

A PRACTICAL GUIDE TO TUPE AND EMPLOYEE TRANSFERS

**CORE LEGAL PRINCIPLES,
TRICKY ISSUES AND HOW IT
REALLY WORKS IN PRACTICE**



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Tupe A Practical Guide

Joacim Rocklöv



Tupe A Practical Guide:

TUPE Gill Sage,2002 Ensuring that the rights of employees are catered for in any business transfer can be a potential minefield and failure to comply with the Transfer of Undertakings regulations can result in expensive and time consuming legal challenges Business Transfers and Contracting ,2006-01-01 A Practical Guide to TUPE and Employee Transfers - Core Legal Principles, Tricky Issues and How It Really Works in Practice Dominic Holmes,2023-03-20 The Transfer of Undertakings Protection of Employment Regulations 2006 TUPE can have a significant impact on the broader commercial aspects of a corporate transaction outsourcing or re tendering process If it applies it will usually result in the automatic transfer of employees and liabilities associated with them from one employer to another It provides protection from dismissal and restricts the new employer s ability to change employment terms It imposes strict requirements to share employee information and a duty to inform and consult with representatives of affected employees Written in straightforward user friendly language this book demystifies the core legal principles which underpin TUPE and explains how they are applied in practice It offers clear guidance to employers and their advisers on how best to achieve their business objectives even where these may be inconsistent with how TUPE works Dominic explains complex issues such as when TUPE applies to sub contractor relationships and insolvency scenarios its impact on pension rights restrictive covenants and share incentives and how to manage cross border transfers or multi jurisdictional projects He deals with the emerging UK and European case law on fragmentation and the extent to which an individual s employment may transfer to two or more new employers There is also comprehensive guidance on how the potential impact of TUPE applying or not applying can be managed effectively Dominic looks at a wide range of commercial provisions that may be negotiated by the parties to deal with TUPE and employment related liabilities He explores how a TUPE scenario might be approached differently by each of the parties involved whether they are seeking to inherit transfer out retain or dismiss employees or where they are a third party customer seeking to manage the potential transfer or otherwise of employees from one service provider to another This is an essential companion for employment law practitioners in house lawyers procurement specialists and HR professionals who want to enhance their understanding of how TUPE operates in the real world ABOUT THE AUTHOR Dominic Holmes is a Partner at Mishcon de Reya He is known for his straightforward commercial approach to complex employment law issues and has over 17 years experience in advising employers on the legal and practical implications of TUPE across a range of sectors both within the UK and in the context of multi jurisdictional projects He has supported businesses on TUPE issues in matters as varied as global outsourcing exercises intra group transfers of undertakings the sale of businesses out of insolvency and TUPE related litigation CONTENTS 1 TUPE Introduction and Overview Part A Does TUPE Apply 2 Transfer of an Economic Entity 3 Service Provision Changes 4 Public Sector Transfers 5 Sub Contractors Part B Basic Protections 6 Automatic Transfer of Employees 7 Automatic Transfer of Rights and Liabilities 8 Terminating Employment 9 Changing Terms of

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