



28th June 2010

To All Unite the Union and RMT Offshore Caterers (COTA grades A to E)

Dear Brothers / Sisters,

COTA Wage Negotiations and paid leave proposals 2010/11 update.

Following questions raised and points made directly to the Unions as well as via the designated the e-mail address of feedback@cota.org.uk we would like to take this opportunity to provide some feedback.

Since these points were directed at the Unions we felt that the Q&A sheet being compiled jointly by COTA and the Trade Unions was not the correct platform to respond through, so we have done this separately.

Many of these points were explained in our previous communication on 17.6.10 but we want to insure that when you vote on the offer, you do so with as clear an understanding as possible.

Q) Given the short time prior to the ballot. How can we be sure that everyone has a fair understanding of the proposed agreement.

A) The following have been put in place to ensure as good an understanding as possible of the offer to allow the union members to make an informed decision.

- Unions have sent information to member's home address, to shop stewards offshore and on their websites.
- Each of the COTA employers has also sent the information to every employee's home address and to every offshore unit.
- There is an online presentation.
- There is a question and answer e-mail address at feedback@cota.org.uk

Q) Why are the unions expecting us to accept such a low pay increase considering we went without one last year. Doesn't seem an unreasonable request for the current RPI to be considered for the increase.

A) The RPI and a host of other consideration were included in the original pay claim which the unions submitted.

The pay claim included a substantial pay rise on basic rate, all delays offshore including weather to be paid at premium rate, an increase in redundancy and medical retirement, an increase for death in service, an increase in COTA sick pay allowance, an increase on travel allowance, an increase in number of days festive payment are applicable, compensation for night shift losing leave when delayed on board and an increase in accommodation allowance.

This claim was rejected and as a result of the negotiations COTA made the offer which Union members will now vote on.

Q) Why having agreed on a pay freeze on the last ballot on the advice of the unions do we come back to a rather unacceptable 1.9% pay rise.

A) It's for the Union members to decide whether the offer is accepted or rejected, but members should understand that the officials and the shop stewards were duty bound to at least allow those who don't have any leave currently, the opportunity of trying to secure some form of paid time-off work.

If those people who work on installations where they enjoy a 2/3 rota and such like, feel the offer is unacceptable then they have the right to reject the offer, that's democracy.

Q) At the rate of increase that has been offered, if everyone was to cancel their union fees then we would have 33% of the offer, more directed at the unions. During a recent meeting that we had onboard the platform, the collective agreement was that 1.9% is an absolute disgrace, the collective feeling was that this offer will be rejected unanimously, hence the statement above with regards to quitting the union if this is the only offer that you can put on the table.

A) As every member should be aware they are the union for all the reasons contained in this letter and within the correspondence sent to members it is the strength of that collective group of workers (coming together as a "union") which gives workers the "industrial muscle" to fight for better terms and conditions.

If everyone cancelled their fees, there would be no "union" and therefore no muscle to fight for improvements and on that basis we don't see the logic behind the question. Our members have made it clear to us how much they abhor the attitudes of the free loading non union employees who by their very existence weaken the Trade Union movement offshore.

Remember that non union employees have no say in the collective agreement, they are not protected from dismissal if they take industrial action should it come to that and they would not be represented by the Union at grievance hearings, disciplinary meetings or even at an Employment Tribunal. Any continued Union support for existing claims would also be placed in jeopardy

As we have said previously, it is for the members to decide whether the "offer" is accepted or not, just as it was for the members to decide whether they would accept a pay freeze for 2009/10

Q) Why was this offer conducted back to front, i.e. no input from shop stewards or union members. Negotiations are not normally cascaded to us as a proposal which is backed by the unions. The whole idea is for us to pay the union fees to participate in pay offers and conditions for our employment and we are all disgusted that we have had no input in this matter.

A) Union members have the right to vote to accept or reject the offer, therefore Union members have ownership of the issue and ultimately they will decide what happens, that is "input".

As for union participation, remember the members are the union.

There were union branch meetings as well as 6 Joint Shop Stewards meetings prior to the phone ballot for 2009/10 where member's aspirations were discussed.

There was a further 3 Joint Shop Stewards meetings to discuss the possibility of resolving the paid leave situation and the introduction of the new COTA agreement again at these meeting members aspirations were discussed.

Every Shop Steward was invited to attend these Joint Shop Stewards meetings and the travel cost was met by the employer.

There were also 9 Shop Stewards who attended the negotiations meeting 24.5.10.

There has been one telephone referendum/ballot for 2009/10 there is about to be another one for 2010/11.

We are in consultation with the members at the moment this includes:

- Unions sending information to member's home address, to shop stewards offshore and on the union websites.
- Each of the COTA employers have also sent the information to every employee's home address and to every offshore unit.
- An online presentation.
- A question and answer e-mail address at feedback@cota.org.uk

All this means there has been a higher level of information and ability to participate in this year's process than any previous negotiations.

Q) As Schiehallion is West of the Shetlands it has a long history for yearly triply delay's. Some shifts can accrue 7 days and more delay's in the year. The 4 day claw back is not something the Schiehallion team are in agreement with.

Even with it being claimed as separate from taking the 7 day extra holiday entitlement. The pain of the delay's are a given on Schiehallion so having a double whammy with these days possibly being used of as a claw back has not went down too well.

A) Within the Unions original pay claim there was a request that all delays offshore including weather delay be paid at overtime rate. This was rejected by the employers, whose final offer is now before the Union members to vote on.

Q) Schiehallion crew especially, feel this unfair on them and will realistically will only be 3 days holiday with 4days unpaid leave for them.

A) If the option of 3 weeks paid leave applies to your unit then you do get 3 weeks off and the claw back days are a separate issue which is not unpaid but paid for within your salary.

Q) Why is there possible claw back days on the 7 days extra day's holiday.

A) There isn't these are two separate things.

Q) Who is on the negotiating team that is recommending this.

A) Aramark – Stuart Hunter, Neil Hamilton and Ronnie Head
ESS – Ian Mundie, (Murdo Calder-McPhee & David Low were both absent)
Sodexo – Angus Simpson, David Strawhorn and Derek Duffy
Trinity – Corina Davie
Learning Rep – Victor Fraser

Both full time officers John Taylor (Unite) and Jake Molloy (RMT) were in attendance but the recommendation comes from the Shop Stewards not the full time officers.

Q) I believe it was said a couple of years ago that the working time directive fight and the pay negotiations would be 2 separate entities and was wondering when this changed.

A) You are correct the members back then asked that they be treated separately. However there has been increasing pressure from members, wanting an increase in the amount of paid leave received. This included pressure from members within the drilling sector who at present do not have a contractual entitlement to paid leave only payment instead of paid time off.

This was also discussed at the 3 Joint Shop Stewards meetings 17.2.10, 3.3.10 & 10.3.10 when the Shop Stewards reviewed the proposed settlement to existing claims and new COTA agreement, all Shop stewards were invited to these meetings and travel cost was paid by COTA.

Q) Why are we having to sign to say we have seen the presentation from our employer and why is the ballot so quick this year.

A) The reason for signing to say you have seen the presentation is to confirm the information is actually being passed on to everyone. The importance of members making an informed decision is paramount, which way they decide to vote is then up to them.

The timings of the process including the ballot date was agreed after the negotiation meeting but due to a unforeseen delays the communication was later than expected in going out.

The level of information surrounding this offer is greater than any previous year with:

- Unions sending information to member's home address, to shop stewards offshore and on the websites.
- Each of the COTA employers has also sent the information to every employee's home address and to every offshore unit.
- An online presentation.
- A question and answer e-mail address at feedback@cota.org.uk

Q) I appreciate this is an additional 3 days holiday's but with tax and insurance as well a fuel we are yet again trailing not leading the way in oil gas.

It states 3 days as it was emphasised that the 4 days would be clawed back yet it isn't being sold that way is it!

A) Not sure where you are referring to when you say it states 3 days.

For an employee who currently gets two weeks paid leave there will be an ability to have one further whole week paid leave from a time the employee would have otherwise been offshore. Some clients may choose to pay this week rather than give the time off, but remember this payment is over and above your normal salary.

The claw back days if used would not affect this week or payment for this week.

Q) You say you will pay £750 for each claim lodged with the ET, I have been led to believe by sending in the annual leave forms to my employer ESS , and then them turning this down this was the only thing we had to do to register the fact we were still applying for paid leave, will this count when it comes to paying out the £750 compensation or will the people like ourselves who have worked 3/3 throughout this , are we going to miss out on payment as well as missing out on leave we should of had since 2004 nobody ever told us about lodging the appeal letters to the ET or the Union

A) Only valid claims received by the employment tribunal qualify for any offer of settlement. How this was communicated to you by your Union would be a matter to discuss directly with your union but given the wide spread media coverage offshore paid leave has received and the information which has been distribute by the Unions on this matter it is surprising you were either unaware or did not seek clarity of the facts before now.

Q) With the small increase in travel allowance, this does not even come close to what rail fares have gone up by which is 6 – 7 % in 2009 and a further increase of 2.8% for 2010, travel allowance has not changed since I joined the company, if you are going to increase an allowance then increase it in line with public transport.

A) We have above summarised the details of the original pay claim and the final offer from COTA so now the full offer is there for Union members to accept or reject.

Q) Other contractors have 4 weeks holidays and only do 5 days clawback, why do we have to do 4 days clawback for 1 week's holiday.

A)These are based on different collective agreements and not all other contractors receive 4 weeks paid leave, but our Union members will decide if this offer is accepted or rejected

Q) Why no further negotiation, if offer not accepted.

This has never been stated but COTA made it clear at the meeting that this was the best offer they could give.

Q) Who will monitor the ballot.

As previously stated in correspondence to our members the phone ballot will be run by shop stewards from Unite and the RMT.

The final % result will then be passed on to the full time officers, COTA and the Union membership.

This process was full endorsed by all Shop Stewards who attended the Joint Shop Stewards meetings and has also been explained within numerous Union communications to members.

Q) I am surprised at the reactions of the unions to recommend this also bearing in mind the feedback you received during the meetings regarding this. I am sure 1.96% pay offer will receive the same feedback but I am sure you are aware of this.

I also don't like the way figures are manipulated to make the pay offer look more than it actually is and am surprised as a union you would allow this.

A) On this point we do not accept that there is a manipulation of any figures, the following is a direct extraction from the joint union letter 17.6.10 and is factual:

The full value of this package for any member who is having their paid leave increased would be between 3.96% and 6.16% depending on the number of claw back days used, **plus** any settlement figure for existing Employment Tribunal claims. For those who already benefit from an enhanced rota, the financial package would be worth 2.31% **plus** any settlement figure for existing Employment Tribunal claims.

Hopefully this letter will give you a clearer understanding of the offer prior to you casting your vote

Fraternally



Mr John Taylor
Regional Industrial Organiser
Unite the Union



Mr Jake Molloy
Regional Organiser
RMT