

Government of West Bengal
Office of the Labour Commissioner
New Secretariat Building (11th floor)
1, K. S. Roy Road, Kolkata – 700 001

By-e-mail

Memo No 903/77/17/Co.ord/LC

Dated: 26/09/2018

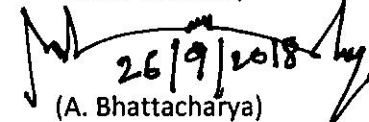
1. Sri Gobinda Kalaria, The President, West Bengal Cold Storage Association, Diamond Chamber, 16, Strand Road, 10th floor, Rom No.810B, Kolkata-700 001.
2. Sri Ashoke Palodhi, General Secretary, All Bengal Himghar Sthayee Sromik Federation, 7, J.L. Nehru Road, Kolkata- 700013.
3. Sri Paresh Nath Dey, General Secretary, Federation of Cold Storage Employees Unions, West Bengal, 85/3, G.T. Road(West), Serampore, Dist- Hooghly.

Sub: The copy of tripartite settlement dated 18/09/2018 arrived before the Labour Commissioner, West Bengal.

Dear Sir(s),

I am sending herewith a copy of the industrywide settlement for your records and further necessary action

Yours Faithfully


(A. Bhattacharya)

Addl Labour Commissioner
West Bengal
Mobile: 7603091006

Attachment: The Mail copy duly signed by parties to the agreement at the O/o the Labour Commissioner, West Bengal on 18.09.2018.

Memo No 903/77/17/Co-ord/LC

Dated: 26/09/2018

Copy forwarded for kind information to:

1. The Labour Commissioner, West Bengal,
2. The PS to MIC, Labour Department with a request to bring it to kind knowledge of Hon"ble MIC.
3. Sri Kingsuk Sinha, Dy Labour Commissioner, with a request to upload copy of this communication in the website of Labour Commissionerate.


Addl. Labour Commissioner
West Bengal.

-: MEMORANDUM OF SETTLEMENT :-

Dated: The 18th September, 2018.

Form-J

(U/s. 12(3) read with Section 2(p) of the Industrial Disputes Act, 1947 and Rule 68(1) of the West Bengal Industrial Disputes Rules, 1958)

1. NAMES AND ADDRESS OF THE PARTIES: : **West Bengal Cold Storage Association**

And

Workers of Cold Storages in West Bengal

represented by

(Names of the Trade Unions)

A) For INTTUC

- i) All Bengal Himghar Sthayie Sramik Federation (27958)
- ii) Uttar Banga Himghar Workers Union(22047)
- iii) Paschim Medinipur Jela Himghar Sthayie Sramik Union(27422)
- iv) Bankura Zela Himghar Sthayie Sramik Union(27679)
- v) Burdwan District Cold Storage Permanent Workers Union(27301)

B) For CITU

- i) Hooghly District Cold Storage Employees Union(8927)
- ii) Burdwan Zilla Cold Storage Sramik Union(8532)
- iii) Medinipur District Cold Storage workers Union(14120)
- iv) Bankura Zilla Himghar Karmochari Union(15054)

2. REPRESENTING THE EMPLOYERS' ASSOCIATION:- Names and designation

Shri Gobind Kajaria	President, WBCSA
Shri Tarun Kanti Ghosh	Vice-President, WBCSA
Shri Rajesh Kumar Bansal	Treasurer & Secretary, WBCSA
Shri Ramesh Periwai	Convener
Shri Kaushik Kundu	Executive Committee Member
Shri Patit Paban Dey	Immediate Past President, WBCSA
Shri Rampada Paul	Former President, WBCSA
Shri Sohanlal Sethia	Former President, WBCSA
Shri Sunil Kumar Rana	Chairman, Midnapur District Committee, WBCSA
Shri P.K. Saha	Labour Advisor, WBCSA
Shri Naba Kumar Kundu	Chairman, BDN Dist. WBCSA



Caigao

3. **REPRESENTING THE TRADE UNIONS:-** Names and designation

<u>For CITU</u>	<u>For INTTUC</u>
Shri Paresh Nath Dey	Shri Nema Ghosh
Shri Achintya Dey	Shi Gunadhar Mondal
Shri Apol Maji	Shri Ashoke Palodhi
Shri Debakar Bhunia	Shri Pintu Samanta
Shri Kinkar Poshak	Md. Azizul Hoque
Shri Biduit Ray	Shri Madhusudhan Das
	Shri Taracharan Roy Ghatak
	Shri Asish Roy
	Shri Barun Mondal

4) **Short Recital:-**

Consequent upon the expiry of the previous settlement dated the 4th September 2014 on 31st July' 2017, the workmen of the Cold Storages of West Bengal raised their demands with the intent to arrive at a fresh settlement. The Charter of Demands were submitted through their respective 'Trade Unions'. The 'Employers' Association' received these CODs in June - July'2017.

In the month of September'2017, the conciliation proceedings started at O/o the Labour Commissioner, West Bengal in New Secretariat Buildings at Kolkata that went through a series of bi-partite and tri-partite meetings for long. Efforts were made to get at the facts and circumstances pertaining to the major issues/points raised through CODs involved in this dispute, viz., (a) quantum increase over the "basic wage" by adding it with an amount of "ad-hoc" wage-part, (b) increase in the rate of "annual increment", (c) a revision in the rate of "neutralization factor" and that of the 'Puja Bonus/ Ex-gratia', (d) a common staff pattern applicable over all establishments and (e) up-scaling the level of compliance in obedience to the statutory provisions of various labour laws at work places. Through this process, parties deliberated upon the facts & circumstances over the present state of affairs in this industry.

Given the fact that since the year 2011, as there has been a steady growth in number of workers in the employment of Cold Stores that commensurate with a rising volume of storage-capacity, an imperative was felt towards making a transparent and comprehensible broader range of frame-work/standard document to set in order a defined wage-structure and also for a better adherence to other statutory duties and obligations at tripartite level across all establishments.

Therefore after a protracted discussion over several issues, the parties do arrive at a full and final settlement along the following terms today, i.e. on 18.09.2018.

5) **TERMS OF SETTLEMENT:-**

(A) **COVERAGE:-** (a) The following categories of workers are covered in this settlement

- (1) All permanent workers who are engaged in the functional establishments of Cold Stores, having their names & other particulars registered in the statutory records of employments. (2) All such workers who are joining afresh in the start-ups establishments during the operative period of this settlement.



Coey av

(B) WAGES & OTHER ENTITLEMENTS: -

(1) Basic Wage, (2) FDA, VDA & the Pegging Point, (3) Statutory Benefits, (4) Fringe Benefits.

B1) Basic Wage: - i) Whereas it is expedient to introduce an "Initial" platform as a gateway to the existing pay structure in favour of the new-appointees w.e.f. 01.07.2018 and also for those recruited workers in the startups, the unions and the employers hereby decide that commencing from 1st of July'2018, those new-appointee workers on record would be paid a "Basic wage" amounting to Rs. 7776/- (S1), Rs. 8553/- (S2) and Rs. 9409/- (S3) per month. This amount of initial "Basic wage" is to be fitted along a worker's respective Group & Category(vide Anx. A & B) . Moreover, w.e.f. 01.7.2018, these new-appointees will be entitled to an equivalent amount of 'VDA' and 'Annual Increment' along with all other benefits as available to the existing workers in that establishment.

The parties also agree that following add-on benefits over Basic wage, as illustrated in the annexure below, will be available to workers during the operative period of this settlement:-

- ii) **Ad-hoc:** w.e.f. 01.08.2017, in terms of their storage capacity of the establishments in Cold Stores, as classified in six groups previously, the employers will pay a sum of Ad-hoc amount that are to be added as a lump-sum with the "Revised Basic Wage" (as shown in Annexure – A).

Groups	A	B	C	D	E	F
Quintals	Up to 60 Th.	1.20 Lk.	1.80 Lk.	2.40 Lk.	3.00 Lk.	3.00 Lk. +
Ad-hoc (Rs.)	20	45	85	95	110	125

- Those workers who have joined and continue their services from and after 01.09.2013 upto 01.07.2018(both days inclusive) will be fitted into the wage-structure with this increased Ad-hoc.

- iii) **Annual Increment:** w.e.f. 01.01.2018, for all workers along the following 3(Three) categories of job-descriptions, the rates shall be increased uniformly by Rs. 6/-(Six) only, thereby making the new rates of annual increment as shown in Annexure – B.

S1	S2	S3
Helper, Durwan	Clerks, Operators, Reliever -Operators.	Store Manager, Operator in-charge
Annual increment = Rs. 37/-	=Rs. 40/-	=Rs. 44/-

B2) Fixed DA, VDA and Pegging Point: -

- 1) During the period of earlier & this new settlement, the profile of "Neutralization Factor" and that of "Pegging Point" are illustrated below:

Henceforth till the expiry of the settlement the Pegging Point will be 6543 in place of existing 5597 and there will be no change in the neutralization factor. It will continue to remain the same as before.

*The parties agree that w.e.f. 01.08.2017, in all such establishments who have paid a fixed DA and a VDA amount(that have already been disbursed upto the month of June'2018), these two components will be merged into their pre-revised basic wage. As a result, a workers "Revised Basic Wage" will now be equal to the summation of his 'Pre-revised Basic Wage' plus a sum of 'FDA with VDA' amount as admitted in June, 2018. Starting from this new agreement, there will not be any separate 'FDA' component in the wage structure. Their "Gross Wage" from now on will have two components only, viz., 'the Basic Wage & the VDA'. This VDA component, **taking neutralization factor by the same rate as before**, will continue to be revised at a quarterly interval in this new agreement as well, making calculation of first- quarter started with the rise/difference of three month's average of C.P.I. in July to September, 2018 period from the Pegging Point. This calculated amount of VDA for three months adding together will be disbursed in the month of December 2018 and thereafter for successive quarters in the months of March, June, September & December in the following years.

****NB:**

- i) The amount of VDA will continue to be adjusted on the basis of consumer price index number (Base 1960 = 100) for industrial workers in Kolkata Centre.



Copy

ii) A normal working day shall consist of eight and a half hours of work including an interval of half an hour of rest. For calculation of daily rates of wages and the overtime rate, the provisions under the Minimum Wages Act will be applicable, considering the fact the employment in Cold Storage establishments had already been listed in the "Schedule to the Minimum Wages Act 1948" and State Rules made there under.

B3) STATUTORY BENEFITS: In compliance to their respective amended up-to-date provisions & policies made under the Industrial Laws, viz.(a) EPF & MP Act,1952, (b) ESI Act, 1948, (c) Employees' Compensation Act,1923, (d) Payment of Gratuity Act, 1972, the workers in the establishments of Cold Storage will be covered under the regulatory control of the respective authorities in State and Central Govt. Labour Administration.

B4) FRINGE BENEFITS:

- I) **Bonus:-** During subsisting period of this agreement, the workers on roll will be paid bonus before commencement of Durga Puja festival at the existing rate of 14% of their Annual Wages. However when the worker received in any of the year of previous settlement a higher rate, that higher rate will prevail during this new Settlement. All workers whether in casual/temporary employment or reemployed after retirement and who have worked in that establishment in last 12 months for at least 30 days will also be paid bonus (on pro-rata basis).
- II) **Medical allowances:** For each worker covered under this new agreement, an amount of Rs. 200/- (Rupees Two Hundred only) is payable w.e.f. Aug'2017, instead of Rs. 125/- per month that was paid previously. This new rate will continue till a worker attains the status of an "Insured Person/I.P." under the Govt. of West Bengal, Labour Department run scheme of E.S.I. (Medical Benefit).
- III) **House Rent Allowance:** The workers will continue to avail House Rent as per the provisions of the Payment of House Rent Allowances Act.
- IV) **Leave and Holidays:** In a calendar year, the workers will be entitled to customary/ statutory paid holidays – leave as an existing practice. The "Insured Person's Medical Leave" will be guided by the ESIC Regulations.
Accumulation/forfeiture of leave will be as per statutes.
- V) **Apparels and Accessories (Protective Equipments):-** Items required/used will be kept updated/ functional through joint consultation to ensure safety, health and environmental protection at the work place in obedience to the provisions of the Factories Act, 1948.
- VI) **All other existing/fringe benefits will continue. All arrears will be disbursed by 07.10.2018.**

(C) GENERAL TERMS & CONDITIONS:-

- a) The parties endorse that to ensure good employer-employee relationship, a proper attitude must be developed based on full understanding of and regard for the respective "Rights and Responsibilities" of both the employers and the workers/T.U.s as laid down in this Settlement to be regarded as a '**Standard Document**' which will be remaining **valid from Aug'2017 upto December 2020**. An internal anomaly/grievance redressal mechanism will be developed gradually from now through the formation of a '**Joint Consultative Committee**' for (i) interpretation of clauses of this Settlement, (ii) up-keeping of employment registers - records and other reporting requirements & (iii) taking initiatives for enrolment/inclusion in such other welfare , skill training and insurance/savings schemes run by the Govt. as are considered to be a social protection legislative measures, beneficial for the workers engaged in the industry. For this purpose the Labour Administration's e-Governance initiatives and online services (vide portal www.wblc.gov.in) may be consulted by all.
- b) The industrial growth and employment being of paramount importance, the workers/TUs assure that they would extend their full co-operation in maintaining strong industrial peace and harmony in and around the establishments and the WBCSA assures that they would also be respectful to their statutory duties and obligations.



Coirao

- i) Recruitment and Promotion in recognition of upgraded skill/technology.
- ii) Redeployment without adversely affecting a worker's status in category and seniority along the wage-structure from one job to another.
- iii) Alteration of work process, procedures or methods or introduction of new or improved technology without involving retrenchment of existing workmen.

Seiyau

Signature for and on behalf of the Unions

Apol Maji	ajji	C.I.T.U
Pinu Lamanta.	Pinu	1.N.T.T.U.C.
Tora Alora Roy Ghosh	Alora	1.N.T.T.U.C.
Bidyut Ray	Alora	CITU
Gunaadhar Mondal	Callond	1.N.T.T.U.e.
Madhusudan Das		1.N.T.T.U.C.



For and on behalf of the Employers

Sl. No.	Name & contact No.	Designation	Signature
1	GOBIND KATARIA 9433081810	PRESIDENT WBSCA	
2	Patik Palsan De 9434083357	Former President WBSCA	
3	Rampada Paul 9434010218	DO	
4	Sarun Kanti Ghosh 9434026033	Vice President W.B.C.S.A	
5	Rajesh Kr. Bora 9831812062	Treasurer WBSCA	

Witness:-

6. Suail kr. Nare. WBSCA. Comm. Hoo member.
7. Naba Kumar Kumar WBSCA.
8. Renu (Ramesh Periwel) Dist. Chairman WBSCA.
9. Rensik Kouda. C. member WBSCA.
10. P. Primal K. S. (Conciliation Officer) Labors Advisor.

18/05/18

Labour Commissioner
West Bengal

Witness:-

- 1) Gargain (REENA TARGAIN) 18/09/18 Additional Labour Commissioner
- 2) (AJAY BHATTACHARYA) 18.9.2018 Addl. L.C.

Jawaid Akhtar, IAS
Labour Commissioner, West Bengal
In the rank of Secretary to the State Government
New Secretariat Buildings, 11th Floor,
1, K.S. ROY ROAD, Kolkata-700 001

