

CONTRACT ADVICE

NEGOTIATING IDEAS

This document has been put together with the intention of helping all members with any issues they have when negotiating a contract. Many players are not represented by an agent and often need clarification on various contract queries.

Each player's situation varies and although this document is intended to be thorough and informative it does not provide an exhaustive list of the issues that may need to be considered. Furthermore, it is not an A-Z of cricketing negotiating tactics. It is intended only to help with some of the more basic issues which you may face when conducting your contract negotiations and it is recommended that you always consider the need to seek further professional advice as necessary.

LENGTH OF CONTRACT

Long - Is it important for you to have a long contract and the security that it can bring? If you want a longer contract consider building in set % increases each year and ensure that they are at least equal to inflation.

Short - Are you young and/or do you back yourself to have a good season? In this case stay on short-term deals, where you'll be in a position to negotiate that bit harder. Shorter contracts are the best way to break wage structure- you can always move or indeed threaten to move. The drawback here is that you risk being injured or having a bad year in which case your position could be weaker.

SALARY

- Always check with The PCA for minimum wage levels if applicable.
- Research fellow professionals to know your 'worth'?

BONUS STRUCTURE

• Always ask how the clubs bonus structure works. Some counties pool all their winnings and then the money is divided between those who played in the games. Other counties divide 20% of the pool amongst the entire staff and the remaining 80% to the players involved in the matches where the money was won.

- All bonus structures should be set at the beginning of each season and each player will be made aware of such policies. Counties vary and it is always a good idea to ask your PCA rep

what the situation is at your club.

- Ask for a copy of the Club's Rules and Regulations. Most clubs have a players manual and it is always a good idea to familiarise yourself with it.
- You can also request a performance related bonus for runs and wickets. Some counties will do this if there are other players who have such a deal, however some do not like encouraging individual goals and find it can detract from the team goals/performances.

LEGAL ADVICE

- Ring the PCA for any legal/contractual advice you may need – The new standard contract (April 2004) is quite straight forward but a phone call to the PCA will quickly clear up any queries you may have.
- The Standard contract now allows players to talk with others counties if they are in the last year on their contract. If you feel that you would like to move or indeed just explore your options you are obliged to tell the club of your intentions. From the time of 'giving the club notice' you must wait 28 days before officially talking freely with other counties. (unless the club declare their decision before 28 days).
- Likewise you can also ask the club at any time, if it is their wish to offer you a contract for the following season. From the time of asking the club must give you a reply in writing within 28 days.
- Always carefully digest what you are told in a meeting – It's a good idea to take notes. Often the club negotiator will do this & it may help at a later stage for you to be clear on what was said.
- If you do not have an agent, consider using a PCA representative to attend your meeting and aid in the negotiations. It's always good having someone with you who can aid or confirm matters discussed.

CONSIDER USING A PCA NEGOTIATOR - (See Legal Representation segment-04.2)

CAR ALLOWANCE.

- Some counties offer up to £3,000 allowance for you to find a car of your choice. Some counties provide a company car for 6-12 months. There are various tax implications involved with company cars and so it is best to speak to your club finance department or your accountant. (See details for Elaine Nelson of Dyke Yaxley).

RELOCATION ALLOWANCE

- If moving counties you should always ask for a moving allowance.

This could be as much as £8,000 and would cover charges for removal vans and any other expenditure that is incurred in moving house. It may be that you cannot find suitable accommodation in a short space of time; therefore you could ask the club to pay for your rent in the short term, if it is your intention to buy a house.

PENSION

- Ask what provision has been made for a pension? The ECB have a group personal pension plan (GPPP) and the cricket secretary or PCA rep will be able to help with regard to this. PCA have professional advisers who will help with all of these issues. Typically, if you contribute 4 or 5% of your salary, the club will contribute 8 or 10%. This is age dependant. (Contact your Kingsbridge advisor on 07.1)

AGENTS

If you decide to have an agent represent you please take into account the following information

- An agent can typically charge between 10-20% upon signing a contract and subsequent salaries (including bonus) per year.
- An agent will usually ask the County to pay a fee if he/she has negotiated the contract on your behalf.
- These tend not to be one-off payments and are linked to each year of the deal.
- Please read all documentation prior to signing with an agent to ensure you know what fees you might incur for his/her services.
- **REMEMBER – seek advice from the PCA. In all cases Counties, Coaches and Chief Executives are happy to deal with the PCA on such issues.** (contact Ian Smith if you wish to use a PCA negotiator).

PRIVATE MEDICAL CARE

- Consider the club's medical insurance. Is it with the ECB's HealthTrust? Will you be an individual on the policy or part of a large pool? This might affect your position with regard insurance when leaving the game.

VARIOUS

- If you're a fast bowler, consider asking the club to pay for your bowling boots and also for top-up insurance units.
- Consider adding a clause in your contract that allows you to move clubs if your team is relegated.
- Consider adding a clause that allows you to leave the club if you are the captain, yet you have this responsibility removed without your acceptance.

- Consider adding a clause that allows you to move clubs if your County sign an overseas player who directly threatens your position at the club.

- **Remember, List 1 & 2 are now obsolete. Essentially this allows freedom of movement. Players in the last year of their contract will be able to approach anyone (after giving club notice any time from 10th April and allowing 28 days) in that final contracted season. Take advantage of this by talking to all counties prior to making a final decision – Know what your options are – ‘Have no regrets’ & ‘Don’t be left High and Dry’ – see previous section in LEGAL ADVICE.**

- Have you weighed up all the implications of signing or not signing? You may want to consider these feelings:

01. Is this the right club for you?

02. Can you fulfil your personal goals here? i.e. Will I play 1st team cricket? Will it give me the opportunities to progress and go on to play for England?

03. Can you fulfil your team objectives here? i.e. win trophies, be successful & earn win bonus's

04. Does the club's coaching staff have the capabilities to improve the side & your game?

05. Is the home wicket favourable to my game?

06. Does the club have a good feel? –Follow your instincts

07. Do I enjoy living in the area?

08. Do you have good friends here & does this matter?

09. Will your wife/girlfriend be happy here? Does she know other players wives? Does this matter?

- Never sign your contract there and then, no matter how good it might appear to be. Sleep on it for a night. Many times you will wake in the morning with fresh thoughts on the same subject.

COMMENTS TO BE WARY OF...

The following comments may be made in order to persuade/put pressure on you to sign a contract...

- You're a squad player..(may imply that you are not seen in the club's eyes as a regular first team choice) If a club want to have you as a squad player, then there is a certain premium that they

should pay if you are expected to play your part in the first team picture. Ask, "What do you mean by squad player?"

- If you are told that you will start in the first team the following year, ask yourself two questions, 1) Is the comment reasonable? –Did you finish the season in the team? & 2) Can you trust the club negotiator? Does he or she have a good record of keeping his word?

- When you are told that the club have been very loyal to you down the years. Loyalty is a two way street and the 'Loyalty card' is generally played to put unfair psychological pressure on a player. Contracts are won and lost on individual performances and generally nothing else. Years of good service will generally count for nothing if you fail to deliver the goods for any length of time. No one is indispensable!

CONCLUSION

Always remember that good managers/coaches are generally those that you can trust.

They are typically people who are honest and will not be afraid to tell you the bad things about you as well as the good.

They will be people who can be predictable in their decisions because they will have shown you and your team mates consistency in all of their decisions, from discipline to the format they will use to pick a team.

You will generally have a feeling on all of these issues when negotiating new contracts and they may sway you one way or another.

Remember don't rush your decisions – Carefully weigh up all positive and negatives before making your decision. Talk to people who you trust and don't sell yourself short.

If the positives outweigh the negatives then it may well be the club for you – if the deal is right.

No matter how long you have known people, act professionally in negotiations and where necessary ask for all promises / commitments in writing.

If you are ever in doubt call The PCA – 'Protecting the rights of its members'