



TUPE law and practice

18 September 2008 ■ London

4 March 2009 ■ London

This one-day seminar will discuss the key elements of TUPE 2006, and will help you avoid potential liability for unfair dismissal and redundancy payments, as well as claims for breach of contract and unlawful deductions.

It will enable you to:

- Gain a better understanding of the amendments to TUPE
- Find out how the regulations work and their practical consequences
- Assess risks and strategies when changing contracts of employment
- Minimise liability through negotiation

"Paula was brilliant, the course was at a good pace and everything was covered in depth. Enjoyed it far more than I imagined and feel far more knowledgeable"

Theresa Winters, Lloyds TSB

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Why you should attend this seminar

The law in relation to TUPE is constantly developing. It is an area which affects most, if not all, businesses. Attending this seminar will help you avoid, or minimise potential liability for automatically unfair dismissal and redundancy payments, as well as claims for breach of contract and unlawful deductions. This seminar will explain the latest case law and the effect of the new legislation, the legal effects of a transfer, contracting-out, changing employees' terms and conditions of employment and the proposed changes to the TUPE regulations.

Just one day out of the office will give you the peace of mind that you are ready to deal with transfer situations and the confidence you won't get caught out.

Benefits of attending

This one-day seminar will help you:

- 1 Identify when the Trade Regulations apply
- 2 Assess risks and strategies when changing contracts of employment
- 3 Recognise the need to investigate the implications and costs of TUPE when purchasing businesses
- 4 Avoid or minimise potential liability for unfair dismissal and redundancy payments
- 5 Identify and implement employee information and consultation obligations
- 6 Identify which areas require protection through contractual disclosures and indemnities

Who should attend?

- Personnel officers and managers
- HR officers and managers
- In-house lawyers who are responsible for company acquisitions

Sponsorship and exhibition opportunities

If you are looking to meet key HR/Personnel Managers and Directors then become involved with Croner Training as a sponsor or exhibitor. We offer a full range of promotional opportunities, including a pre-event brand awareness raising programme, on-site promotion and the chance to meet key industry leaders.

For a fully customised package, please contact **Kasia Lloyd-Brown** on **020 7960 5618** or e-mail kasia.lloydbrown@cronertraining.co.uk

Programme

1 Introduction

- Key elements of TUPE 2006
- History and developments

2 When does TUPE apply?

- Identifying what a TUPE transfer is
- What is a service provision change?
- Contracting out, contracting in and second generation transfers under TUPE 2006
- Contracting with Local Authorities
- Case study in off-shoring situation

3 Who transfers?

- What if an employee spends only part of their time in the part of the business being transferred?
- Can a transferee prevent employees transferring e.g. by staff switching?
- Can a transferee refuse to take on employees?
- Scenario acquiring part of a business

4 The effects of TUPE – what are the effects on:

- Terms and conditions of employment
- Restrictive covenants
- Profit shares, bonuses and share options
- Pensions
- Collective agreements
- Other liabilities

5 Dismissals under TUPE – where is the employer protected?

- Unfair dismissal in TUPE situations
 - Automatically unfair dismissal
- Changes or dismissals connected to the transfer
- Is there an economic, technical or organisational reason (ETO)?

6 Changing the contract of employment

- Achieving change by consent?
- "ETO" reasons for change
- Are changes connected with a transfer?
- When are changes effective?
- What is a "material detriment" and why is it important?

7 Duty to inform and consult

- When are these duties triggered?
- Who has what duty?
- Special circumstances defence
- How will data be protected during a transfer?
- Informing of "measures"
- Warranties and indemnities

8 Employee liability information

- What information must be given?
- When?
- What is the penalty?

9 New developments

- How tribunals have interpreted the new regulations – case law update
- Which areas are causing problems in practice

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Speaker

Paula Rome



Paula Rome is an associate at Shoosmiths Thames Valley. In addition to advising companies and individuals on various aspects of employment law she offers training to a wide range of organisations on employment law and its practical implications. Paula qualified in 1993 and practiced for 5 years before making the move to become a full time trainer. In 2006 Paula returned to practicing as a solicitor. Paula is a frequent article writer and speaker at employment law conferences. She is also a contributing author of Croner's "Managing Equality and Diversity" and "Managing the Internationally Mobile Employee". Paula also co-authored "Reviewing and Changing Contracts of Employment".

"Excellent course - lots to learn"

Javeed Hussain, HR and Training Officer,
Town and Country Housing Group

"Very informative course and at a balanced pace"

Anita Bhabuta, Surrey County Council

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