

## Reorganisation, 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 2006 changes to the TUPE regulations. From making the original decision, through consultation with employees and their representatives to implementing the changes that are necessary, this course looks at what the law expects of an employer and also gives scope for discussion and development of the real-life problems that can arise.

### Training 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.

### The expert trainer

Toni is a Fellow of the Chartered Institute of Personnel and Development and a member with 15 years standing of the Employment Tribunal judiciary (the youngest member ever appointed). Formerly an HR Director within the BAA group of companies, she is an independent HR / employment law consultant of more than ten years' standing. She has worked with many organisations as a consultant, auditing HR policies, procedures and practices as well as managing complex and sensitive issues such as redundancy, TUPE transfer, reorganisations, etc. An author and trainer, she is also a lecturer for the CIPD graduate qualification.

The organisations she has worked with include, to name but a few, Orange, Ford, AXA Insurance, Westminster City Council, BSS, Zurich, OFT, CAF/CASS, Vinci, The White Company, Eurolink Group plc, RDF plc, Canute, IBIS Hotels, British American Tobacco and Brunel Care.

Her programmes are both participative and highly enjoyable and the reaction from participants is always outstandingly positive, as shown by the following client feedback:

'Exceptional. Feedback from our managers has always been second to none. Cannot be recommended highly enough.'  
*British American Tobacco*

'Can't remember when I have enjoyed a day's "work" so much. It was extremely interesting and informative and it was also a lot of fun – I have spoken to the other delegates and they were of the same opinion. Toni

was extremely knowledgeable on employment law and had a great sense of humour – many, many thanks and we look forward to seeing you for more training and development initiatives within Vinci.’ *Vinci plc*

Materials provided are excellent – far exceeded expectations. A great workshop, group energy was brilliant (not easy or expected), which is down to Toni. Great presenter, very knowledgeable and enthusiastic.’  
*The White Company*

‘One of the best course presenters I have seen in some time.’ *AXA Insurance*

‘Toni recently ran a two day training programme for all of our middle/senior managers on a range of leadership skills. The feedback as always was outstanding. The training was informative, engaging and entertaining. Toni used a range of different techniques to ensure we were given the information and skills we needed to improve our coaching and leadership capability whilst inspiring us to adapt the methods to address our own specific issues. We learnt some very valuable skills and had a thoroughly enjoyable two days.’  
*Brunel Care*

## Course 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
- Differences between the 1981 and 2006 Regulations
- 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
  - 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

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