

Help Moving Office

There are many issues that an employer needs to consider when it decides to move offices and relocate its business and employees. Apart from the obvious property aspects, employers need to make sure that they handle the move for their employees correctly and in accordance with their contracts of employment (if applicable) and their employment rights, otherwise they could potentially find themselves at the wrong end of a claim for unfair or constructive dismissal (the maximum amount of compensation is currently £66,200).

Prior to any move, an employer needs to consider the following:-

1. Do the employees have a 'mobility clause' in their contract?

This type of clause will allow an employer to change an employee's place of work without their agreement, but in order to be enforceable, employers must act reasonably when relying on this type of clause. For example, it is unlikely that an employer could rely on a mobility clause to move its employees from London to Scotland.

2. If there is no 'mobility clause' in the employee's contracts, can I make an employee move offices?

If an employee's contract does not have a mobility clause, an employer should ideally try to obtain its employee's written agreement to move offices. However, if this is not forthcoming, an employer has two options for implementing the change: a) unilaterally impose the change and take the risk that the employee will resign and claim constructive dismissal; or b) terminate the employee's employment and re-employ them on the same terms and conditions at the new place of business. However, there are potential pitfalls to both these approaches and employers should obtain legal advice before taking these steps.

Employers should also remember that an employee's position may be considered redundant if his or her position at the new location is not considered a 'suitable offer of alternative employment' and the employer will then have to follow its redundancy procedure.

If you require any further information in relation to a potential relocation or any other employment issues please contact:

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