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RIGHTS

# TUPE 2014

by Richard Arthur

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# TUPE 2014

As the author of this timely report notes, 'The period since 1981 has seen the proliferation of privatisation and contracting out, with a dominant theme being a desire to reduce wages and other workforce-related costs.' Against this background, TUPE has traditionally provided essential protections for workers. But how effective are those protections following changes introduced in January 2014?

This publication guides the reader through those changes in some detail, with reference to leading cases both in the UK and in Europe. It considers the implications and likely impact of the new laws and the ability of employers to change terms derived from collective agreements.

Richard Arthur places the updated 2014 Regulations into a political context. He notes that government plans to further weaken TUPE protections were thwarted, but expresses concern at recent European court decisions. He reminds readers that the intention of the original Directive was 'unilaterally the protection of workers'. But recent interpretations by the Court of Justice focus on the need for a 'fair balance' between workers' and employers' interests, suggesting that social rights are being subordinated to economic rights.

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