

in Company Training services

Making Sense of TUPE

A one-day course

This course is aimed at demystifying the Transfer of Undertakings Regulations for HR professionals and senior managers. No previous knowledge of TUPE is needed and the course can be amended to include specific issues that relate to public sector procurement.

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.

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