



MARK KAYE

Senior Associate

London

E: mark.kaye@bcplaw.com

T: [+44 \(0\) 20 3400 4025](tel:+44(0)2034004025)

BIOGRAPHY

Mark advises on a broad range of employment matters with a particular emphasis on non-contentious corporate finance, real estate and outsourcing transactions, including frequently advising in relation to the application or otherwise of TUPE.

Mark also coordinates the Employment & Labour team's global project work.

Mark regularly speaks at conferences and writes articles for leading legal and personnel publications on a wide range of employment law issues. Mark was, for several years, on the editorial board of the Workplace Law Network, which reaches 50,000 employers and managers. Mark is a member of the Employment Lawyers Association. During the course of 2020, Mark was heavily involved in COVID-19 thought leadership and was interviewed live on national radio on a number of occasions to discuss the impact of changing COVID-19 legislation.

CIVIC INVOLVEMENT & HONORS

- Previously on the Editorial Board, *Workplace Law Network*
- Foundation Governor of Rosh Pinah Primary School (2009 -2015)

PROFESSIONAL AFFILIATIONS

- Employment Lawyers Association

THE GROWTH OF CLASS ACTIONS: WHAT'S NEXT?

We explore the rapidly changing legal landscape

ADMISSIONS

- England and Wales

RELATED PRACTICE AREAS

- Employment & Labor
- Investigations
- Litigation & Dispute Resolution
- Regulation, Compliance & Advisory
- Israel Practice
- Cross-border Employment Issues
- Student Accommodation
- Employment Class & Collective Actions

EXPERIENCE

- **Advising an investment bank and financial services company** on TUPE issues arising out of the acquisition of a leading independent M&A and private capital advisory firm serving the global technology industry.

- **Advising a property management company** on the employment aspects of multiple separate acquisitions. The transactions involved difficult employment issues around the possible application of TUPE on change of service providers in the context of a property purchase. This required close co-operation with our client's property managers and an analysis of existing and proposed future arrangements as well as an analysis of existing and future contractual arrangements.
- **Advising a private equity real estate fund management business** on the employment aspects of its indirect disposal of a portfolio of 23 logistics assets across the United Kingdom.
- **Advising a client** on its acquisition of a UK-based fashion and accessories retailer. The transaction included the sale of the brands and intellectual property, the head office and design teams, the group's distribution centre, as well as the transfer of around 450 jobs. The transaction involved significant analysis in relation to the application of TUPE and the risks in relation to a TUPE transfer.
- **Advising a retail clothing company** on its purchase (out of administration) of a high street clothing brand. This involved strategic advice on the impact of TUPE.
- **Advising an Administrator** on the sale of an airline, including providing advice on retention arrangements for key employees and the TUPE transfer of employees to the purchaser.

RESOURCES

PUBLICATIONS

- Quoted by HR Magazine on spread HR struggling to enforce lockdown rules, January 29, 2021
- Quoted by HR Magazine on spread of COVID in the workplace, January 2021
- "What Does the Extension of Furlough Scheme Mean for Employers?" HRreview, November 16, 2020
- "What Does the Job Retention Scheme Extension Mean for Employers?" *People Management*, November 10, 2020
- "Will the new job support scheme really work?", *People Management*, September 28, 2020
- Case law update for *Employment Law Journal*, September 2020
- "Is It Time for Employees to Have a Legal Right to Work from Home?" Co-Authored with Lydia Octon-Burke, *HR Magazine*, May 20, 2020

- “How can businesses stay safe during a virus outbreak?” *HR Magazine*, March 2020

RELATED INSIGHTS

News

Apr 15, 2024

BCLP advises Investec Bank plc on its inaugural real estate fund and underlying joint venture

Insights

Mar 27, 2024

UK HR Two-Minute Monthly: March 2024

Our March update includes a case on whether a theatre and agency could dismiss an actor playing a lesbian role because of her devout Christian beliefs, and a case looking at whether an employee who spends virtually all her working time on a yacht outside the UK has the right to bring employment claims under UK law. We also feature a news round-up looking at the Treasury Committee’s report on “Sexism in the City”, focusing on employment practices in financial services, the plans for a four day week in summer by the creation of “4ugust”, and the government’s views and written guidance on “Kinship Care”.

News

Mar 07, 2024

BCLP advise on sale of Hyatt Place London City East hotel to Sun Venture

Insights

Feb 28, 2024

UK HR Two Minute Monthly: February 2024

Our February update includes a case on the issue of whether job applicants can bring whistleblowing claims, and a case on who pays what compensation to a successful claimant. We also feature a news round-up looking at what employment law might look like under a Labour government, and new EHRC Guidance relating to menopause in the workplace.

Insights

Jan 31, 2024

UK HR Two Minute Monthly: January 2024

Our January update includes a new Court of Session case giving (a degree of) certainty on settlement agreements prohibiting future unknown claims and a new case on constructive dismissal focusing on the rules around delaying a resignation and affirming the employment contract. We also feature a news round-up relating to an updated EHRC Code of Practice and Guidance to accompany the new law on sexual harassment due to come into force in October, the new ACAS Code of Practice on Flexible Working (including day one requests) and changes to the Paternity/Adoption leave rules.

Insights

Dec 20, 2023

UK HR Two Minute Monthly: December 2023

Our December update includes a Scottish Court of Session case which holds that “women” as defined in the Equality Act 2010 includes transgender individuals with a gender recognition certificate, a case asking whether new whistleblowing claims can be brought when they were allegedly dismissed by the tribunal as well as being settled under a COT3 Agreement, and an important case on the importance of timing in redundancy consultations. We also feature a news update on new legislation coming into force in April 2024, and new draft guidance from the ICO aimed at recruitment/recruiters.

News

Dec 13, 2023

BCLP Advises on Joint Venture in London for Sustainable Property Developer

Insights

Nov 30, 2023

UK HR Two Minute Monthly: November 2023

Our November update includes a Supreme Court decision on employment status and the right to join a trade union, whether a bonus clawback clause can be an unlawful restraint of trade, and how to deal with a “heat of the moment” resignation. We also feature a news update covering new UK legislation on working time and TUPE, the reform of Fit Notes, and new proposals relating to employers and the menopause.

Insights

Oct 31, 2023

UK HR Two Minute Monthly: October 2023

Our October update includes a significant Supreme Court decision on how to treat historic underpayments of holiday pay, a preliminary tribunal hearing on whether a belief in race equality that opposed critical race theory was a protected philosophical belief, and another tribunal decision on when a refusal of alternative employment is unreasonable when the dismissal is unfair. We also feature a news update on the ICO’s latest guidance on employee monitoring, reports on historically high levels of sickness absence, and a draft ACAS code of practice on requests for predictable working patterns.