

BHARAT SANCHAR NIGAM LTD.

BHARAT SANCHAR NIGAM LIMITED
(A GOVERNMENT OF INDIA ENTERPRISE)

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No. BSNL/31-2/SR/2009

Dated, the 11th November, 2009


To

All General Secretaries of Executives' /Officers' Association in BSNL.

Sub: **Membership verification of Executives'/Officers' Association in BSNL.**

The extract of recommendations of the Committee constituted for framing rules & regulations governing conduct of membership verification of executive employees association in BSNL are forwarded herewith for offering your association's comments/views on it.

2. It is requested that comments/feedback of your association may be furnished latest by 25.11.2009.


(L.M. Kandpal)
AGM (SR-III), BSNL C.O. 11/11

Encl. As above

Copy for information to:

1. PPS CMD, BSNL.
2. PPS to Director(HR), BSNL Board.

Extract of Recommendations of the Committee

SUB: Verification of membership of executives'/Officers' associations in BSNL - Procedures and functioning regarding

A. BACKGROUND

Bharat Sanchar Nigam Ltd. had been formed on 1.10.2000 by way of converting operational wing of DoT and the same Govt. employees were got absorbed in BSNL in a phased manner. Similarly some associations working since DoT times also got converted to BSNL executive associations to deal with the matters related to executives with the BSNL management as arising from time to time. The limited facilities ,subject to strict adherence of DPE guidelines, were extended to All India Bharat Sanchar Nigam Limited and Sanchar Nigam Executives Association vide order no.BSNL/31/SR/2002 dated 29th April,2004.

A committee was constituted under the chairmanship of GM (Training) vide letter no.BSNL/31-2/SR/2009 dated 12/02/2009, to frame comprehensive guidelines for conducting membership verification of executives' association. SR Cell, vide its letter of 06.10.09, made some changes in the references for the committee.

It is to be noted that there exists a major difference between the nature of unions and associations. While unions represent workmen who are generally low paid and are more vulnerable to exploitation, the associations represent executives who are better paid, and better educated/informed. The members of these associations are normally considered facilitators for the management in its decision making and implementation processes. Also the executives have normally better access to the management putting them in a better position to echo and protect their interests. As these are not normally available to the non-executives, the government has made provisions through various acts/legislations like Industrial Dispute act and Trade Union Act to protect their interests. These acts provide certain tools like collective bargaining, negotiations and right to agitate in certain manner which are not available to executives, considering the executives to be advantageously placed. Therefore the absence of right of negotiation etc. to the executive associations has to be seen in the background of these facts.

The committee in its initial deliberations on the issue thought it appropriate to get the comments/opinion, from all the known existing associations on related matter, on structure of proposed executive bodies, period of recognition, singular/multiple recognition etc. Accordingly the letters were issued to the following executives' associations of BSNL and Gr.A officers' associations;

- 1) All India BSNL Executives' Association. (AIBSNLEA)
- 2) Sanchar Nigam Executives' Association. (SNEA)
- 3) BSNL Officers' Association(BSNLOA)
- 4)All India Graduate Engineer Telecom Officers' Association.(AIGETOA)
- 5) National Telecom Executives' Association (NTEA)
- 6) All India BSNLOfficer' Association.
- 7) Bahujan Executives' Association
- 8) BSNL Group-A Executives' Association
- 9) Indian Telecom Service Association (ITSA).
- 10) P&T Gr.A Civil Engg.Association
- 11) P&T Gr.A Electrical Association.
- 12) P&T Gr.A Architect Association.
- 13) CSS Association

The responses were received from various associations, few seeking some clarifications, as well. The committee further deliberated on the responses, issued the due clarifications and agreed for the following recommendations:

B. RECOMMENDATIONS:

The committee hereby recommends following guidelines/rules on working/conduct of executive association based upon DoPT /DPE Guidelines and inputs from various associations:

1. NUMBER OF REPRESENTATIVE ASSOCIATIONS IN BSNL:

The committee deliberated in detail on the issue of number of representative associations in BSNL. It was felt that though a huge diversity exists within the organization on account of cadres & their spread, the acceptance of more than one association, as representative association would inherently be detrimental to the homogeneous & seamless establishment of prospective processes within the organization. In the present competitive environment, no organization can survive if the homogeneity aspect is not properly advocated and is not consciously encouraged to present the organization as a unified entity to the inside as well as outside world. In view of this the committee recommends of only one representative association of executives in BSNL.

Associations other than Majority representative associations:

Any participating association other than majority representative association which gets 5% or more of the membership out of the total working executives in BSNL, will be given the status of a 'support' association of BSNL. These associations will be formally permitted to take up issues permissible within the scope of the BSNL associations. Though the management will accept their communications to be used as feedback/inputs, it will not be obligatory for the management to respond to/generate dialogue with these associations on the issues raised by them.

The associations which secure less than 5% membership on all India basis will not enjoy even the status.

Note: It was appreciated by the committee that the majority of the executives/officers in BSNL have had their service linkages with Department of Telecom/Govt. of India before moving to BSNL after the process of absorption. The relaxations/facilities granted to officers or group of officers, as part of the offered conditions of the absorption for their respective cadres/group/streams, are sacrosanct and ought to be left untouched, as far as this exercise of recognition of number of associations in BSNL is concerned.

2. DESIRABLE PRE-CONDITIONS FOR ASSOCIATIONS

Any working Executive's / Officer's Association registered with the Registrar of Societies and having its own Constitution within the framework of DPE guidelines, should be eligible.

The Associations other than those mentioned in the note of the para-1 above, may be operating for a period of one year from the date of registration in the office of Registrar of Societies. The end critical date would be as notified by the SR Cell.

Associations are to be screened for meeting above mentioned eligibility before every verification process or otherwise, by BSNL management.

3. OBJECTIVES/CONDITIONS FOR EXECUTIVE ASSOCIATIONS :

An executive association should fulfill the following fundamental objectives/conditions, namely:-

1. The association should have been formed primarily with the objective of promoting the common service interest, promoting welfare measures for its members and inculcating a spirit de corps or otherwise improving the morale and efficiency of the executive community. However, while seeking to achieve the aforesaid objectives; the association will not seek any right to negotiate a settlement with the management.

2. The association is not formed on the basis of consideration of caste, creed, tribe or religious denomination, nor does it maintain political fund or support or propagate the views of any political party or politician.
3. Membership of the executive association is open only and summarily to all serving executives in BSNL.
4. An executive association has to apply to BSNL management, submitting copies of Memorandum of Association, Constitution, Bye-laws of the association, Registration certificate, Names of Office-bearers, Total membership and any other associated information as may be required by the BSNL. In case of these documents being in any language other than English/Hindi, certified translation in English/Hindi for all the above documents, is to be submitted along with the application form to BSNL.
5. The association which ultimately exhibits the majority, representing highest numbers of executives within its fold, not less than 35 % of the total number of executives, through the due process of verification shall be treated as representative association of executives.
6. In case of none of the associations getting minimum membership of 35% of the total no. of working executives, BSNL management would reserve the right to either initiate a fresh process of verification or grant representative status to the majority association using its own discretion.

4. PERIODICITY OF MEMBERSHIP VERIFICATION:

It is recommended that this period may be kept as TWO years.

5. STRUCTURE/SIZE OF THE EXECUTIVE BODIES

1. In line with the present organization structure in BSNL ,the Executive Body shall be formed in three tiers operating at All India Level with head quarter at Delhi (co-terminus with BSNL CO), Circle/ State and District/SSA level(headed not below the level of GM).
2. The executive bodies of the associations would be formed from among the 'serving executives' only and thus only serving executives within BSNL would be eligible to be office bearers of the associations at any level/tier of structure.
3. The office bearers of any association will not simultaneously hold any post of office bearer in any other association or union.
4. The structure of the associations shall be subjected to the alignments with evolving organizational structure of BSNL so as to make the roles and responsibilities of the associations in sync with operational needs of the organization, as a wholesome entity. This will also enable associations in addressing the concerns of their cadre at appropriate operational level.
5. The representation of the associations in non-territorial circles will continue to remain same till it is subject to revision as per organizational needs.
6. As far as the size of the executive bodies in the associations is concerned, the Committee felt the strong need to appreciate that we must explore and establish the near optimal representation, in terms of number of office bearers, in the system. It was estimated that as per the present structure, there are around 400 units in BSNL where an association can have its executive body. Presuming that each of the executive body will have 15 office bearers, a single association would end up having around 6000 office bearers. These numbers would multiply drastically, in case of multiplicity of such associations. Though the office bearers are not supposed to be full time functionaries of their respective associations, the ground reality is not very promising.

7. Considering the man power cost to company associated with any level of executive in BSNL , in the current times of tough competition faced by the organization in telecom market, it is strong to restrict no. of executives/officers in the executive bodies at each level. The committee thus suggest maximum of 5 office bearers at SSA level of executive bodies, maximum of 10 office bearers at levels of executive bodies and maximum of 15 office bearers at CHQ level executive bodies for association.

6. MEMBERSHIP VERIFICATION

1. The verification of membership for the purpose of recognition of an executive association shall be by the check-off-system in pay roll through payment of membership fee for an amount as decided by respective associations. Only ONE entry will be made against each member.
2. Detailed guidelines in respect of verification process like notification, time schedule etc would be formalized, decided and communicated by SR Cell.
3. BSNL management at its discretion may at any time order a special verification of membership if in the opinion that the executive association does not have the desired membership required under clause 3(5).
4. In case of any dispute with regard to finalization of membership list by the above committee, case will be referred to appellate authority i.e Director (HR) of BSNL Board and his decision will be final.

7. FACILITIES TO BE EXTENDED TO ASSOCIATIONS DURING THE VERIFICATION PROCESS:

1. The general guiding principle to be followed would be to keep all the participating associations during the verification process, at par, as far as possible.
2. The process for the membership verification along with the associated timelines would be scheduled through the notification from the SR Cell.
3. During the verification process, the associations can seek formal meetings with the concerned administrative authorities exclusively and only related to the conduct of verification process.
4. Provision of special casual leaves for the office bearers of the associations, limited to maximum numbers for any unit of any level, can be made. The utilization of these special leaves would be only for the support of verification process related activities only.
5. The associations would be provided the access for the union/associated related information on intranet portal, to facilitate a homogeneous process of official communications.

8. FACILITIES TO BE EXTENDED TO THE REPRESENTATIVE ASSOCIATION:

Following facilities can be extended to the recognized majority association during the period of recognition:

1. Entitlement for Providing suggestions/ views and seeking management's position on important matters/issues related to the growth and viability of BSNL.
2. Entitlement for Consultation with the management on policy issues related to their cadre management.
3. Formal meetings with the concerned appropriate administrative authorities at associated level of function of the association once in a quarter. The maximum no. of representatives of the association to be restricted to 5 only, at any such meeting/occasion. The Association would be required to submit agenda for the proposed meeting at least one month in advance of the meeting.

4. One User ID/ password for accessing union/association section of intranet shall be given at respective level.
5. Immunity from transfer shall be granted as per organization's guidelines, as issued by the SR cell, on the subject.
6. Check-off facility: Option of fresh application/change of Subscription shall be allowed twice in a calendar year i.e between 16th June to 15th July and between 16th Dec. to 15th Jan. The amount of subscription shall be as per the constitution of the concerned association. Subscription deduction from Pay will be done from HRMS package or through any other appropriate IT platform.
7. Special CL etc.: It shall be granted to office bearers as per the extant guidelines of the organization on the subject and subject to overall ceiling of 20(Twenty) special CL in a year to an eligible individual.

BSNL Management would reserve the right to take decision/ formulate criteria for extending above facilities to the recognized associations.

9. ROLE AND RESPONSIBILITY OF ASSOCIATION:

1. The association will not do any act or assist or encourage the doing of an act which may create disaffection or dis-satisfaction amongst the employees of the organization or **undermines** discipline or **in any way lower the prestige or image of the organization.**
2. The association **eschews completely the agitational approach**, such as resorting to strikes or practices or conduct, which are likely to result in or results in cessation or substantial retardation of work, and also to coercion or physical duress.
3. Once any policy of executives is approved by the management with the due consultation/consideration of recognized association, it shall be co-owned by the association. The association will help in implementation of such policies and no representation will be entertained unless there are sufficient reasons for the management to review the same.

10. ROLE AND RESPONSIBILITY OF MANAGEMENT

1. Management shall take due cognizance of the issues/representations of recognized association and shall initiate suitable dialogue if that be desired.
2. Formal meetings shall be given to the executive bodies of the majority association at appropriate levels as per the prescribed guidelines as per para(8.3) as above.
3. Policy matters, related to the executives shall be brought by the management to the notice of the recognized association before finalization/approval of the same.
4. Management may consider extending the facility of deduction of associations' monthly subscription by way of check-off system to all the applicant associations.
5. Any clarifications/addendums or general instructions issued by BSNL management on the instant subject, would deem to be part of these guidelines on verification process.

11. PUBLICATION OF JOURNAL/NEWSLETTER OR HOISTING WEB-SITE:

1. The Association shall duly intimate the management before publishing its journal, periodical or hoisting its web-site. The association shall furnish the following information –
 - i. Name of the Association publishing the journal / newsletter
 - ii. Name of the web-site
 - iii. Name of the Journal / newsletter
 - iv. Place of publication
 - v. Name of the Editor
 - vi. Registration number allotted by the Registrar of Newspapers, with a copy thereof.
2. In case the Association is already publishing any journal or periodical or has its web-site, the Association shall furnish the above information within a period of 45 days from the date of recognition.
3. A member of the association, who is a serving employee, is eligible to become Editor of the journal.
4. The Association will ensure that –
 - i. The journal/news-letter/web site does not contain any offensive language or publish wild allegations against the management.
 - ii. Circulation of the journal is restricted to its members only.
 - iii. The journal/web site deals with service matters only and does not publish news or comments not directly related to such matters.
 - iv. No material is published in the journal or put on web-site in violation of the provisions of BSNL CDA Rules, 2006, as amended from time to time.
 - v. Copies of the journal are invariably sent to the officers concerned for their information.
5. The Associations may publish Souvenirs on the eve of their annual conferences etc. subject to the conditions enumerated above.

12. DO'S AND DON'TS

Every executive association under these rules shall comply with the following guidelines, namely:-

1. The association eschews completely the agitational approach, such as resorting to strikes or practices or conduct, which is likely to result in or results in cessation or substantial retardation of work, and also to coercion or physical duress.
2. The association shall abide by and comply with all the provisions of its constitution/bye-laws.
3. Any amendment in the constitution /bye-laws of the executive association after its recognition under these rules shall be made only in conformity with the extant guidelines on the subject.
4. A list of members and office-bearers, and up to date copy of the rules and an audited statement of accounts of the association shall be furnished to the management through proper channel after the general annual meeting
5. The executive association shall not send any representation or delegation except in connection with a matter which is of common interest to members of the association.
6. The executive association shall not espouse or support the cause at individual executive/officer relating to service matter.

7. The association does not do any act or assist or encourage the doing of an act which may create disaffection or dis-satisfaction amongst the employees of the organization or undermines discipline or in any way lower the prestige or image of the organization.
8. The executive body of the association is appointed from amongst the officers/executives working in the organization. No person who is not an executive/officer working in the same company should be connected with the affairs of the association.
9. The association shall not start or publish any periodical, magazine or bulletin without the previous approval of BSNL management.
10. The association shall not do any act or assist in the doing of any act which, if done by an executive/officer would contravene any or the provisions of the BSNL, CDA rules 2006.
11. Communication addressed by the association or by any office-bearer on its behalf to the management shall not contain any disrespectful or improper language. Communications should only be at the corresponding levels i.e. To corporate office from G/Secretary; To Circle office from C/Secretary and To SSA head from D/Secretary.
12. The association shall raise its funds only by way of subscription from its members and/or through grants from the Govt/BSNL, and these funds are utilized for furtherance of the objectives of the association.