11. Continuity of employment and TUPE

Each Concentrate revision guide is packed with essential information, key cases, revision tips, exam Q&As, and more. Concentrates show you what to expect in a law exam, what examiners are looking for, and how to achieve extra marks. This chapter discusses continuous employment and the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). An employee’s period of continuous employment begins on the day on which the employee starts work. Although continuity provisions normally apply to employment by one employer, there are situations where a transfer from one employer to another can preserve continuity of employment. One such situation is when there is a relevant transfer under TUPE. TUPE acts to ensure that an individual’s contract of employment is transferred in its entirety when the individual employee experiences a change of employer as a result of a transfer.