Practice notes: Employment

The practice notes that are currently on PLC Employment are listed below under the relevant topic. The same documents can also be viewed by clicking on the relevant subject in the Topic box on the PLC Employment homepage and then selecting the "Practice notes" tab.

Reference: www.practicallaw.com/8-200-3578

General

Practice notes

- General election 2015: implications for employment law

ADR

Overview notes

- Mediation in workplace and employment disputes: an overview

Practice notes

- Compromising employment claims
- Effective preparation for an employment mediation
- How do you calculate an employee's daily rate of pay?

Atypical working

Overview notes

- Agency workers: overview of rights
- Atypical workers: overview
- Atypical working: toolkit

Practice notes

- Agency workers: employment status
- Apprenticeships: employment law implications
- Casual workers
- Employment agencies and employment businesses: regulatory aspects
- Employment of children
- Fixed-term contracts
- Flexible working (until 30 June 2014)
- Flexible working: the right to request flexible working from 30 June 2014
- Homeworking
- Managed service companies
- Part-time working
- Secondment agreements
- Small Business, Enterprise and Employment Bill: employment law provisions
- The Agency Workers Regulations 2010
- Volunteering and internships: employment law issues
Collective consultation

Overview notes
- Information and consultation obligations in employment: overview

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- Consulting with employees on pension changes
- Electing employee representatives
- European Works Councils
- Information and consultation agreements
- Redundancy (8): collective consultation
- TUPE (6): obligations to inform and consult

Contracts of employment

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- Changing terms of employment: a quick guide
- Contract law for employment lawyers toolkit
- Directors: toolkit for employment lawyers
- Prevention of illegal working and establishing the right to work in the UK

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- Acting for an employee entering into an employment contract
- Atypical restrictive covenants
- Bonuses
- Casual workers
- Changing terms of employment
- Confidentiality during employment and after termination
- Constructive dismissal
- Continuity of employment
- Contracts: termination
- Contracts: termination: FAQs
- Directors' service agreements and regulatory issues
- Employment contracts
- Excluding or limiting liability for negligence
- Fixed-term contracts
- Garden leave
- Geys: Frequently Asked Questions
- Golden parachutes
- Holidays
- Illegality in employment
- Implied terms in employment contracts
- Intellectual property issues in relation to employees and consultants
- Partners: issues for employment lawyers
- Pensions for employment lawyers
- Pensions in the employment contract
- Restrictive covenants in employment contracts
- Rome I and Rome II: a summary
- Rome I: an outline of the key provisions
- Salary sacrifice arrangements
• Secondment agreements
• Section 1 statements
• Senior managers and certification regime: overview for employment lawyers
• TUPE (4): changing terms of employment
• Vicarious liability

**Cross-border and immigration**

**Overview notes**
• Business immigration: overview
• Cross-border issues affecting UK employment law: overview
• English employment law: overview
• Hiring and Employing Foreign Nationals in the US: Overview
• Jurisdiction: an overview
• Northern Irish employment law: overview
• Prevention of illegal working and establishing the right to work in the UK
• Scots employment law: overview

**Practice notes**
• Brussels Regulation: where an employment contract should be enforced
• Business immigration routes into the UK
• Business visitors
• Employees: international acquisitions
• Employees: international joint ventures
• European Works Councils
• Immigration and the employment lifecycle
• Northern Irish employment tribunals: practice and procedure
• Points-based immigration
• Posted Workers Directive
• Rome I and Rome II: a summary
• Rome I and the Rome Convention: applicable law of the employment contract
• Rome I: an outline of the key provisions
• Rome II: an outline of the key provisions
• Scottish employment tribunals: practice and procedure
• Sponsor registration under the points-based immigration system
• Tax issues on the relocation of employees
• Tax legislation tracker: employment
• The territorial scope of UK statutory employment rights
• Work permits and HSMP

**Directors**

**Overview notes**
• Corporate Manslaughter and Corporate Homicide Act 2007: a quick guide
• Directors: issues for employment lawyers
• Directors: toolkit for employment lawyers
• Overview of directors’ health and safety responsibilities

**Practice notes**
• Acting for an employee entering into an employment contract
Practice notes: Employment

- Companies Act 2006 and Transparency Directive: timeline for implementation
- Companies Act 2006: GC100 paper on directors' duties
- Corporate Manslaughter and Corporate Homicide Act 2007
- Declaration of directors' interests: Companies Act 2006
- Directors' and officers' liability insurance
- Directors' duties: comparison between Companies Acts 2006 and 1985
- Directors' duties: corporate governance influences
- Directors' general duties under the Companies Act 2006
- Directors' liabilities: Companies Act 2006
- Directors' liability: relief from liability
- Directors' long-term service contracts: comparison between Companies Acts 2006 and 1985
- Directors' service agreements and regulatory issues
- Directors' service contracts: disclosure
- Directors' service contracts: notice periods and compensation for loss of office
- Directors: comparison between Companies Act 2006 and 1985
- Dismissing a senior executive
- Fiduciary duties
- Golden parachutes
- How are health and safety offences prosecuted?
- Insolvency and considerations for directors
- Loans to directors prior to 1 October 2007
- Loans to directors: comparison between Companies Acts 2006 and 1985
- Model Code
- Senior managers and certification regime: overview for employment lawyers
- Shadow directors: comparison between Companies Act 2006 and 1985
- Substantial property transactions prior to 1 October 2007
- Substantial property transactions: comparison between Companies Acts 2006 and 1985
- Transactions with directors prior to 1 October 2007
- Transactions with directors: comparison between Companies Acts 2006 and 1985

Discipline and grievances

Overview notes
- Discipline and misconduct toolkit
- Discipline and poor performance toolkit
- Discipline under the new Acas Code: a quick guide
- Dismissing an employee: a quick guide
- Unfair dismissal: overview

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- Conducting a disciplinary investigation and hearing
- Conducting a grievance investigation and hearing
- Dismissals: the effect of internal appeals
- Statutory dismissal and disciplinary procedures
- Statutory grievance procedures

Discrimination

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• Discrimination toolkit
• Pre-October 2010 discrimination law toolkit
• Retirement before 6 April 2011: toolkit
• Retirement toolkit

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• Age discrimination
• Age discrimination and employee share schemes
• Disability discrimination
• Disability discrimination: reasonable adjustments
• Discrimination in Employment: retirement
• Disability discrimination: the definition of disability
• Discrimination in employment: bringing and defending claims
• Discrimination in employment: burden of proof
• Discrimination in employment: compensation and other remedies
• Discrimination in employment: exceptions
• Discrimination in employment: types of discrimination
• Discrimination in employment: who is protected and who is liable?
• Equality Act 2010: employment implications
• Equality and Human Rights Commission
• Fixed-term contracts
• Gender pay gap reporting obligations
• Gender reassignment discrimination
• Human Rights Act 1998: overview
• Marriage and civil partnership discrimination
• Part-time working
• Pensions and discrimination claims
• Pensions: age discrimination
• Pregnancy and maternity discrimination
• Race discrimination
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• Retirement before 6 April 2011
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• Sexual orientation discrimination
• The Charter of Fundamental Rights of the European Union
• Vicarious liability
• Volunteering and internships: employment law issues

Employee data and monitoring

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• Data protection toolkit
• Document retention toolkit
• Social media toolkit (UK)
• Social media: a quick guide

Practice notes
• Blacklisting of trade unionists
• Carrying out criminal record checks
• Corporate whistleblowing hotlines and EU data protection laws
• Data Protection Act 1998: exemptions
• Data protection issues on commercial transactions
• Data subject access requests: employer's obligations
• Directors’ duties: comparison between Companies Acts 2006 and 1985
• Draft General Data Protection Regulation: key provisions and what businesses should be doing now
• Employer obligations under the Data Protection Act 1998
• Human Rights Act 1998: overview
• Monitoring e-mail and internet use of employees
• EU General Data Protection Regulation: implications for employers
• Obtaining a medical report on an employee
• References

Employment appeals

Overview notes
• Appealing a tribunal decision to the EAT toolkit
• Appeals beyond the EAT toolkit
• Appeals: an overview
• EAT practice and procedure: overview
• Preparing effective witness statements

Practice notes
• Appeals to the House of Lords [based on the rules in force until 30 September 2009]
• Appeals to the United Kingdom Supreme Court
• Appeals to the United Kingdom Supreme Court: the rules before and after 1 October 2009 compared
• Appeals: a quick guide
• Detailed assessment: the procedure
• EAT practice and procedure (01): constitution and operation
• EAT practice and procedure (02): jurisdiction
• EAT practice and procedure (03): grounds of appeal
• EAT practice and procedure (04): issuing an appeal
• EAT practice and procedure (05): the sift and allocation of an appeal to a hearing track
• EAT practice and procedure (06): preliminary hearings
• EAT practice and procedure (07): defending an appeal and cross-appealing
• EAT practice and procedure (08): employment judge's notes of evidence and new evidence
• EAT practice and procedure (09): restricted reporting orders
• EAT practice and procedure (10): interlocutory matters
• EAT practice and procedure (11): conciliation and settlement
• EAT practice and procedure (12): skeleton arguments, authorities and hearing bundles
• EAT practice and procedure (13): full hearings and disposal of appeals
• EAT practice and procedure (14): review and appeal of EAT decisions
• EAT practice and procedure (15): costs in the EAT
• Enterprise and Regulatory Reform Bill: employment law provisions
• Judicial review: an introduction
• Seeking a reference to the ECJ

Employment status and self employment
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- Atypical workers: overview

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- Agency workers: employment status
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- Employee shareholders
- Employment agencies and employment businesses: regulatory aspects
- Employment status
- Intellectual property issues in relation to employees and consultants
- IR35
- Managed service companies
- Partners: issues for employment lawyers
- Volunteering and internships: employment law issues

Employment tribunals

Overview notes

- A practical guide to case management discussions in the employment tribunal (old rules)
- Disclosure: an overview
- Employment tribunal practice and procedure: overview
- Employment tribunal practice and procedure: overview (old rules)
- Employment Tribunals Rules of Procedure 2013: toolkit
- Employment tribunals toolkit (old rules)
- Employment tribunals: bringing a claim toolkit
- Employment tribunals: defending a claim toolkit
- Funding options for employment tribunal cases: an overview (old rules)
- Preparing effective witness statements
- Privilege: an overview
- Trial: an overview
- Without prejudice privilege: a quick guide

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- A practical view from tribunal
- Calculating pensions loss on termination of employment
- Compromising employment claims
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- Disclosure: reviewing the client's documents
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- Employment tribunals (01): Acas conciliation
- Employment tribunals (02): funding options for employment cases
- Employment tribunals (04): starting a claim
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• Employment tribunals (16): deposit orders
• Employment tribunals (17): withdrawing a claim
• Employment tribunals (18): striking out a claim or response
• Employment tribunals (19): postponements, adjournments or staying proceedings
• Employment tribunals (20): witnesses and documents
• Employment tribunals (21): final hearings
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• Employment tribunals (23): reconsideration of decisions
• Employment tribunals (24): costs
• Employment tribunals (25): enforcement
• Enterprise and Regulatory Reform Bill: employment law provisions
• Funding tribunal claims: using damages-based agreements before 1 April 2013
• Illegality in employment
• Informing the client about costs: at outset of retainer and beyond July 2007 to 5 October 2011
• New Employment Tribunals Rules of Procedure 2013
• Northern Irish employment tribunals: practice and procedure
• Scottish employment tribunals: practice and procedure
• Small Business, Enterprise and Employment Bill: employment law provisions

Equal pay

Overview notes
• Discrimination and harassment: a quick guide
• Discrimination toolkit
• Equal pay: overview

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• Equal pay: comparators
• Equal pay: equal value claims and procedure
• Equal pay: the material factor defence
• Equality Act 2010: employment implications
• Equality and Human Rights Commission
• Gender pay gap reporting obligations
• Pensions and discrimination claims

Families and pregnancy

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• Families and pregnancy: toolkit
• Shared parental leave and pay: toolkit

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• Adoption leave and pay
• Paternity leave
• Paternity pay
• Flexible working (until 30 June 2014)
• Flexible working: the right to request flexible working from 30 June 2014
• Maternity pay and benefits
• Parental leave
• Pension rights during maternity, paternity, parental and adoption leave
• Pregnancy and maternity discrimination (EqA 2010)
• Pregnancy and maternity: the legal framework
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Partnerships and LLPs

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• Setting up a partnership
• SRA Code of Conduct 2011 toolkit

Practice notes
• Execution of deeds and documents by LLPs, partnerships and limited partnerships
• Limited liability partnerships: salaried members
• Partners: issues for employment lawyers
• SRA Handbook 2011 and Code of Conduct
• Team moves from an LLP or general partnership

Pay and benefits

Overview notes
• A guide to PLC Financial Services’ remuneration materials
• Auto-enrolment: a quick guide
• Auto-enrolment: overview
• Bonus toolkit
• Dealing with share options and other share plan awards held by a departing employee: an overview
• Directors: toolkit for employment lawyers
• Disguised remuneration tax legislation (rewards from third parties, Part 7A of ITEPA 2003): an overview
• Disguised remuneration tax rules and employee share plans: a quick guide
• Employee share schemes: an introduction
• Insurance toolkit
• Pay and benefits: toolkit
• Pensions Act 2008: key points
• AIFM Remuneration Code for alternative investment fund managers
• Remuneration Code for banks, building societies and investment firms

Practice notes
• A week’s pay under the ERA 1996
• Bonuses
• Conduct rules in the senior managers regime (SMR) and the certification regime
• Employment issues on pensions auto-enrolment
• FAQ: How do share options work?
• FCN remuneration code tracker
• Golden parachutes
• National minimum wage
• Pensions Act 2008: a guide
• Pensions for employment lawyers
• Pensions issues on a TUPE transfer
• Recovering overpayments of wages and expenses
• Reforming pay policies and structures to comply with the revised FSA remuneration code
• Q & A: Lock and other holiday pay cases
• Salary sacrifice arrangements
• Service occupancies
• Small Business, Enterprise and Employment Bill: employment law provisions
• Unlawful deductions from wages
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• Bribery Act 2010: issues for employment lawyers
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• Social media: a quick guide

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• Bribery Act 2010: anti-corruption policies
• Effective whistleblowing policies
• Quasi-legislation: codes, guidance, orders, rules and directions
• Smoke-free premises
• Smoke-free workplaces: implications for employers

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• Business immigration: overview
• Establishing the right to work in the UK (prior to 29 February 2008)
• Prevention of illegal working and establishing the right to work in the UK
• Recruitment
• Recruitment: toolkit

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• Carrying out criminal record checks
• DBS checks and the children's barred list: a quick guide for schools
• Employment of children
• Obtaining a medical report on an employee
• Protection of Freedoms Bill
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• Safeguarding Vulnerable Groups Act 2006
• Senior managers and certification regime: overview for employment lawyers

Redundancy and business reorganisation

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• Redundancy: toolkit

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• Changing terms of employment
• Electing employee representatives
• Employment: intra-group reorganisations
• Redundancy (1): the definition of redundancy
• Redundancy (2): redundancy and unfair dismissal
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• Team moves: overview

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• Atypical restrictive covenants
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• Restrainment of trade: practical steps on discovering post-employment competition
• Restrainment of trade: preparing pre-claim correspondence (letters before claim and replies)
• Restrictive covenants in employment contracts
• Springboard injunctions for employment lawyers
• Team moves (1): identifying unlawful conduct
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• Overview of the employment aspects of insolvency
• Pre-packs in administration: a quick guide
• Redundancy: overview
• TUPE: overview

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• Claiming against an insolvent employer
• Employee bankruptcy
• How do I give effective advice to a business in financial difficulty?
• Insolvency and considerations for directors
• Practical employment considerations of buying an insolvent business
Sickness and incapacity

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- Sickness and incapacity: toolkit

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- Swine flu and the workplace
- Managing sickness absence
- Sick pay
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- Smoke-free workplaces: implications for employers
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- Unfair dismissal: ill-health

Taxation

Overview notes
- Employee share schemes: an introduction
- Taxation of termination payments: a quick guide

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- Disclosure of tax avoidance schemes under DOTAS: direct tax
- Income tax: general principles
- IR35
- Managed service companies
- Non-domiciled tax reforms: impact on share incentive taxation from 6 April 2008
- Personal liability of senior accounting officers for tax accounting arrangements
- Salary sacrifice arrangements
- Tax changes for higher earners
- Tax issues on the relocation of employees.
- Tax legislation tracker: employment
- Tax treatment of damages
- Taxation of employees
- Taxation of employees: benefits and expenses
- Taxation of termination payments

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- Dealing with share options and other share plan awards held by a departing employee: an overview
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- Directors: toolkit for employment lawyers
- Dismissing an employee: a quick guide
- Redundancy: overview
- Retirement before 6 April 2011 toolkit
- Retirement toolkit
- Taxation of termination payments: a quick guide
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- Joint statement on executive contracts and severance
- Atypical restrictive covenants
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- Confidentiality during employment and after termination
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- Discrimination in employment: retirement
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- Enterprise and Regulatory Reform Act 2013: employment law provisions
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- Geys: Frequently Asked Questions
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- Redundancy (2): redundancy and unfair dismissal
- Redundancy (3): alternative employment and trial periods
- Redundancy (4): statutory redundancy payments
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- Redundancy (6): lay-off and short-time working
- Redundancy (8): collective consultation
- Referring to share plans in settlement agreements
- Retirement before 6 April 2011: toolkit
- Senior managers and certification regime: overview for employment lawyers
- Small Business, Enterprise and Employment Bill: employment law provisions
- Statutory dismissal and disciplinary procedures
- Unfair dismissal: automatically unfair dismissals
- Unfair dismissal: compensation and remedies
- Unfair dismissal: ill-health
- Unfair dismissal: misconduct
- Unfair dismissal: poor performance
- Unfair dismissal: some other substantial reason
- Taxation of termination payments
- TUPE (5): protection against dismissal
- Wrongful dismissal
- Micklefield clauses and compensation for loss of share plan entitlements on termination of employment
Trade unions

Practice notes

- Blacklisting of trade unionists
- Industrial action: is it lawful?
- Industrial action and the employment relationship
- Industrial action injunctions
- Trade Union Act 2016 and related consultations
- Trade union recognition (1): the Central Arbitration Committee (CAC)
- Trade union recognition (2): the recognition process
- Trade union recognition (3): ballots on recognition and derecognition
- Trade union recognition (4): deciding the bargaining arrangements
- Trade union recognition (5): when the bargaining unit changes after recognition
- Trade union recognition (6): derecognition
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Transfer of shares

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- Buying the business and assets of an insolvent company
- Data protection issues on commercial transactions
- Due diligence and post-completion integration: acquisitions
- Employee due diligence issues on transactions
- Employees: international acquisitions
- Employees: international joint ventures
- Employment issues on a takeover
- Employment: intra-group reorganisations
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- Employment: share purchases
- Warranties and indemnities: acquisitions

Transfer of undertakings

Overview notes

- Transfer of undertakings: toolkit
- TUPE: overview

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- Asset purchase agreements: drafting and negotiating employment indemnities and warranties
- Best value: implications for employment law
- Buying the business and assets of an insolvent company
- Data protection issues on commercial transactions
- Due diligence and post-completion integration: acquisitions
- Electing employee representatives
- Employee due diligence issues on transactions
- Employees: international acquisitions
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- Employment: intra-group reorganisations
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• Outsourcing agreements: drafting and negotiating employment indemnities and warranties
• Pension issues on a TUPE transfer
• Practical employment considerations of buying an insolvent business
• Retention of employment model
• Transfer of undertakings: toolkit
• TUPE and collective redundancy consultation: dealing with the overlap
• TUPE: application to property transactions
• TUPE: 2014 changes
• TUPE (1): when does TUPE apply?
• TUPE (2): service provision changes and outsourcing
• TUPE (3): the automatic transfer principle
• TUPE (4): changing terms of employment
• TUPE (5): protection against dismissal
• TUPE (6): obligations to inform and consult
• TUPE (7): insolvent businesses
• TUPE and tendering local authority service contracts
• TUPE transfers under TUPE 1981
• Warranties and indemnities: acquisitions

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Practice notes
• Corporate whistleblowing hotlines and EU data protection laws
• Effective whistleblowing policies
• Enterprise and Regulatory Reform Act 2013: employment law provisions
• Small Business, Enterprise and Employment Bill: employment law provisions
• Whistleblower protection

Working time and time off

Overview notes
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• Working Time Regulations: night work
• Working Time Regulations: overview
• Working Time Regulations: rest periods and rest breaks

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• Adverse weather and employee travel disruption
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• Holidays
• Q & A: Lock and other holiday pay cases
• Statutory holidays and sickness absence
• Sunday working during the Olympics and Paralympics
• Time off for dependants
• Working Time Regulations
Article Information

RESOURCE INFORMATION
The fulltext is available at http://www.practicallaw.com/8-200-3578

General
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Jurisdiction
· Scotland · http://www.practicallaw.com/topic0-103-0690
· England · http://www.practicallaw.com/topic9-103-0624
· Wales · http://www.practicallaw.com/topic4-103-1070

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· Termination payments: Structuring settlements in a tax efficient manner (http://www.practicallaw.com/0-200-2422)
· Pensions for employment lawyers (http://www.practicallaw.com/0-200-2530)
· Directors’ service agreements and regulatory issues (http://www.practicallaw.com/0-200-3271)
· European Works Councils (http://www.practicallaw.com/0-200-4237)
· Changing terms of employment (http://www.practicallaw.com/0-200-4242)
· Working Time Regulations: overview (http://www.practicallaw.com/0-200-4685)
· Time off for dependants (http://www.practicallaw.com/0-200-8358)
· Agency workers: overview of rights (http://www.practicallaw.com/0-200-8848)
· The territorial scope of UK employment Law (http://www.practicallaw.com/0-201-3492)
· Substantial property transactions prior to 1 October 2007 (http://www.practicallaw.com/0-201-3864)
· Equal pay: equal value claims and procedure (http://www.practicallaw.com/0-207-5121)
· Calculating pensions loss on termination of employment (http://www.practicallaw.com/0-209-0956)
· Retirement before 6 April 2011 (http://www.practicallaw.com/0-236-4965)
· EAT practice and procedure (09): restricted reporting orders (http://www.practicallaw.com/0-376-4646)
Practice notes: Employment

- Dismissing an employee: a quick guide (http://www.practicallaw.com/0-381-1412)
- Northern Irish employment tribunals: practice and procedure (http://www.practicallaw.com/0-382-8686)
- How do I give effective advice to a business in financial difficulty? (http://www.practicallaw.com/0-385-2695)
- Hiring and Employing Foreign Nationals: Overview (http://www.practicallaw.com/0-500-9967)
- Paternity pay (http://www.practicallaw.com/0-501-9612)
- Employee bankruptcy (http://www.practicallaw.com/0-503-4410)
- Contract law toolkit for employment lawyers (http://www.practicallaw.com/0-503-5155)
- Redundancy: toolkit (http://www.practicallaw.com/0-503-6697)
- A practical guide to case management discussions in the employment tribunal (http://www.practicallaw.com/0-506-8532)
- Sickness and incapacity: toolkit (http://www.practicallaw.com/0-507-2181)
- Directors: toolkit (http://www.practicallaw.com/0-509-2155)
- Employment tribunals (19): postponements, adjournments or staying proceedings (http://www.practicallaw.com/0-523-6842)
- Immigration and the employment lifecycle (http://www.practicallaw.com/0-530-5270)

· Flexible working: the right to request flexible working from 30 June 2014 (http://www.practicallaw.com/0-566-2476)

· Gender pay gap reporting obligations (http://www.practicallaw.com/0-624-3865)

· Directors’ service contracts: disclosure (http://www.practicallaw.com/1-107-3938)

· Direct tax disclosure regime (http://www.practicallaw.com/1-107-4933)

· Bonuses (http://www.practicallaw.com/1-200-2129)

· National minimum wage (http://www.practicallaw.com/1-200-2959)

· Obtaining a medical report on an employee (http://www.practicallaw.com/1-200-4010)

· The Model Code (http://www.practicallaw.com/1-200-8819)

· Pension issues on a TUPE transfer (http://www.practicallaw.com/1-201-1534)

· Company Law Reform Bill: transactions with directors (http://www.practicallaw.com/1-201-5363)

· Partnership law for employment lawyers (http://www.practicallaw.com/1-201-7041)

· Trial: an overview (http://www.practicallaw.com/1-204-0174)

· Companies Act 2006: GC100 paper on directors’ duties (http://www.practicallaw.com/1-217-4955)

· Corporate whistleblowing hotlines and EU data protection laws (http://www.practicallaw.com/1-366-2987)

· Overview of information and consultation obligations in employment (http://www.practicallaw.com/1-375-8975)

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