

9 October 2023

PCS concerned only option facing Marine Management Organisation staff is fire and rehire

PCS is concerned that MMO contracts will be forcibly changed due to Defra instruction. We are defending members rights and this updates on the current position following a Civil Service World article.

[Read the Civil Service World article online.](#)

When MMO was created in 2010 staff were moved from the Marine and Fisheries Agency through a process known as Cabinet Office Statement of Practice (COSop). This process is used within the civil service when people are being moved between organisations, but it is not seen as changing employer. If the employer was changing people would have been moved under a Transfer of Undertakings (TUPE).

Until recently people could easily move in and out of the MMO to other parts of the civil service and retain continuity of service. In 2018 Defra started to block moves and instructed shared services not to allow transfers in or out of the MMO. This meant that to move from MMO to Defra, or vice versa, they would need to resign and start their employment with the new organisation, breaking their continuity of service and losing accrued employment rights.

The Cabinet Office updated their guidance ("How to move roles across the Civil Service: guidance for employees") in 2023 stating you were not able to transfer in or out of NDPBs, however this change was not consulted on with either the national trade unions or with the NDPBs and employees who would be detrimentally impacted by this change. PCS has challenged this with Defra.

The Civil Service Commission states that as long as open and fair recruitment has been undertaken then members from NDPBs can transfer using an exception.

MMO Position

MMO's employment contracts include a term which references continuous service with government departments as counting towards a continuous period of employment for the purpose of the Employment Protection legislation.

MMO have formally opened a consultation with trade unions to remove the reference to continuous service in employment contracts for new staff as soon as possible.

PCS Position

PCS does not agree with a change to contracts for future employees. PCS also believe that staff have the right to freely move throughout the civil service. Employees have been successful in securing these rights when moving to other departments and even within Defra, MMO staff have successfully transferred as recently as 2022.

Adverts on civil service jobs have stated that employees of NDPBs would be considered as continuous if there was a link to the home department, or by agreement with the incoming/outgoing department.

Defra have it within their power to allow people to transfer between Defra and MMO, but have decided that no one can do this. Whereas those moving to departments outside of Defra have been successful in retaining continuity, and therefore their employment rights.

PCS also believes that without agreement from the trade union that changes cannot be implemented to contracts. Therefore, there is a risk to MMO employees that the only route MMO have to impose changes is to vary employees' contracts through the controversial process of fire and rehire.

As this campaign progresses, we will be looking at other ways members can make their feelings known, and it is imperative that MMO and Defra understand this is not an acceptable way to treat staff who have honoured their part of the contract.

What can you do?

- Make certain that all your contact details are correct on PCS Digital as we may need to send you relevant information quickly.
- Consider becoming more involved in the union.
- Encourage colleagues to join PCS and come along to meetings we will be holding with members.