

# Unite the Union

January 2012

# Newsletter



## TO ALL OFFSHORE WORKERS

Welcome to the second edition of Unite the Union's "Offshore Newsletter". Can we start by wishing all offshore workers a Happy New Year, which is not something some employers will genuinely wish on many of our members. The first issue of the newsletter has, by general account, been well received by the offshore workforce not only Unite members but by members of other unions, and those who had not previously been in a Union. One person did ask why would Unite let the truth get in the way of a good read, and the simple answer is that we are going to concentrate on the facts in these newsletters as we believe it is the least our members, and the offshore workforce, deserves.

Our main aim remains to organise on every unit by increasing membership and getting Shop Stewards elected for each employer, on each shift. Once a Unite Shop Steward has been elected they will be given the necessary training, and be independently accredited to carry out their role representing their members. We have attached to this newsletter an application form to join Unite the Union, a form which many of you have already completed for which we thank you. There is also a survey attached, which is open to all offshore workers not just union members! Many of you have already completed and returned the survey so we have decided to extend the time line for further participation to help Unite identify the issues you as an offshore worker feel strongly about. The survey should be returned by no later than the revised date of 23rd January 2012. The results of this survey will be published in our February edition along with a new one highlighting the main points raised by the offshore workforce. The current survey can also be completed on line at <http://www.surveymonkey.com/s/UniteOffshoresurvey>. Both the application form and the survey can be returned to our Aberdeen office free of charge by placing them in an envelope and addressing it to: Free Post RLUE-YHBB-SBTY, Unite the Union, 42-44 King Street, Aberdeen, AB24 5TJ.

### SUPREME COURT - PAID LEAVE FOR OFFSHORE WORKERS

The hearing of the Appeal on holidays for drillers and caterers offshore was held at the Supreme Court in London on 26 & 27th October 2011 and was attended by a delegation of Unite Shop Stewards. The Working Time Regulations 1998 (WTR) sets out, in domestic law, the provisions of the Working Time Directive 2003 (WTD), which lays down minimum health and safety requirements for the organisation of working time, with 'minimum rest periods' consisting of daily rest, weekly rest and annual leave (Articles 3 to 7 WTD). Article 7 of the WTD and Regulation 13 of the WTR provide that the worker is entitled to paid annual leave of at least four weeks (at the time the Appellants made their claims). Regulation 15 of the WTR provides that a worker may take leave to which he is entitled on such days as he chooses by giving notice to his employer, but that the employer may require him to take leave on particular days. The issue in this case was whether the period spent onshore should count towards the workers' entitlement to four weeks' paid annual leave.

On 7th December 2011, the Supreme Court unanimously refused the Unions request for a reference to the Court of Justice of the European Union, and dismissed our Appeal and affirmed the interlocutor of the Extra Division of the Court of Session. Or in plain English, offshore employers are legally entitled to tell their employees to take their paid leave when they would not have been at work anyway. This judgment was met with disbelief by our legal team and to say total disgust by Unite and our offshore members would not be doing the level of resentment any justice. Our members had put their faith in the judicial system believing that it was eventually bound to see the health and safety repercussions of telling workers, operating in one of the most hostile environments in the world, that they must continue to work an average of 42 hours a week, 52 weeks a year.

Unite will continue addressing our health and safety concerns in regard to this matter and we commit to using every resource available to deliver our members fundamental rights, and to protect and improve our offshore members terms and conditions. Unite will, as part of the consultative process, be holding meetings with our offshore members, irrespective of what sector of the offshore oil and gas industry they work in, over the forthcoming weeks to determine what our members are prepared to do to advance the fight.

The following meetings will take place and if demand is such, further meetings will be scheduled. Please try to be there 2pm prompt:

Monday 6th February

**Aberdeen:** Transport House, 42-44 King Street, AB24 5TJ

**Inverness:** (venue to be confirmed ASAP)

Tuesday 7th February

**Glasgow:** John Smith House, 145-165 West Regent Street, G2 4RZ

Wednesday 8th February

**Newcastle:** Transport House, John Dobson Street, NE1 8TW

Thursday 9th February

**Liverpool:** Jack Jones House, 2 Churchill Way, L38EF

These meetings will be Chaired by Unite's lead officers for the offshore oil and gas industry and also be attended by lay officials and offshore activists so please come along! If you are unable to attend then please contact the Aberdeen office so that alternative arrangements can be made for your issues to be raised.

### **COTA - INDUSTRIAL ACTION LOOMING: JOIN NOW!**

In our last newsletter we headed the section on COTA "YOUR FUTURE YOUR FIGHT". Our members have sent a clear message to COTA, and that message is that the fight to improve their terms and conditions is firmly on! The result of the recent consultative referendums of Unite catering members, on whether members wish to move to a ballot for industrial action to progress this year's pay claim was as follows: those voting YES 75%: those voting NO 23%, with 2% of papers returned classed as spoiled - mainly due to them having been printed off the internet and not the original ballot papers issued by Unite.

The result of this ballot was communicated to all Unite offshore catering members by e-mail and by post, if living in the UK. It was also placed on the news page of the Catering Branch web site at [www.uniteoffshore.com](http://www.uniteoffshore.com) around the 19th December 2011. If you live in the UK and did not receive the result in the post this means your contact details are not up to date and you should contact the Aberdeen office so that we can update our database.

COTA have been informed of the ballot result, and that the recognised Trade Unions will now commence the process of balloting our respective members on industrial action for the first time in over 20 years. Details of this process will be communicated directly to our catering members in the normal manner. The estimated time scale is that ballot papers will be issued around March 2012. If our members vote in favour of industrial action then Unite would confirm what dates and type of action to be taken thereafter.

If any Unite catering member pays their Union contributions from their wages, please check that we have your correct home address. If members pay their Union contributions by direct debit they must inform us of their current employer, job title and home address. We cannot emphasise enough how extremely restrictive the law is on Unions carrying out industrial action ballots. If any of the above information is incorrect then the ballot could be deemed illegal. Be aware that any decision on taking strike action will not only depend on the majority vote but also the level of participation in the process.

To consult as thoroughly as possible with our members in regard to this matter, the Offshore Catering Branch will have two Branch meetings in our Aberdeen office on the 20th and 27th of January commencing 10am sharp, and all Unite Offshore Catering Branch members are welcome to attend. The Catering Branch will also take advantage of the upcoming meetings in Aberdeen, Inverness, Glasgow, Newcastle and Liverpool on the above dates to meet with any caterers, who cannot make the proposed Branch meetings in Aberdeen to discuss the upcoming ballot for industrial action.

### **OCA**

The 2012/13 wages and conditions claim has been lodged with the OCA. It was formulated on the basis of feedback from members on their aspirations for this year's negotiations. We are hopeful to open the discussions in January, with a view to a possible settlement in time for the April anniversary.

As a result of our recent survey, we would remind members to make sure they are receiving the correct terms and conditions. Recent examples have shown that members are not always paid the appropriate Standby payments or the correct travel time incurred from the rig to the beach.

Members off work due to illness should ensure they receive the correct sick pay - a minimum of £159.73 plus Statutory Sick Pay although your contract may entitle you to more. Remember that should you, as a member of Unite, be off work due to an accident then you may be entitled to free legal advice and representation to recover any loss of earnings and/or compensation for personal injury. If you are not receiving the correct payment or wish further details with regard to a claim, please contact our Aberdeen office on 01224 645271.

During Unite's recent visits to the heliport, members have been raising concerns about an alleged no-strike agreement with the OCA. Unite can state, quite categorically, that this does not exist and never has done. The OCA has a 2-Stage Dispute Procedure, which is common in agreements between Unions and employers. The OCA is specific and says no strike or industrial action will take place until the procedure is exhausted. **Once the procedure is exhausted our offshore OCA members like, any other employee in the UK, have a legal right to take industrial action, which must follow strict legislative guidelines.**

#### **Contact Your Unite Organising Team:**

**Steve Lewis, Unite Organiser 07980 083 027 [stephen.lewis@unitetheunion.org](mailto:stephen.lewis@unitetheunion.org)**

**Facebook: Steve Lewis Unite**

**John Taylor, Regional Industrial Organiser, 01224 645271 [Johnc.taylor@unitetheunion.org](mailto:Johnc.taylor@unitetheunion.org)**

**Wullie Wallace, Regional Industrial Organiser, 01224 645271 [Williamc.wallace@unitetheunion.org](mailto:Williamc.wallace@unitetheunion.org)**

**For all the latest news affecting our Catering members or to simply access some offshore resources check out the Offshore Catering Branch web site at [www.uniteoffshore.com](http://www.uniteoffshore.com)**

No Stamp required, just place in an envelope and address to:  
 Free Post RLUE-YHBB-SBTY, Unite the Union, 42-44 King Street, Aberdeen, AB24 5TJ.

**Membership Form - GB About You**

Surname   Mr  Miss  
 Ms  Miss  
 Forename   Dr  Rev  
 Male  Female

NI No.  Date of Birth  /  /

House No./Name

Street

City/Town

Postcode

Home Tel.  Mobile

Email

**About Your Job**

Employer/Company Name

Department

Job Title

Work Address

Postcode  Work Tel.

NM/C No.

**Tick 1**  21 or more hours per week (full time rate)  I am an apprentice or on full time training scheme  
 Less than 21 hours per week (part time rate)  Student in full time education  
 Self employed

**Equal Opportunities**

Unite the Union is committed to the promotion of equal opportunities for all and it is the Union's aim to provide services and support to members that is free of discrimination on the basis of race, gender, religion, sexual orientation or disability. What ethnic group do you belong to?

- White British
- White Irish
- White Other
- Other/please specify \_\_\_\_\_
- Do you regard yourself as disabled? \_\_\_\_\_
- Mixed White & Black Caribbean
- Mixed White & Black African
- Asian or Asian British Pakistani
- Asian or Asian British Bangladeshi
- Asian or Asian British Other
- Black or Black British African
- Black or Black British Other
- Chinese
- Black or Black British Caribbean
- Mixed White & Asian

**Direct Debit Details Instructions to your Bank or Building Society to pay by Direct Debit**



Originators ID Number **9 7 1 4 6 7**

Name of bank/building society

Town of the Bank

Sort Code  On the selected day of the month:

Account Number   7th  14th  21st  28th

Name(s) of Account Holder(s)

**Instruction to your Bank or Building Society**

Please pay Unite the Union Direct Debit monthly from the account detailed in this instruction subject to the safeguards assured by the Direct Debit Guarantee. I understand that this instruction may remain with Unite the Union and, if so, details will be passed electronically to my Bank Building Society.

**Authorisation of deduction of your trade union contribution from your pay (check-off)**

**Note: Not all employers operate check-off.** I hereby authorise the deduction of Unite the Union subscriptions from my pay of such amounts as shall be notified to my employer on my behalf from time to time by Unite the Union. I also authorise my employer to inform Unite the Union of any changes of address.

Paid weekly or monthly?  Weekly  Monthly Payroll No.

**Please read the Data Protection notice.**

You have the right at any time to stop us using your details for third party marketing purposes. If you do not wish us to communicate with you or share your contact data for these purposes, please tick this box. Please note that this will preclude you from receiving our special offers or promotions.

I agree to abide by the union's rules. I authorise the payment above.  Yes  No

Are you or have you been a member of a trade union? (including Unite the Union)  Yes  No

Signature(s) \_\_\_\_\_ Date  /  /

Recruitment Code  Branch Code  Workplace Code  Job Code

# Unite the Union

## OFFSHORE SURVEY

Jan 2012



Unite the Union has embarked on the largest ever organising campaign undertaken offshore by any trade union. We would ask you to assist us by completing the following survey, which can be returned to our Aberdeen office free of charge by placing it in an envelope and addressing it to: Free Post RLUE-YHBB-SBTY, Unite the Union, 42-44 King Street, Aberdeen, AB24 5TJ and returned no later than 23.1.12 or alternatively it can be completed on line at <http://www.surveymonkey.com/s/UniteOffshoresurvey>. With your assistance, we want to identify the most pressing issues you and your colleagues have offshore so that these can be addressed quickly and effectively.

Part of this organising campaign is to explain to both union and non-union members how Unite can help them get organised, and that, collectively, as part of a recognised trade union we can get real long-lasting improvements to your terms and conditions. This will not happen overnight, but Unite the Union is committed to this campaign and we will use every resource at our disposal including, our network of Shop Stewards and offshore reps, to help our members achieve this. Remember United we stand divided we fall. That is what organising is really about.

Unite the Union is here for the long-haul and we look forward to getting your feedback. If you want any further information or more application forms sent out to you, please contact our Aberdeen office 01224 645271 where one of our dedicated members of staff will be happy to assist.

**All responses will be treated in the strictest confidence and your answers will not be shared with your employer.**

**About You** (needed to assist in mapping the workplace and to allow feed back to the individual)

Name \_\_\_\_\_ Employer \_\_\_\_\_

Offshore place of work \_\_\_\_\_

Contact details can be  
(House number and postcode), (e-mail address) or (mobile number). \_\_\_\_\_

### Trade Union - Are you a member of a Trade Union?

Unite the Union: Yes  No  Other (please specify which union) \_\_\_\_\_

Not a member \_\_\_\_\_ Are you aware of any Unite Shop Stewards on your unit ? Yes  No

If so who is it \_\_\_\_\_ and who do they work for \_\_\_\_\_

### Your Issues

Please note below the three most important issues you currently face at your work. These issues can be discussed in more detail by requesting us to contact you directly.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

(Highlight your following opinions)

**What do you think about Unite's campaign to organise offshore workers and improve working conditions.**

Very good  Good  Indifferent  Not happy

**Would you like to get involved in supporting Unite's campaign?**

Yes I'd like to get active and assist  I support but am too busy to get active right now  No thanks