

View the complete version: [One for Henry and you other mortals](#)

Posted by: Tonka
Date: 07-01-2012 09:37:26

Short version,

The Mrs works as a manager at a Hotel. It's part of a large worldwide chain.

She has been told that her dept is to be outsourced, but she will be kept on with the commencement of TUPE (Transfer of undertaking and protection of employment Act)

Now my reading of this is the agency will take over the contract...then make my Mrs life difficult because she is paid very good money of which they will be forced to match.

She has been told to attend meetings next week with HR and Hotel operations Manager.

Four questions..

She has no faith in the Operations Manager. Can she request someone else such as the Hotel Manager?

How can she protect her current salary for the future, as she feels the agency will try to reduce it.

Could the agency send her to work at any other Hotel they have a contract with?

She has been told she can have a Union rep attend (even though the Hotel has no recognised Union) any suggestions as to who she could get involved?

I know you get asked these type of things alot Henry, so sorry to be a pain.

Many thanks Kevin.

Posted by: meooo
Date: 07-01-2012 10:35:10

Don' t know if Henry's about at the moment (he was going off to visit the Lion Man as I recall) but I have a number for an employment lawyer if you want? cos I'm going through something similar at the moment....been on paid leave since 19th Dec....

Posted by: abecketts
Date: 07-01-2012 10:39:13

as she is being covered by TUPE that means the agency must take her conditions of service as is or they are in a unfair dismissal position and employers rarely win these.

Best advice is to document everything, create a diary of events, she can ask about the meeting with the op's manager but unless she can demonstrate concrete reasons I doubt she would get the hotel manager at this stage. Changes to terms made by the agency would mean she is being made redundant and TUPE is there to protect that. She may bring an independent person to the meeting, they can advise her but cannot take part in the meeting.

Above all document everything, even record it though you'll need the other sides consent.

I hope it works out of for her.

Posted by: Tonka
Date: 07-01-2012 15:09:21

A very big thanks to both of you... :)

A little more info to show what has been going on...

She was asked to show how she could make savings and stop any redundancies in her dept... She managed this, but they still got rid of one person. This seemed very odd at the time. It was later that the mention of an agency came up.

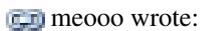
She was assured that talks with the agency had only just taken place. But they lied!... She has seen (unofficially) proof that they had been talking to the agency prior to being asked to show how she could make savings.

Looks to me that they already had decided to get the numbers down to help out the agency!

Posted by: meooo
Date: 07-01-2012 16:44:12

They're all at it, in my case the company is struggling (car sales down on the floor, 5 directors to pay and workshop figures down) so they need to reduce staff...so one director instigated a customer to make a complaint (to him) and on Tuesday I hear what their decision is....I think I already know...

Posted by: Tonka
Date: 07-01-2012 17:01:46

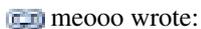
 meooo wrote:

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Feckers!!!.....feel for you.. No way to play them at their own game??

Mrs boss gets twice the normal pay and arrives late...leaves early and you can find him playing golf..... W@nkers!.. :mad:

Posted by: abecketts
Date: 07-01-2012 17:53:30

 meooo wrote:

They're all at it, in my case the company is struggling (car sales down on the floor, 5 directors to pay and workshop figures down) so they need to reduce staff...so one director instigated a customer to make a complaint (to him) and on Tuesday I hear what their decision is....I think I already know...

again document everything, speak to a lawyer, your house insurance will probably have a legal helpline option as a starter for 10. If they screw up the fit up it will cost them dearly. Any of your colleagues able to support evidence of what you "did do?"

Also it would take quite a lot for summary dismissal so they could trip themselves up.

Posted by: meooo
Date: 07-01-2012 19:07:59

To be honest I dont have the energy or inclination to bother any more. Imagine if they say "Ok back to work Monday"....Nothing will have changed and I'll be looking over my shoulder, frightened to speak to customers, worried about when the next call to the office will be.

There'd be no trust there on either side....I think I'd just have to say "thanks, but no thanks" I can't work like that anymore I'm afraid...had it for twelve months and just had enough now.

Posted by: flounderbout
Date: 08-01-2012 11:29:51

Kevin,

Sorry to hear about this. As I have said to others I am not an employment lawyer, so can't really give you advice about details - you are much better off going to your local CAB first off, and then maybe approaching a local employment law solicitor if necessary. In the meantime my thoughts are as follows (but they are not based on specific legal points...)

She has no faith in the Operations Manager. Can she request someone else such as the Hotel Manager?

Seems unlikely - what are their respective positions in the hierarchy?

How can she protect her current salary for the future, as she feels the agency will try to reduce it.
As per abecketts she should have protection for any existing contracted salary.

Could the agency send her to work at any other Hotel they have a contract with?
It depends - what does her contract say re relocation?

She has been told she can have a Union rep attend (even though the Hotel has no recognised Union) any suggestions as to who she could get involved?
If she has no union it is probably not worth taking someone else - it looks very defensive. But she should take notes of everything that is said.

As for the other info - as others have said these are tough times and a lot of people are trying to make cuts and slim down. I wouldn't worry that the company hasn't been entirely honest about cuts etc - they rarely are, since the effect on the workforce and the business can be pretty serious if people start panicking about cuts.

I would suggest just sitting it out and seeing what happens. The fact that she has been asked to find the cuts is presumably a good sign as regards how the company views her own importance in the organisation. If once the agency arrives she finds herself being forced into a radical renegotiation of terms or worse, then she should seek proper employment law advice at that stage...

Posted by: Bio Hazard
Date: 08-01-2012 12:58:18

I have found a lot of people in this situation recording meetings as a alternative to taking some one along as a witness if not in a union.

Posted by: Tonka
Date: 08-01-2012 20:01:29

First of all a big thankyou to Henry and all you guys for taking the time to reply to the post and offer your advice.

Sometimes all that's needed is a rant..

Sometimes writing things down helps..

Sometimes confirmation of what you already thinking helps...

Sometimes advice you may not of thought of is handy..

Most of all, not sometimes, but always empathy goes a long long way...

Thanks again guys.....I'm off to be a tart and have a group hug... :D

Posted by: stormforce
Date: 08-01-2012 21:07:04

Henry sorry to be a pain but if i let someone have a car and pay by installments for it and i kept all documents and that persoon has only paid half of what they owe where do i stand on getting the car back..Thanks again mate

Posted by: Tonka
Date: 08-01-2012 22:50:07

Ok..I'm not Henry but, anything in writing from you and the other person about the agreement?

Posted by: flounderbout
Date: 09-01-2012 09:22:46

 stormforce wrote:

Henry sorry to be a pain but if i let someone have a car and pay by installments for it and i kept all documents and that persoon has only paid half of what they owe where do i stand on getting the car back..Thanks again mate

Yikes... :o

As Kevin says have you got anything in writing?

What the agreement was re the outstanding payments is important since it determines whether you can sue to recover the car or merely sue for the outstanding payments.

Either option is pretty unattractive though - how much are the outstanding payments? Do you have any large and fierce mates :P :whistle: ?

Posted by: Tonka

Date: 09-01-2012 17:19:56

And were any receipts give with each payment with full details of things like out standing amount, amount paid, dated, signed etc?

I did the same once and was worried..luckily he was true to his word and paid as he should.