

TUPE Policy

Introduction

The purpose of this document is not only to provide a clear Policy Statement in relation to Interr's obligations under the TUPE Regulations, but also to ensure a consistent and practical approach is followed during any transfer situation.

The Transfer of Undertakings (Protection of Employment) Regulations 2013 is the legislation governing the transfer of an undertaking, or part of one, to another. The Regulations are designed to protect the rights of employees during and after a transfer, enabling them to enjoy the same terms and conditions, and continuity of employment.

Notification and Consultation

Where it is agreed that TUPE will apply, Interr will write to those employees affected by the transfer, explaining the following:-

- The fact that the transfer is to take place (or may take place)
- When it will (or may) take place
- The reasons for it
- The legal, economic and social implications for any affected employees
- The measures Interr intends to take, both in connection with the employee and the transfer

It is a statutory requirement that there should be full and proper consultation and Interr are committed to meeting this requirement. The consultations will take place with either the; recognized trade union, employee representatives or the employees directly. During the consultation process Interr are committed to provide as much relevant and timely information as possible. This can be achieved not only through the Consultation process but also through:-

- Site visits for employees allowing for concerns to be discussed and addressed
- Include updates in newsletters, staff meetings etc
- Ensure all relevant issues are communicated clearly, even the potential problem areas, thus encouraging openness and honesty throughout the process
- Ensuring Full staff involvement in the process is encouraged.

Application of Transfer

Assuming TUPE applies, Interr will;

- Take over the contracts of employment of all the employees who are employed in the undertaking at the time of the transfer (unless there are dismissals for economic, technical or organisational reasons entailing changes in the workforce) on the same terms and conditions as they are employed, except in relation to future occupational pensions entitlement (see below).
- Take over all rights, powers, duties and liabilities in respect of the transferring employees.

Employees have the right to object to the transfer of their employment, but unless the client is willing to redeploy them away from the part of the undertaking being transferred, they will be treated as having resigned rather than being dismissed by the client. Such a resignation will not entitle an employee to redundancy payments or to claim unfair dismissal.

Schedule of Transfer

At the outset of any transfer it is Interr's responsibility to identify those employees currently employed in the undertaking being transferred, and to obtain information relating to the employee's existing terms and conditions of employment.

Pension

Whilst TUPE protects terms and conditions of employment at the time of transfer, it does not provide full protection for those employees who are members of an existing pension scheme (with current employer). However, TUPE does require the scheme's members to be offered a 'broadly comparable' pension scheme.

Summary

It should be noted that Interr are committed to ensuring that its obligations under the TUPE Regulations are achieved and that any employee affected by the transfer is treated fairly and equally.

Policy Review

This policy was last reviewed and agreed by the board and seeks to be reviewed and updated annually. Any queries arising regarding this policy should be addressed to Mick Tabori.



Mick Tabori - CEO
March 2020