

## Assembly Section

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Mr Shane McAteer  
Clerk  
Committee for Finance and Personnel  
Room 419  
Parliament Buildings  
Stormont

Our Ref: CFP131/11-15

4 July 2012

**Dear Shane,**

You wrote to me on 21 June on behalf of the Committee enclosing correspondence received regarding the NICS equal pay settlement and staff in NI Water and the Agri-Food & Bio-Sciences Institute (AFBI). The Committee has asked for the Department's view on equal pay for staff who have transferred from the NICS to Arm's-Length Bodies.

AFBI and NI Water staff ceased to be Northern Ireland civil servants when they transferred to those bodies on 1 April 2006 and 1 April 2007 respectively. Under the terms of the equal pay settlement they fall into the category of staff who left the NICS before 1 August 2008 and are therefore excluded from the settlement. The ability to bring a claim through the Industrial Tribunal against the NICS for liability in respect of the period before transfer has now long expired.

However, once the NICS settlement was agreed, Arm's-Length Bodies and NDPBs were advised by the Department to examine their legal status and the terms of their particular Memorandum of Understanding. This was to determine if there was a requirement to implement the NICS equal pay revised pay scales to their staff and whether the lump sum settlement payment (in whole or in part) was applicable. It was on the basis of legal advice obtained by those organisations that both NI Water and AFBI negotiated their own settlements with NIPSA.

Yours sincerely,

A handwritten signature in blue ink that reads "Norman". Below the signature is a long, thin horizontal line.

**NORMAN IRWIN**