

SCHEDULES

SCHEDULE 2

TRANSFER SCHEMES

Employment contract

4.—(1) This paragraph applies if rights and liabilities under a contract of employment are transferred by virtue of a scheme.

(2) The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246) apply to the transfer whether or not the transfer would, apart from this paragraph, be a relevant transfer for the purposes of those regulations.

(3) The scheme shall—

- (a) identify the transferring employees (whether by name or otherwise);
- (b) include provision securing pension protection for such employees;
- (c) include provision for procedures designed to resolve any grievances of such employees arising in relation to matters dealt with by the scheme; and
- (d) include provision for the payment of compensation by the Department to any such employee who suffers loss or detriment in consequence of the scheme.

(4) Before making the scheme the Department shall consult—

- (a) in the case of a scheme identifying the transferring employees by name, those employees; and
- (b) in the case of a scheme identifying the transferring employees in any other way, such persons as appear to the Department to be representative of the transferring employees.

(5) For the purposes of sub-paragraphs (3) and (4)—

- (a) “transferring employee” means an employee of an education and library board whose contract of employment becomes, by virtue of sub-paragraph (2), a contract of employment with the Authority;
- (b) “pension protection” is secured for a transferring employee (“T”) if after the change in T’s employer T has, as an employee of the Authority, rights to acquire pension benefits and those rights are the same as or (taken as a whole) not less favourable than those which T had as an employee of the education and library board.

(6) Procedures under sub-paragraph (3)(c) must involve consideration of grievances by a person other than—

- (a) a member, or member of staff, of an education and library board;
- (b) a member, or member of staff, of the Authority; or
- (c) a member of staff of the Department.