



## Your Rights Under TUPE - Employment Tribunals

### TUPE

The **Transfer of Undertakings (Protection of Employment) Regulations** – known as **TUPE** – exist to protect employees in the event of a transfer of ownership of the “undertaking” that they work in.

The term “**undertaking**” covers businesses, public sector and charitable employers as well as other types of organisation.

For TUPE to apply to a transfer of an undertaking the transfer must involve a change in the identity of the employer.

TUPE often applies where a business or part of a businesses is sold and also to mergers, de-mergers and corporate restructuring.

As well as transfers of undertakings, TUPE applies in the event of a “service provision change”. There are three types of service provision change – contracting out, contracting in and changes of contractor.

Businesses and other organisations often outsource certain functions. Common examples are cleaning, catering and security.

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Outsourcing a function for the first time is classified under TUPE as a contracting out service provision change. A contracting in service provision change occurs when a function, having been outsourced in the past, is taken back in house. A change of contractor service provision change occurs when an outsourced function is transferred from one contractor to another.

If the undertaking that you work in is involved in a TUPE transfer or a service provision change then the effect of TUPE is to give you a right to transfer your employment on the same terms and conditions with your length of service protected. TUPE also requires that you or your representatives are consulted with and given information about the transfer.

If you are dismissed because of a TUPE transfer and there is not a redundancy situation or similar then you could have a claim for automatic unfair dismissal. Irrespective of whether you are dismissed or not, if you are not informed and consulted about a TUPE transfer or service provision change affecting you then you could also have grounds for a claim

If you are thinking about bringing an employment tribunal claim relating to TUPE and are looking for a solicitor call our freephone helpline on:

**T: 0808 129 3320**

### Got Legal Expenses Cover on your Home Insurance Policy?

It is important to note that if you have legal expenses cover on your home insurance policy you may be able to use this to fund the cost of instructing an employment law solicitor.

This guide contains information on current legal issues applicable at the time of printing. Note there may have been changes subsequently which have not been incorporated in to the material. This guide is intended for information purposes only and its content should not be applied to any particular set of facts or relied upon without legal or other professional advice. For further information on how we can help you please contact:

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