

TUPE is all about the employee. TUPE safeguards employees' rights when there is a transfer of a business or service from one organisation (the transferor) to another organisation (the transferee).

Know your liabilities. The new company steps into the shoes of the old company as the employer of the transferring employees and on the whole, the contracts of employment of the transferring employees transfer with them, including the rights and liabilities pertaining to the contract.

Understand your data. The transferee assumes responsibility for everything that the transferor has or has not done in respect of the transferring employees, for example any failure to pay wages passes to the transferee, and it becomes responsible for employment claims, even pre-existing claims so read every bit of information!

Inform and consult. The transferor and transferee are required to inform and consult with appropriate representatives of employees affected by the transfer about specific matters linked to the transfer and if the transfer may lead to changes affecting the workforce.

Be empathetic. A transfer can be hugely disruptive and challenging for employees. Employees may be leaving behind colleagues, friends and a culture they knew and understood. They will be joining a new employer that may be unknown to them, not necessarily through choice, but by operation of law.

Business as usual. These issues can lead to distraction from work and create a disaffected workforce however employers need to recognise the opportunities and address the challenges and continue to run their businesses as efficiently and productively as possible in the lead-up to and following the transfer.

Go beyond compliance with the law and implement good practice by working alongside HR to develop and implement an open and effective pre-transfer consultation process and a well-thought-out and effectively communicated post-transfer plan. This can lead to a smoother and more effective transfer.

Get legal advice. Determining whether or not a set of circumstances amounts to a relevant transfer under TUPE is not straightforward so get legal advice. Don't leave it too late to seek advice, because the risks associated with a TUPE transfer are much easier to manage with time on your side.

If you're unsure about how to implement any of these strategies or need HR advice and support reach out to natalie@hr2goconsultancy.co.uk 07779 508972 01279 771098