



Gardner  
Leader

# TUPE Checklist

1. Is your business (or the part being transferred) based in the UK?
2. Is there a 'Business transfer' or a 'Service provision change'?

## Business transfer:

- a. Has the identity of the employer changed?

## Service provision change:

- a.
  - i. Has a service that was provided in-house been awarded to a contractor?
  - ii. Has a contract ended and been given to a new contractor?
  - iii. Has a contract ended and the work been transferred in-house?
- b. Are the employees clearly identifiable as provided the service being transferred?

3. Have you identified the affected employees?
4. Have you consulted and informed the trade union or employee representatives?
5. Do all employees want to work for the new employer?
6. Has employee liability information been passed on to the new employer?
7. Have the terms of the employees' contract of employment changed as a result of the transfer? If so, was this for an 'ETO reason' or a 'Positive change'?

## ETO reason:

- a. Did the change take place for an economic, technical, or organisational reason involving a change in the workforce?
- b. Is the reason concerned with the day-to-day running of the business?

## Positive change:

- a. Does the change improve the employees' terms and conditions?
8. Has an up to date written statement of employment been provided to each employee after the transfer?



We hope this checklist has been helpful and gives you peace of mind with practical advice. For more information on the services the employment team provides please [click here](#).

Our employment team regularly host events for professionals with HR responsibility or an interest in employment law, if you would like to register your interest in attending please email [events@gardner-leader.co.uk](mailto:events@gardner-leader.co.uk).

## Employment Team



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