

Mr Liam Berney  
Industrial Officer  
Irish Congress of Trade Unions  
31/32 Parnell Square  
Dublin 1

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Dear Liam,

I refer to previous discussions involving the Public Services Committee of ICTU concerning the statutory provisions affecting public servants on transferring between public service organisations. The following arrangements will govern such transfers.

1 In advance of any statutory transfer of public servants between public service organisations the respective local management and union interests of the transferring organisation will formally conclude a Protocol Agreement outlining the non-pay related terms and conditions of employment that would attach to the public servants to be transferred. The parties will identify and agree any non-pay related terms and conditions that will terminate or be red circled on transfer.

2 The Protocol Agreement on non-pay Employment Terms and Conditions will identify those existing terms and conditions that will continue to attach to the public servants concerned on their transfer to the assigned public service organisation. Only those terms and conditions of employment specified in the Protocol Agreement will be considered relevant in the event of any there being any future dispute arising between the parties on this matter.

3 It will be furthermore the position that transferring public servants will be subject to the non-pay terms and conditions of employment included in the Codes of Conduct, Staff Handbook and Disciplinary & Grievance Codes of the receiving public service organisation. Where transferring public servants are taking up employment in the civil service such staff will be subject to the civil service code of conduct and disciplinary code.

4 The statutory provisions affecting public servants in organisations subject to transfer will, subject to the observations of the Office of the Parliamentary Counsel, include the wording 'terms and conditions of employment no less favourable including remuneration' as a matter of course in the relevant legislation covering such transfers.

5 In the case of the state agency Forfas it is noted that: i) a Protocol Agreement as referenced at paragraphs 2 and 3 above is being concluded; and ii) the necessary statutory provisions affecting staff as referenced in paragraph 4 above will be proposed in the context of the relevant legislation currently be progressed

6 Departments will be advised to implement these arrangements in the context of formulating the legislative provisions for the transfer of public servants within the public service.

Yours sincerely



Tom Clarke

Principal