

**JCNC UNITE REPRESENTATIVES**

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23rd March 2013

To: Maggie Kennedy

*(Delivered by email)*

Dear Maggie,

**Re: Priority Agreement / Pooling – Unite Response**

I am writing to confirm Unite's position to you in relation to the current redundancy process, priority agreement and pooling. For clarity and to ensure that there can be no ambiguity at a later date, Unite maintain our position that the current consultation, known as 'Fleet Review 2012' is a sham; it was unnecessary at the point which Thomas Cook commenced it, and the proposed redundancies are unjustifiable based on the business rationale which was put forward. Despite our assertions alongside the evidence and arguments which have been put forward by Unite, Thomas Cook has chosen to continue with what we view as a reckless agenda. As previously stated, Unite cannot and will not support any compulsory redundancies based on the business rationale you have put forward to date.

During the consultation / mitigation meeting on 5th March, we asked the Company to provide us with your view in relation to the Priority Agreement and Pooling in light of the fact that Thomas Cook had decided to issue a selection criteria to the workforce. You provided us with your proposal the following day and we were given less than 24 hours to revert with our position. It was explained at the time that this was an unreasonable timeframe, given the serious implications. In making such a demand, you appear to have taken little note of the lessons learned from 'Fleet Review 2011' – where a number of ill-considered and rushed decisions were made and which resulted in a number of anomalies which could have easily been avoided.

The proposal was emailed to the committee and we were then provided with an advanced copy of your memo which stated that you were waiting for Unite's view on your proposal. The email also stated that letters to the workforce would arrive on Tuesday 12<sup>th</sup> March. We were then completely dismayed to learn that the Company had not waited to hear Unite's view or opinion, and had instead arbitrarily decided on how people would be pooled, that you intended to disregard previous agreements *and* had sent out 'at risk' letters. Members started to receive these letters on Saturday 9<sup>th</sup> March, three days prior to the date which you committed to in your memo of 8th March. This railroading of the Company agenda was despite the serious concerns we had highlighted, most notably being the debacle which followed 'Fleet Review 2011'. Rushing ahead in

this manner and not taking time to give full and proper consideration to the implications on your employees and our members will lead to a whole raft of issues.

I would like to confirm our position to you and make it very clear that when Unite enters into a collective agreement with the Company, whatever its nature, it is our expectation that those agreements are honoured. Unite will maintain this position, as to abandon a collective agreement without consulting its members is undemocratic and would fly in the face of Unite's lay member led democracy. We cannot and will not agree to abandon / suspend **any** collective agreement that was made in good faith to protect our members.

We would also like to draw your attention to the following:

- During Fleet Review 2011 you presented the Dual Role position as a new, stand-alone position. We challenged this at the time, as seven months of the year (the majority of an individuals' twelve month employment) are as a Cabin Manager and it could therefore have been a suitable mitigation opportunity for Cabin Managers at risk of redundancy. The Company would not accept this argument and have since maintained your position that the Dual Role is a stand-alone position, up to and including your consultation (Fleet Review 2012). The Dual Role has been consistently presented as a rank on its own during discussions and on all documents which have been provided by the Company.
- The Company is now stating that it intends to pool Dual Role crew with C3s. This is not consistent with your assertion for the last twelve months that the Dual Role is a stand-alone position and has always been treated as such. In addition, this intent means that Dual Role crew members are now at risk of redundancy, despite there being vacancies in their role at some bases, as per the original fleet review proposal; this has the potential to be challenged legally.
- Dual Role crew members are in effect C3s between 1<sup>st</sup> November and 31<sup>st</sup> March, however you are reserving the dual role (C3 in winter) positions for Cabin Managers to buy down into. This has the potential of being challenged legally.
- There are also potential legal challenges associated with the selection criteria that the Company have chosen to adopt.

The primary reason that Unite did not engage with the Company on selection criteria was that it is our firm belief that the redundancies were / are unjustifiable. This is especially pertinent in light of the fact that, whilst it is accepted that four aircraft have left the fleet this winter, the time at which you were originally planning to make the redundancies, the flying programme was beginning to increase. We know that other aircraft were returning from overseas operations and seasonal and 7/5 crew were returning to the business.

We have maintained our position throughout the consultation process. The business rationale presented on the 9<sup>th</sup> October is now well out of date and to make retrospective redundancies a year after Fleet Review 2012 began is also potentially legally challengeable. We have throughout the consultation process, repeatedly requested that the Company pull back from this redundancy exercise until the flying programme for Winter 2013/14 is known. This is now even more relevant in light of a new A330 arriving at the end of the summer. The potential legal holes listed above are not exhaustive, and there is often a price to pay which is more costly than a figure you can assign a pound sign to if the Company gets this wrong; not least the devastating effect on crew morale, and the potential damage to the business and brand within the market.

We believe that the Company should reconsider and accept that the business rationale is out of date and agree to pull back from this morally wrong and flawed consultation process until the flying programme and winter establishment for winter 2013/14 is confirmed. Meaningful talks can still take place with Unite throughout the summer, where together we can look at ways of ensuring the future success of Thomas Cook and job security for our members. We consider this to be a reasonable and fair request on behalf of the members we represent and in the best interests of the business.

The issues that the members are facing at Thomas Cook were raised at a recent open meeting with Unite General Secretary, Len McClusky. Mr McClusky was quite clear in his response; should the Company choose to continue along its current path and in such an aggressive manner, he would personally commit to provide whatever resources were needed in order to protect our members' jobs and terms and conditions.

Yours sincerely,

Martin Browne  
**Chairman – JCNC Committee**

cc. Len McClusky  
Unite Cabin Crew