

After a transfer

After a TUPE transfer, by law the old and new employers no longer need to inform and consult employees and representatives. This is unless there are:

- any proposed changes in working practices
- redundancies

Steps the old employer should take with employees that did not transfer

The old employer should regularly talk with employees that did not transfer. This is to make sure:

- any reorganisation of teams or working practices has been successful
- employees can manage the workload

It's good practice to:

- reassure remaining employees through regular meetings and updates
- listen and respond to concerns, and help to maintain performance and quality of work
- check remaining employees are coping well after the transfer of other employees
- look at introducing team-building activities and reward schemes to boost morale

Steps the new employer should take

Employees who have transferred to an organisation might have different ways of doing the same job.

To help the transferred employees settle in, the new employer should:

- welcome them to the organisation, including introducing them to any new team members and their line manager
- use the induction process to introduce rules, policies and standards so they know what is expected of them and how things should be done
- hold regular team meetings to integrate any new employees with their line managers and existing staff
- put in writing any changes to their terms and conditions of employment, for example the name and address of their new employer
- check they understand the terms which transferred over with them

The new employer must make sure they have put in place any [reasonable adjustments](#) for disabled employees.

It's good practice to:

- listen to employee suggestions and arrange discussions to generate ideas to improve processes – this could help identify and resolve problems early
- make sure line managers support employees while they're adjusting to change
- consider having buddies or mentors for new employees to deal with queries and identify problems quickly

The new employer must inform and consult employees and their representatives if they plan on:

- making any changes to working practices – these are known as 'measures'
- making redundancies

If employees do not want to work for the new employer

If any employees want to leave after transferring to an organisation, they must tell the employer in writing. This could be in a letter or email.

The employer must:

- confirm the notice period and agree a leaving date
- pay the employee any outstanding wages and holiday they've built up but not yet taken when their employment ends

The employee will not usually be entitled to:

- any additional payments, for example redundancy
- claim for unfair dismissal

They might be able to make a claim to an employment tribunal if they were not informed about the transfer before it happened. Find out more about [why an employer must consult](#).

Find out more about:

- [resignation](#)
- [pay during the notice period](#)

If working conditions are worse

An employee might be able to end their employment and make a claim for constructive dismissal if:

- after the transfer their working conditions are substantially worse
- this is to their material detriment

Working conditions could include:

- conditions in the contract
- physical working conditions
- other conditions such as the place of work

For example, the workplace changes location which makes it difficult or much more expensive for an employee to transfer.

This is a complex area of law. If you're in this situation, you should [get legal advice](#).

Redundancy

After employees have transferred, the new employer can only make redundancies related to the transfer if there is both:

- a genuine redundancy situation
- a need to make changes to the workforce for economic, technical or organisational (ETO) reasons

If the reason for redundancies is not related to the transfer, the employer does not need an ETO reason.

Find out more about:

- [TUPE and redundancy](#)
- [redundancy](#)