

ALL INDIA DEFENCE EMPLOYEES' FEDERATION
INDIAN NATIONAL DEFENCE WORKERS' FEDERATION
BHARTIYA PRATIRAKSHA MAZDOOR SANGH
(RECOGNIZED FEDERATIONS OF DEFENCE CIVILIAN EMPLOYEES)

Joint Circular No. : 60/2020

Date : 23.09.2020

To,

**All the affiliated Unions of
AIDEF, INDWF, BPMS**

Unions of Ordnance Factories to observe 29/09/2020 as "Protest Day against unfair Labour Practice of DDP"

you are aware that the three Federations have jointly filed a complaint to the CLC(C), Ministry of Labour against the Unfair labour Practice being adopted by the DDP as an Employer. A copy of the complaint dated 22/09/2020 addressed to the CLC(C) was already forwarded to you along with the Joint Circular No.59, dated 22/09/2020. Further to this the three Federations have now decided that all the Trade Unions functioning in the Ordnance Factories also should forward a representation to the Secretary(DP) pointing out the unfair Labour Practice being adopted by the DDP and requesting the DDP to desist from such unfair labour practice and also withdraw its decision to Corporatise the Ordnance Factories, which is a clear violation of the previous agreement with the Federations. A draft letter addressed to the Secretary(DP) with copy endorsed to the CLC(C) and respective Federations is enclosed herewith as **Annexure-I** of this Joint Circular. All the Unions are requested to submit this memorandum through the Sr.GM/GM of the Factories by holding demonstration on 29/09/2020 during Morning Mustering Hours by wearing Black Badge with the Slogan "Protest Day against unfair Labour Practice of DDP – 29/09/2020" and also by enclosing a copy of the Joint Complaint registered by the three Federations to the CLC(C) vide letter dated 22/09/2020 (A copy of the same was already circulated along with Joint Circular No.59, dated 22/09/2020).

Conciliation by Regional Labour Commissioners

We are receiving intimation from the Unions, that the Regional Labour Commissioners (C) are inviting the Unions and the Factory Managements for conciliation on the Strike demands. In case of such an invitation, the Unions are requested to submit the following letter to the RLC(C).

Ref No. :

Date :

To,

The Regional labour Commissioner(C)

Subject : _____

Reference : Your Letter No. : _____

Sir,

With reference to the above letter we wish to submit that the three demands given in our strike notice dated 04/08/2020 is of all India nature and since the decision for Indefinite Strike from 12/10/2020 is taken by our Union based on the direction of our Federation Viz, _____ Federation. The demands may be discussed by the Government at the Federation Level.

Thanking you,

Yours Sincerely,

(_____)

General Secretary



(C. SRIKUMAR)
GENERAL SECRETARY
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09444080885
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(R. SRINIVASAN)
GENERAL SECRETARY
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Copy also to :

The General Secretaries

CDRA, NPDEF, AIBDEF,

DGOF HQ. Employees Associations & IOFSA

For your kind information please

(NOTE: TO BE TYPED IN YOUR UNION LETTER HEAD)

Ref. No. : _____

Date : 29/09/2020

To,

The Secretary(DP)

Department of Defence Production

South Block, New Delhi.

(dirpnc-ddp@nic.in, sdnps@nic.in)

Thro' the Sr.GM/GM

SUBJECT : PROTEST AGAINST UNFAIR LABOUR PRACTICE BY THE EMPLOYER.

Sir,

Your kind attention is invited to the above mentioned subject. We submit this protest letter against the Anti Labour practices being adopted by DDP as the Employer. Against this unfair labour practice being adopted by the DDP, today we have observed a Protest Day as directed by our Federation. We submit the following for your kind consideration with a request to kindly desist from such unfair Labour practices.

Failure to implement any agreement entered with the Federations / Trade Unions by the employer is an unfair labour practice under the ID Act 1947. The Government / DDP as an employer has violated the written assurance given to the Federations in the past by 4 Defence Ministers and also in the Parliament. Moreover based on the conciliation proceedings held on 21-8-2019 under the Chairmanship of the then CLC, the then Secretary (DP) convened a meeting with the 3 Recognized Federations on 23-8-2019 to discuss on our strike demand and in that meeting the Secretary (DP) has categorically stated that the Government has not taken any decision to convert OFB into a Corporation and that an HLOC meeting will be constituted to further discuss with the Federations. The Federations have rejected the terms of reference and have represented to the Honourable RM, and the dispute on the terms of reference given to the HLOC is still pending. We fail to understand whether this factual position has been brought to the notice of the Honourable PM, RM and the Cabinet Committee on Security which has approved the DDP's proposal to convert the OFB into a Corporation.

In violation of all the above agreements / assurances on the basis of which the previous strikes were withdrawn / deferred, the Government have arbitrarily announced its decision to Corporatize the Ordnance Factories, to appoint a consultant and to constitute the EGoM with terms of references which are against the past agreements. This is a clear case of unfair labour

practice on the part of Government / DDP as an employer. Therefore the decision taken by the Cabinet Committee on security to Corporatize the Ordnance Factories is a clear violation of the ID Act 1947 and hence a clear case of unfair labour practice by the Employer. It is therefore requested that the decision taken by the Government to Corporatize the Ordnance Factories should be withdrawn.

Apart from the above the DDP vide its ID No. 1(18)/02/SOP OFB / DP (Plg-ES)909 dated 2-9-2020 have issued directions to the OFB in the name of Advisory / Guidelines regarding strike. The OFB without informing the DDP that some of the provisions given in the DDP ID dated 2-9-2020 are violation of the provisions of ID Act 1947, as these provisions amounts to unfair labour practices, have simply circulated the DDP instructions vide OFB letter dated 14-9-2020 to all the Ordnance Factories for implementation.

The following provisions given in the DDP ID dated 2-9-2020 are nothing but unfair labour practice on the part of the DDP as Employer.

Para No. 2.1. III. *In addition, employees to be informed about the consequences of participation in, instigating or abetting strike of any form and **persuade them not to resort to any kind of strike.***

Para No. 2.5 VI. *Similarly a separate meeting with all Associations be also called wherein the representatives of the Associations be informed of the provisions of the CCS (Conduct Rules – Rule-7(ii)) and consequences of participating in, instigating or abetting Strike of any form and to persuade them not to participate in the strike.*

Para No. 2.7.2 III *Civil police department for drone coverage, mob control measures, quick reaction teams and adequate police bandobast at the factory gates during the time of mustering-in/mustering out for each shift and also to ensure safe movement of employees and material between factory and estate.*

Para No. 3.1 V. *General timings of operations may be revised as per the local conditions to enable maximum employee turnout.*

Para No. 3.1 VIII. *All places where food is cooked, food testing to be done to obviate any possibility of food poisoning due to use of improper raw material, etc.*

Para No. 3.3 VII. *Provision to lockdown the entire factory in minimum time, if required.*

All the above provisions given in DDP letter dated 2-9-2020 is not only "Unfair labour practice" but also an insult on the committed and devoted work force of Ordnance Factories and their Trade Unions.

In view of the above, we request you to kindly intervene in the matter and issue instructions to the DDP to desist from such unfair Labour practices and not to violate the agreement reached with the Federations and assurances given to them in the past, that Ordnance Factories would not be Corporatized. Moreover the instructions given to OFB vide DDP letter dated 02/09/2020 may also be withdrawn.

Contd. Annexure-I

The three Federations have already jointly filed a complaint to the Chief Labour Commissioner (C) against unfair Labour practice by the DDP as Employer. A copy of the Joint complaint dated 22/09/2020 filed by the three Federations to the CLC(C) is enclosed along with this Letter.

Thanking you.

Yours Sincerely,

(_____)

General Secretary

Copy To:

1) **The Chief labour Commissioner(C)**

Office of the CLC (C) HQ

Ministry of Labour and Employment -

Shram Shakti Bhawan. New Delhi for appropriate action on the subject.

Email ID: clc-mole@gov.in

2) The General Secretary

_____ Federation. for information please.