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**PARTNERS EMPLOYMENT LAWYERS**

## **PARTNERS TUPE WIN SENDS TREMORS THROUGH THE BUSINESS WORLD**

### **Mr S Roydon & others v Barnetts Solicitors**

The Law Society Gazette recently featured Partners' success in a case on the new TUPE 2006 Regulations in relation to 'service provision' transfers. The case initially involved 23 solicitors and support staff who resigned after Barnetts solicitors won a £1million contract servicing Britannia Building Society and its borrower clients with conveyancing needs.

This case deals with the new rules which require employers to take on staff who are assigned to a particular service type contract which is subsequently transferred to another provider. Failing to understand the new rules can lead to staff being taken on by accident and multiple claims of very significant value.

The essential point is that a softer test exists for constructive dismissal under regulation 4 (9) which allows employees to resign if there is a substantial change to their 'working conditions' which constitutes a 'material detriment'. The new softer rules which allow resignations and constructive dismissal claims for changes to general working conditions rather than actual terms of a contract represent a significant change in the application of the law in this area.

Employment Judge Reed, at the Liverpool Tribunal, delivered a judgement which carefully and simply addresses the legal issues in a Decision which will be essential reading for employers, lawyers and clients alike.

A copy of the decision can be found here: [Partners Compromise](#)

Press release article: [Law Gazette](#)

**Hina Belitz - Gordon Turner**