



TUPE Transfers: 10 Top Tips for Employers

Transferring employees can be complex and risky for businesses if not handled correctly. But don't worry you're in safe hands with our Top 10 tips for managing Tupe Transfers.

01 Look out for problems as early as possible

You must conduct effective due diligence, which is 'the care a reasonable person should take before entering into a legal agreement'.

02 Ensure employee liability information is transferred

The transferee is entitled to receive employee liability information from their outgoing employer. If the information isn't collated and updated properly, you could receive a minimum £500 penalty.

03 Check who transfers

You must look at the circumstances and only transfer employees who are assigned to the work activities, or employee group, in question.

04 Get relevant employment information

You must get full disclosure of pre-transfer promises for all transferring employees. You should also back this up with warranties and indemnities. These are used to reallocate risk between buyers and vendors.

05 Remember staff can refuse to transfer

If an employee chooses not to transfer, their employment terminates immediately, and they don't need to serve a notice period.

06 Offer equivalent benefits

Quite often it's impossible to replicate the benefits offered by the previous employer. You should look to offer a substantially equivalent arrangement.

07 Ensure agency worker information is transferred

Details of the transferor's agency workers must be provided to their new employers. If this information isn't provided it could lead to an award of up to 90 days' pay per employee.

08 Beware of hidden TUPE transfers

Failing to spot a TUPE transfer could lead to an employer paying a financial penalty of up to 13 weeks' pay per employee.

09 Expect disputes

The activities in question must remain the same for TUPE to apply. Some employees, such as contractors, may challenge this.

10 Be as flexible as possible

Harmonising the terms and conditions of transferring employees with your existing workforce is important but tricky. Getting the balance right requires flexibility and often compromise..