
Changes to legislation: There are currently no known outstanding effects for the Public Services Ombudsman Act (Northern Ireland) 2016, Cross Heading: Transfer of staff. (See end of Document for details)

SCHEDULES

SCHEDULE 2

TRANSFER OF ASSETS, LIABILITIES, STAFF, AND OTHER TRANSITIONAL AND SAVINGS ARRANGEMENTS

Transfer of staff

5.—(1) This paragraph applies to persons who immediately before the transfer day are employed by the existing offices.

(2) The Department must make arrangements providing for the transfer as from the transfer day of persons to whom this paragraph applies to the employment of the Ombudsman.

(3) The Transfer of Undertakings (Protection of Employment) Regulations 2006 apply to a transfer effected by the arrangements whether or not the transfer would, apart from this paragraph, be a relevant transfer for the purposes of those regulations.

(4) The arrangements must—

- (a) identify transferring employees,
- (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 arrangements, and
- (d) include provision for the payment of compensation by the Department to any such employee who suffers loss or detriment in consequence of that transfer.

(5) Procedures under sub-paragraph (4)(c) must involve consideration of grievances by a person other than—

- (a) the holders of the existing offices,
- (b) a member of staff of the existing offices, or
- (c) a member of the civil service of Northern Ireland.

(6) The arrangements may include supplementary, incidental, transitional and consequential provision.

(7) Before making the arrangements the Department must consult—

- (a) the holders of the existing offices, and

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- (b) the transferring employees.
- (8) For the purposes of this paragraph—
- (a) “pension protection” is secured for a transferring employee if after the change of employer effected by the arrangements the employee has rights to acquire pension benefits and those rights are the same as or (taken as a whole) no less favourable than those that the transferring employee had as an employee of the existing offices, and
 - (b) “transferring employee” means an employee of the existing offices who is transferred to the employment of the Ombudsman by the arrangements.

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