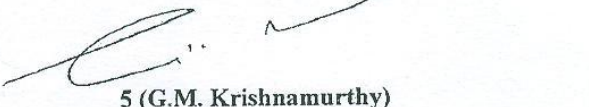
3. (R.P.S.Kahlon)
Chairman Kolkata Port Trust


3. (D. K. Sarma)
Addl. General Secretary


4. (Dr P. S. Vaghela)
Chairman, Kandla Port Trust


4. (M. L. Bellani)
Secretary


5. (Atulya Misra)
Chairman, Chennai Port Trust


5 (G.M. Krishnamurthy)
Vice -President

Rajiv Gupta
6. (Rajeev Gupta)
Chairman, Mumbai Port Trust

All India Port & Dock Workers
Federation (Workers) (HMS)

Shanti Patel
1. (Dr. Shanti Patel)
President

7 (Dr. P. Tamilvanan)
Chairman, New Mangalore Port Trust

S.K. Shetye
2. (S.K. Shetye)
General Secretary

S.A.C. Bose
8. (S.A.C. Bose)
Chairman, VOC Port Trust

Indian National Port & Dock
Workers Federation (INTUC)

Prabhat Samantray
1. (Prabhat Samantray)
President

P. D. Shenoy
9. (Dr P. D. Shenoy)
IAS (Retd), Former Secretary to the GOI,
Ministry of Labour

G. Kalan
2. (G.. Kalan)
General Secretary

K.V. Krishna Kumar
10. (K.V. Krishna Kumar)
President
Federation of Associations of Stevedores

Water Transport Workers Federation
of India (CITU)

T. Narendra Rao
1. (T Narendra Rao)
General Secretary

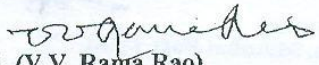
Yogesh Mehta
11. (Yogesh Mehta)
Gen. Secretary
Federation of Associations of Stevedores

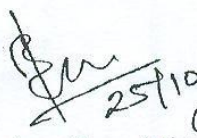
C.D. Nandakumar
2. (C.D Nandakumar)
Secretary

24


12. (A Janardhana Rao)
Managing Director,
Indian Ports Association

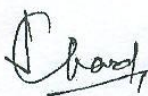
Port, Dock & Waterfront
Workers Federation of India (AITUC)

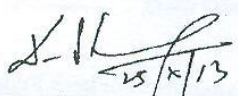

1. (V.V. Rama Rao)
General Secretary


25/10
(B.K. SANWARIYA)
Chief Labour Commissioner (C)

बि० कु० सॉवरिया
B. K. SANWARIYA
मुख्य श्रम आयुक्त (केन्द्रीय)
Chief Labour Commissioner (Central)
मुख्य श्रम आयुक्त (केन्द्रीय) का कार्यालय
Office of the Chief Labour Commissioner (Central)
नई दिल्ली / New Delhi-110001

WITNESSES:

1. 
25.10.13
(S.K. CHANDRA)
DY. C.L.C. (I) H.B.

2. 
25/10/13
(D.P. SINGH)
R.L. Secy, H.B.

3. 
(LT. BALAKRISHNAN)
CONSULTANT, IPA

APPENDIX-I

REPRESENTATIVES ON BIPARTITE WAGE NEGOTIATION COMMITTEE

REPRESENTING MANAGEMENT

- 1. Shri Paul Antony, Chairman,
Cochin Port Trust
& Bipartite Wage Negotiation Committee
- 2 Shri P Marapandiyam
Chairman, Mormugao Port Trust
- 3. Shri R.P.S.Kahlon,
Chairman Kolkata Port Trust
- 4. Dr P. D. Vaghela,
Chairman, Kandla Port Trust
- 5. Shri Atulya Misra,
Chairman, Chennai Port Trust
- 6. Shri Rajeev Gupta,
Chairman, Mumbai Port Trust
- 7 Dr. P. Tamilyanam,
Chairman, New Mangalore Port Trust
- 8. Shri SA.C. Bose,
Chairman, VOC Port Trust
- 9. Dr P. D. Shenoy,
IAS (Retd), Former Secretary to the GOI,
Ministry of Labour

REPRESENTING LABOUR

All India Port & Dock Workers
Federation(HMS)

- 1. Shri S. R. Kulkarni,
President
- 2. Shri P. M. Mohammed Haneef,
General Secretary
- 3. Shri D. K. Sarma,
Addl. General Secretary
- 4. Shri M. L. Bellani,
Secretary
- 5 Shri G.M. Krishnamurthy,
Vice -President

All India Port & Dock Workers
Federation (Workers) (HMS)

- 1. Dr. Shanti Patel,
President
- 2. Shri S.K. Shetye,
General Secretary

Indian National Port & Dock
Workers Federation (INTUC)

- 1. Shri Prabhat Samantray,
President
- 2. Shri G. Kalan,
General Secretary

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10. Shri K.V. Krishna Kumar,
President
Federation of Associations of Stevedores

11. Shri Yogesh Mehta,
Gen. Secretary
Federation of Associations of Stevedores

12. Shri A Janardhana Rao,
Managing Director,
Indian Ports Association

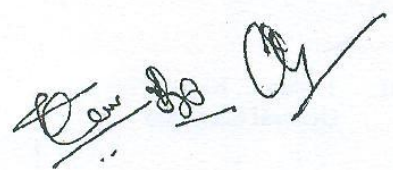
Water Transport Workers Federation
of India (CITU)

1. Shri T Narendra Rao,
General Secretary

2. Shri C.D Nandakumar
Secretary

Port, Dock & Waterfront
Workers Federation of India (AITUC)

1. Shri V.V. Rama Rao,
General Secretary



APPENDIX-II

BIPARTITE WAGE NEGOTIATION COMMITTEE

Sl.No.	DATE OF MEETING	MEETING HELD AT
01	23.07.2012	Mumbai
02	06.11.2012	New Delhi
03	06.12.2012 & 07.12.2012	Visakhapatnam
04	21.01.2013 & 22.01.2013	New Mangalore
05	27.02.2013 & 28.02.2013	New Delhi
06	11.03.2013 & 12.03.2013	New Delhi
07	29.04.2013 & 30.04.2013	Bhubaneswar
08	21.05.2013 & 22.05.2013	New Delhi
09	11.06.2013 & 12.06.2013	New Delhi
10	02.07.2013 & 03.07.2013	Madurai
11	21.08.2013 & 22.08.2013	New Delhi
12	19.09.2013 & 20.09.2013	New Delhi
13	24.10.2013 & 25.10.2013	New Delhi


Appendix - IV

ILLUSTRATION SHOWING THE FIXATION OF PAY OF GROUP C EMPLOYEE DRAWING
RS. 23000 AS ON 1-7-2011 GETTING PROMOTED TO CLASS-II SCALE ON 1-4-2013.

Revised pay as on 1-1-2012	:	Rs. 39,940/-
As on 1-7-2012 (after increment)	:	Rs. 41,140/-
Pay as on 1-4-2013	:	Rs. 41,140/-
Pay to be fixed in the Class II scale	:	Rs 42,380/-
Dearness Allowance (11.62% Beyond 198 AICPI points)	:	Rs. 4,925/-
Total (Pay + DA) <u>I</u>	:	Rs. 47,305/-

His pay in the Class II scale will be fixed as indicated below.

Pre-revised pay as on 1-7-2011	:	Rs .23,000/-
As on 1-7-2012 (after increment)	:	Rs. 23,690/-
Pay as on 1-4-2013	:	Rs. 23,690/-
Pay to be fixed in the Class II scale	:	Rs 24,400/-
Dearness Allowance (75.40% beyond 126 AICPI points)	:	Rs. 18,398/-
Total (Pay + DA) <u>II</u>	:	Rs. 42,798/-
Pay protection <u>(I - II)</u>	:	Rs. 4,507/-
Total (Pay + DA) <u>I</u>	:	Rs. 47,305/-



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APPENDIX III

EXISTING PAY SCALES AND CORRESPONDING REVISED PAY SCALES
W.E.F.01.01.2012

Sl. No.	Existing Pay Scales	Revised pay Scales w.e.f. 01.01.2012
1.	Rs. 7800-15800	Rs. 13500-27400
2.	Rs. 8100-18200	Rs.14100-31600
3.	Rs. 8300-18600	Rs.14400-32300
4.	Rs. 8600-19900	Rs.14900-34600
5.	Rs. 9000-21200	Rs.15600-36800
6.	Rs. 9400-22000	Rs.16300-38200
7.	Rs. 10200-25700	Rs.17700-44600
8.	Rs. 11000-29400	Rs.19100-51100
9.	Rs. 12100-30800	Rs.21000-53500
10.	Rs.13600-32400	Rs.23600-56300

Com. Secy