

## **SIXTH GUIDING PRINCIPLE AND ASSOCIATED RECOMMENDATIONS**

### **EMPLOYER STATUTORY OBLIGATIONS**

#### **Introduction**

The Commission's role is to safeguard the interests of staff and to ensure their smooth transfer to new organisations established as a consequence of Government decisions on the Review of Public Administration, taking into account statutory obligations, including those arising from Section 75 of the Northern Ireland Act 1998.

In formulating the guiding principle and associated recommendation, the Commission has also had due regard to the Secretary of State's commitment, as set out in his statement of 22 November 2005, that "Every possible effort will be made to avoid redundancies."

Given the extent and complexity of the RPA, the number of individual employers involved and the large numbers of staff affected, the Commission considers that Government should ensure that employers are aware of, and act upon, their statutory obligations throughout the implementation process. As well as the equality obligations mentioned above these also include the requirement to inform and consult with employees, their representatives and trade unions. The Commission wishes to emphasise that the statutory obligations are the minimum requirements expected of employers. Employers can, of course, enhance these minimum requirements as a means of safeguarding the interests of staff.

#### **Guiding Principle**

The Commission recommends that Government:

Consult public service employers and trade unions on drawing up a Code of Practice, providing employers with detailed information on the statutory obligations of employers relevant to the implementation of the Review of Public Administration, highlighting advice on best practice available from the Labour Relations Agency and providing signposts for employers to sources of further information such as the Industrial Court.

#### **Associated Recommendations**

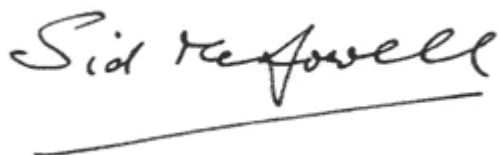
The Commission recommends that employers:

- Familiarise themselves with their statutory obligations, their employees' statutory individual rights, the rights of trade unions, and if necessary seek legal opinion on any aspects about which they are unsure.
- Take the necessary steps to communicate with employees, trade unions and other representatives (a duty which employers already have and which is accepted by Government in accordance with the Commission's 1st Guiding Principle on Communications).
- Share key information and best practice across the sectors.

## **Commentary**

The Commission wishes to re-emphasise the importance of informing and consulting staff and their representatives. In particular, the Commission wishes to draw the attention of employers to the Information and Consultation of Employees Regulations (Northern Ireland) 2005, the duty to consult and inform under the Transfer of Undertakings (Protection of Employment) Regulations 2006 and obligations under regulations relating to collective redundancies, health and safety at work, pensions, working time and parental leave. These legislative provisions should not be regarded as exhaustive.

The Commission considers that Trade Unions and other staff representatives can play an important role in facilitating change, acting as conduits for information and helping to make the transfer as smooth as possible.

A handwritten signature in black ink that reads "Sid McDowell". The signature is written in a cursive style and is positioned above a solid horizontal line.

**SID McDOWELL  
CHAIRMAN  
PUBLIC SERVICE COMMISSION**

**13 December 2006**