

Reorganisations, redundancies and TUPE

Overview

All HR professionals need to understand the legal implications and practical issues of reorganising the workplace. Handling these situations well has many benefits; it can limit the risk of damaging and expensive litigation, and help to keep up morale among the remaining workforce.

This course takes you through the minefield of the law relating to redundancy and reorganisation, including the TUPE regulations. From making the original decision, through consultation with employees and their representatives to implementing the changes that are necessary, this workshop looks at what the law expects of an employer and discusses the real-life problems that can arise.

Learning objectives

This course will ensure that participants:

- Are up-to-date in their knowledge of TUPE and other relevant legislation and case law
- Know what pitfalls to avoid
- Can play their part in ensuring a successful reorganisation and / or redundancy programme
- Minimise the risk of Employment Tribunal claims

Audience

This programme is designed for HR practitioners, line managers and anyone involved in a business reorganisation.

Format

A highly-participative, practical and informative one-day course, presented in an outgoing, informal and relaxed style. Business examples, case studies and discussion briefs are used to stimulate participant interest and to cater for a range of learning styles.

Expert trainer

This programme was designed and is delivered by **Toni Trevett**. Toni has more than 25 years' HR experience. Formerly an HR Director within the BAA group of companies, she is an independent HR / employment law consultant and lecturer. She was the youngest member ever appointed to the Employment Tribunal judiciary.

Workshop outline

1 Reorganisation

- What flexibility do employers have to change the jobs of their employees?
- Contractual flexibility without agreeing new terms (express and implied)
- Option for change when agreement is required
- Can we ever force through changes?

2 TUPE

- An overview of TUPE
- Employee rights in the event of a transfer
- Obligations for information and consultation on the transferor and transferee
- Defining and managing ETO situations
- Harmonisation and other change initiatives
- Penalties for failures, mistakes and non-compliance

3 Redundancy

- What is the definition? And why is it important?
- Constructing a redundancy timeline – particularly in light of recent case law
- Obligations for information and consultation
 - Grievance
 - Who needs to be consulted?
 - When does the law require consultation with employee representatives and individual employees?
- Collective v individual
- When to seek volunteers
- What is a selection pool?
- What criteria should be used in a compulsory redundancy selection exercise?
 - How should you measure these criteria?
- When are employees entitled to access to the assessments made by the employer? – showing fairness
- Calculating redundancy payments and the effect of *ex gratia* termination payments
- Alternative employment, what to offer?
- Appeals against decisions
- Classic mistakes to be avoided
- Role of the Employment Tribunal and case law to be aware of

For a no-obligation discussion about running this programme for your organisation on an in-house basis, just give us a call on **01582 463462**.