



## **Making sense of TUPE - A one day course**

This course is aimed at raising awareness of TUPE issues for HR managers within both the public and private sector. The course will be conducted through a series of PowerPoint sessions, discussions and small case studies drawn from the case law. Questions and debate will be encouraged throughout.

### Course Programme

#### **Background to TUPE**

- Transferring businesses before TUPE
- The European Dimension
- Outline of the effect of TUPE

#### **Identifying TUPE situations**

- Transactions to which TUPE applies
- The test for a 'relevant transfer'
- Identifying a 'change of service provider'

#### **Who transfers under TUPE?**

- 'Assigned' to the undertaking
- 'Immediately before the transfer'
- The effect of dismissal prior to transfer
- Getting information from the transferor
- Employees who object to the transfer

#### **What gets transferred?**

- Contractual terms - express and implied
- Collective arrangements
- Pension provisions
- Other liabilities

#### **Key issues in a TUPE transaction**

- The two-tier workforce and local government contracts
- The due diligence process
- Liability and indemnity issues
- The giving of employee liability information

### **Dismissals connected with a transfer**

- Automatic unfairness
- Constructive dismissal in the context to TUPE
- ETO reasons 'involving a change in the workforce'

### **Changing terms and conditions post transfer**

- The restriction on changing terms
- Changing terms and conditions under the 2006 Regulations
- Real-world solutions

### **Collective issues**

- The duty to inform representatives
- 'Contemplating measures'
- The duty to consult
- Liability for not consulting

### **Final questions and close of course**