

Employee liability information

By law, the old employer must provide the new employer with specific information about the employees transferring. This is known as 'employee liability information' (ELI).

Employee liability information includes:

- their name
- their age
- their [written statement of employment particulars](#)
- any disciplinary and grievance records, or ongoing cases, from the last 2 years
- any collective agreements with a trade union that affect employees' terms and conditions
- any claims employees have made against the old employer in the last 2 years, or the old employer believes they might make when they transfer

When the old employer must provide information

The old employer must give employee liability information to the new employer at least 28 days before the transfer date. But it's a good idea to provide this information as early as possible.

The information must be accurate, up to date and provided in a secure way.

If any employees decide they do not want to transfer, the old employer must:

- update employee liability information as soon as possible
- tell the new employer

[Find out more about data protection and using employment records from the Information Commissioner's Office](#)

Checks before sending information

The old employer should check if:

- they've included all policies which cover terms and conditions not in employment contracts
- any recently agreed changes to terms and conditions are included in employment contracts
- there are any terms and conditions not in writing by checking with a recognised trade union or employee representatives, for example if they were agreed verbally
- any changes to terms and conditions have been agreed for particular employees, for example flexible working arrangements

If information is incorrect or not provided on time

The new employer should check if all employee liability information is provided on time and correct.

The new employer might be able to make a claim to an [employment tribunal](#) if:

- the old employer does not give employee liability information to the new employer at least 28 days before the transfer date
- any information is incorrect
- the old employer fails to inform the new employer of any changes to employee liability information

If the claim is successful, the new employer could receive compensation. This could be at least £500 for each employee the old employer gave incorrect or no information for.

Information the new employer must provide

The new employer must tell the old employer about any 'measures' they're thinking of taking after the transfer.

Measures are usually changes to working practices. For example, changes to employees' pay dates or working patterns.

The old employer must inform affected employees about these proposed changes.

[Find out more about informing and consulting during TUPE](#)

Other things to agree

It can help for both employers to discuss and agree:

- which employees are in the group to transfer
- the transfer date

Both employers might also want to discuss:

- if the new employer will meet with the transferring employees and their representatives before the transfer
- if transferring employees can visit the new employer's premises to see what it's like

It can be helpful and reassuring for staff if the new employer is available to answer any questions and give information directly. For example, when there are meetings or visits to premises.

Both employers should agree what to say before meetings to avoid misunderstandings.