

EMPLOYMENT RIGHTS ACT 2025 – A QUICK GUIDE TO THE UPCOMING CHANGES

The employment law changes introduced by the Act will be phased in over a two year period. In many cases these changes will be implemented subject to government consultations. The position outlined in this guide reflects the law as of February 2026. If you have any questions, please contact the team. For further insight please visit our ERA25 Knowledge Hub.

18 December 2025

- Minimum service level rules for strike removed.

18 February 2026

- Dismissal for participating in industrial action becomes automatically unfair (removal of 12-week limit).
- Notice of industrial action reduced from 14 to 10 days.
- Ballot thresholds simplified – unions only need more votes in favour than against; special public sector rules removed.
- Picket supervisor requirement removed.
- Industrial action mandates extended from six to 12 months.
- Ballot and action notices simplified.
- Political fund rules updated.

6 April 2026

- Paternity leave becomes a day one right (no 26-week service requirement).
- Ordinary parental leave becomes a day one right (no one year service requirement).
- Restriction preventing paternity leave after shared parental leave removed.
- Statutory sick pay (SSP) paid from day one, not day four and lower earnings limit removed.
- Maximum protective award doubled from 90 to 180 days' pay.
- Sexual harassment becomes a qualifying disclosure, giving whistleblowers protection from detriment and unfair dismissal.
- Gender pay gap and menopause action plans become voluntary from April 2026 (mandatory in 2027).
- Simpler process to gain Trade Union recognition, and members able to vote electronically. The 50% turnout requirement for ballots is expected to be removed shortly after April 2026.

7 April 2026

- Fair Work Agency launches to consolidate enforcement bodies and take on wider rights enforcement (e.g., holiday pay, SSP).

October 2026

- Employers must take all reasonable steps (stronger test) to prevent sexual harassment.
- Employers are liable for third-party harassment unless all reasonable steps were taken.
- Employers must consult on tipping policies and update them every three years.
- Time limits increased to six months for all claims.
- New duty to inform workers of their right to join a union.
- Updated rules on union access and new rights to: reasonable accommodation for union reps, facilities for union duties, and time off for equality reps.
- Workers taking part in industrial action will get protection from detriment (in addition to unfair dismissal).
- New 'two-tier code' on public sector outsourcing to avoid disparity between ex-public sector and private sector workers.
- Launch of new Adult Social Care negotiating body.

January 2027

- 'Fire and rehire' becomes automatically unfair in most cases.
- Protection from unfair dismissal arises after six months' service (not day one; not two years).

2027

- Stronger protections against dismissal for pregnant workers and those returning from maternity leave.
- New statutory right to bereavement leave (paid or unpaid detail TBC).
- Zero hours workers can request guaranteed hours.
- Workers entitled to pay for cancelled or curtailed shifts.
- Employers must give reasons and explain why refusal of a flexible working request is reasonable.
- Law on Sexual harassment will define meaning of 'reasonable steps'.
- Gender pay gap & menopause action plans become mandatory.
- For purposes of collective redundancy consultation, numbers to be considered across the whole organisation, not just per site. Also, extra protections for workers on ships operating from UK ports but registered abroad.
- Extended protection against discrimination and blacklisting for trade union members and the creation of a new industrial relations framework.
- 'Umbrella companies' to be brought within the definition of 'agencies' for regulation and enforcement.

Date TBC

- NDAs restricting disclosure of harassment/discrimination to be void.