

Frequently Asked Questions

BT HR M&A and Outsourcing

Introductions

This document is intended to provide information to individuals who are considered inscope to transfer to a new employer under the TUPE Regulations.

As further questions are raised this document will be updated.

Any questions should be sent to Cassandra Walters via email. Cassandra.walters@bt.com

1. Why are we changing employer?

Although you will recall you were recruited by BT Fleet into your Apprenticeship, due to financial and operational reasons all employees in your intake were placed into a central OUC within Enterprise.

We are now in a position to transfer each of you into the area you support, this work has already taken place for the Apprentices who are not working into BT Fleet Ltd.

Due to BT Fleet Ltd being a separate legal entity this means that you will change employer as a result.

2. When will this happen?

You will become a BT Fleet Ltd employee on the 1st March 2019.

3. What is TUPE ?

The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE 2006 revised 2014) safeguard employee rights when the business in which they work changes hands between employers, enabling them to enjoy the same terms and conditions, with continuity of employment, as formerly.

This means that employees employed by the BT plc (the “transferor”) when the transfer takes effect automatically become employees of the BT Fleet Limited (the “transferee”) on the same terms and conditions (except for certain occupational pensions rights). It is as if your contract of employment had originally been made with the BT Fleet Ltd.

The Regulations contain specific provisions to protect employees from dismissal before or after a relevant transfer. Representatives of affected employees have a right to be informed about a prospective transfer. They must also be consulted about any changes (Measures) to their contractual terms and conditions which the receiving employer envisages will affect transferring employees. The Regulations also place a duty on the transferor employer to provide information about the transferring workforce to the transferee employer before the transfer occurs.

4. What if I don't want to TUPE, can I refuse?

It is expected that TUPE will apply to the change of employer for Apprentices contracted to BT plc and transferred to BT Fleet Ltd.

You cannot be forced to transfer because under the TUPE Regulations you have the right to formally object. If you choose to exercise this legal right then your employment contract will come to an end automatically by operation of the law on the day of transfer. However, it has to be absolutely clear that you are “objecting” on the basis that you do not want, under any circumstances, to work for BT Fleet Ltd as your new employer.

Employees who formally “object” do not have to give notice and they do not have any rights to bring any claims after they have left. They are only entitled to normal leaver payments just as if they had resigned. For those who formally object their employment will end at the point of TUPE.

At the point of transfer you will automatically transfer to BT Fleet Ltd, unless you have formally objected. If you wish to object please send this via email to Dawn.Hilditch@BT.com

However, you can take your own steps to remove yourself from scope by successfully applying and being offered a different role within BT plc before the transfer date.

Please note, any role you apply for must be aligned to your apprenticeship i.e. if you're in a customer service role, the role you apply for must be customer serviced focused to enable you to demonstrate competence in the required elements of your apprenticeship back in the workplace.

5. Will my contract change when I transfer to BT Fleet Ltd?

In order to comply with the legislation and current case law your existing Terms and Conditions of Employment will be honoured by BT Fleet. As both BT plc and BT Fleet Limited have the same contracts of employment this means that the main change will be a change of employer from BT Plc to BT Fleet Limited. We have been in discussions with the CWU and they will be consulting on your behalf prior to the transfer.

6. Will my Apprenticeship continue?

Yes, you will remain on the current Apprenticeship scheme.

7. Will I have a new line manager?

Your line manager won't change as they are already a BT Fleet employee.

8. What if I have more questions?

If you have any questions please send them to Cassandra Walters at Cassandra.Walters@bt.com and we will update this FAQ document.

9. How will my pension be affected?

Although pensions aren't protected by the TUPE legislation, you will remain entitled to continue in the current pension scheme as an employee of BT Fleet Limited.

10. Will my Overtime rate change?

You may find that overtime is made available if it is required by the business, the overtime rates will not change as a result of this change.

11. Will my length of service be protected?

Your length of service is protected and will not change.

12. Will my holiday entitlement be affected?

Your holiday entitlement won't be affected or the way your holiday entitlement increases over time. There is no change to any holidays you have already booked.

