

TUPE 2006 Regulations A Fact Sheet

Please note this is for guidance only. Legal advice on an individual situation should be sought from one of our specialist lawyers

TUPE Ref/Reg No

Steps / Action to be taken

EMPLOYEE LIABILITY INFORMATION

1.	11 (1)	Transferor shall notify to transferee employee liability information in respect of employees who are to transfer with the sale of the business in writing or in a readily accessible form
2.	11 (2)	<p>Sets out what is employee liability information</p> <p>(a) Identity and age of employee</p> <p>(b) S.1 ERA 1996 Particulars of Employment</p> <p>(c) Disciplinary and grievance procedures within the previous 2 years re employee</p> <p>(d) Information re Court or Tribunal claims within previous 2 years or in respect of which transferor has reasonable grounds to believe employee may to bring</p> <p>(e) Information re any collective agreement which will have affect after the transfer</p>
	11 (4)	N.B. includes certain dismissed employees as defined there
	11 (6)	Notification to be given no less than 14 days before relevant transfer. If special circumstances apply which make this not reasonably practicable then notification to be given as soon as reasonably practicable thereafter

EMPLOYEE REPRESENTATIVE ELECTIONS

3.	14 (1)(a)	Employer should make such arrangements as are reasonably practicable to ensure employee representative elections are fair
4.	14 (1)(b)	Employer shall determine the number of representatives to be elected so there are sufficient representatives to represent interests of all affected employees.
5.	14 (1)(c) - (i)	Other requirements in respect of elections are set out in these sub-paragraphs
6.	13 (10)	Where an employer has invited any of the affected employers to elect representatives an invitation was issued long enough before the time when employers required to give information under paragraph (2) to allow employees to elect representatives, employers shall be treated as complying with requirements of that regulation in relation to relevant employees if he complies with the requirements as soon as reasonably practicable after election of representatives
7.	13 (11)	If after an employer has invited any effected employees to elect representatives and they fail to do so within a reasonable time employer <u>shall give to any effected employees the information set out in 13 (2)</u>

INFORMATION TO BE GIVEN TO REPRESENTATIVES

8.	13 (2)	<p><u>Long enough before a relevant transfer to enable the employer of any effected employees to consult appropriate representatives of any effected employees the employer shall inform those representatives of the following:</u></p> <p>(a) that the transfer is to take place, the reasons for it and date or proposed date of transfer</p> <p>(b) legal economic and social implications of the transfer for any effected employees</p> <p>(c) measures he envisages he will take in relation to any effected employees in connection with the transfer or to say if no measures will be taken, and</p> <p>(d) where the employer is the transferor measures in connection with the transfer which he envisages the transferee (purchaser of business) will take in relation to any effected employees who will transfer on sale of the</p>
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9.	13 (2)(A)	(a) To include agency workers – “suitable information” (b) This suitable information means the number of agency workers working temporarily for and under the supervision and direction of the employer and whereabouts in the employers undertaking the agency workers are working and what kind of work they are carrying out
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PENALTIES / REMEDIES

12	Sets out transferees remedies for breach of regulation 11
15	Sets out remedy in breach of requirements of regulation 13 and 14