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**Changes to legislation:** There are currently no known outstanding effects for the Health and Social Care Act 2008, Cross Heading: Employment. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 2 **E+W**

#### TRANSFERS OF PROPERTY AND STAFF ETC.

##### *Employment*

- 3 The transfer by paragraph 2 of the rights and liabilities relating to an individual's contract of employment does not break the continuity of the individual's employment and, accordingly—
- (a) the individual is not to be regarded for the purposes of Part 2 of the Employment Rights Act 1996 (c. 18) as having been dismissed by virtue of the transfer, and
  - (b) the individual's period of employment with the transferor counts as a period of employment with the transferee for the purposes of that Act.

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#### **Commencement Information**

**11** Sch. 2 para. 3 in force at 1.10.2008 by S.I. 2008/2497, art. 2(o)

- 4 (1) Paragraph 2 does not operate to transfer the rights and liabilities under an individual's contract of employment if, before the transfer takes effect, the individual informs the transferor or transferee that the individual objects to the transfer.
- (2) Where an individual does inform the transferor or transferee as specified in sub-paragraph (1), the individual's contract of employment with the transferor is terminated immediately before the date on which the transfer would occur; but the individual is not, for any purpose, to be regarded as having been dismissed by the transferor.
- (3) This paragraph is without prejudice to any right of an individual employed by a transferor to terminate the individual's contract of employment if (apart from the change of employer) a substantial change is made to the individual's detriment in the individual's working conditions.

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#### **Commencement Information**

**12** Sch. 2 para. 4 in force at 1.10.2008 by S.I. 2008/2497, art. 2(o)

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