

Employment Rights Act 2025



Mishcon de Reya

It's business. But it's personal.

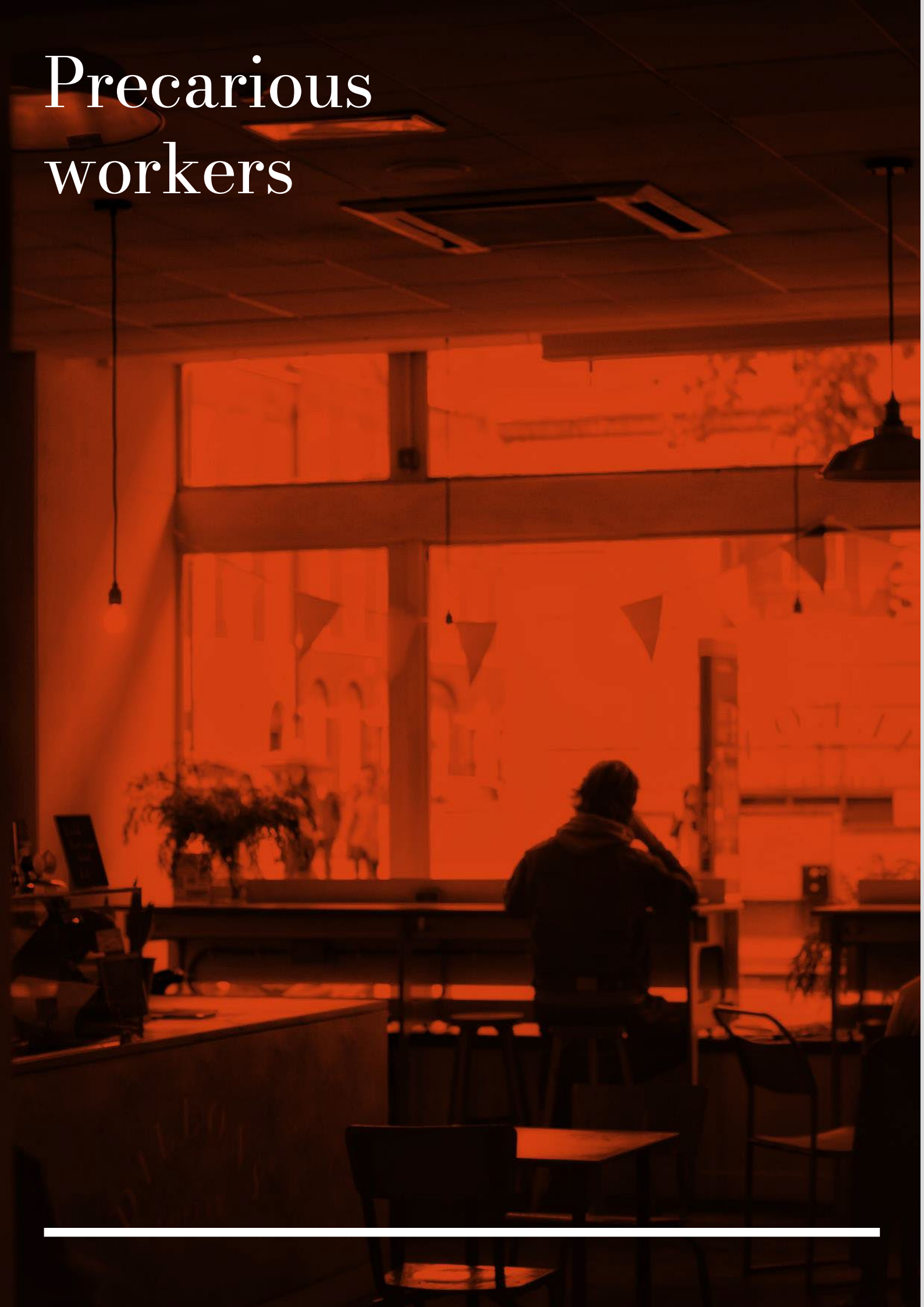
Introduction

This guide was last updated on 1 October 2026

The Employment Rights Act 2025 received Royal Assent on 18 December 2025 and represents the most significant reform of UK employment law in a generation. The Act introduces sweeping changes across employment rights, trade union powers, enforcement mechanisms, and sectoral bargaining frameworks.



Precarious workers



The Employment Rights Act 2025 introduces comprehensive protections for workers on zero-hours contracts, low-hours contracts, and agency workers through four main rights.

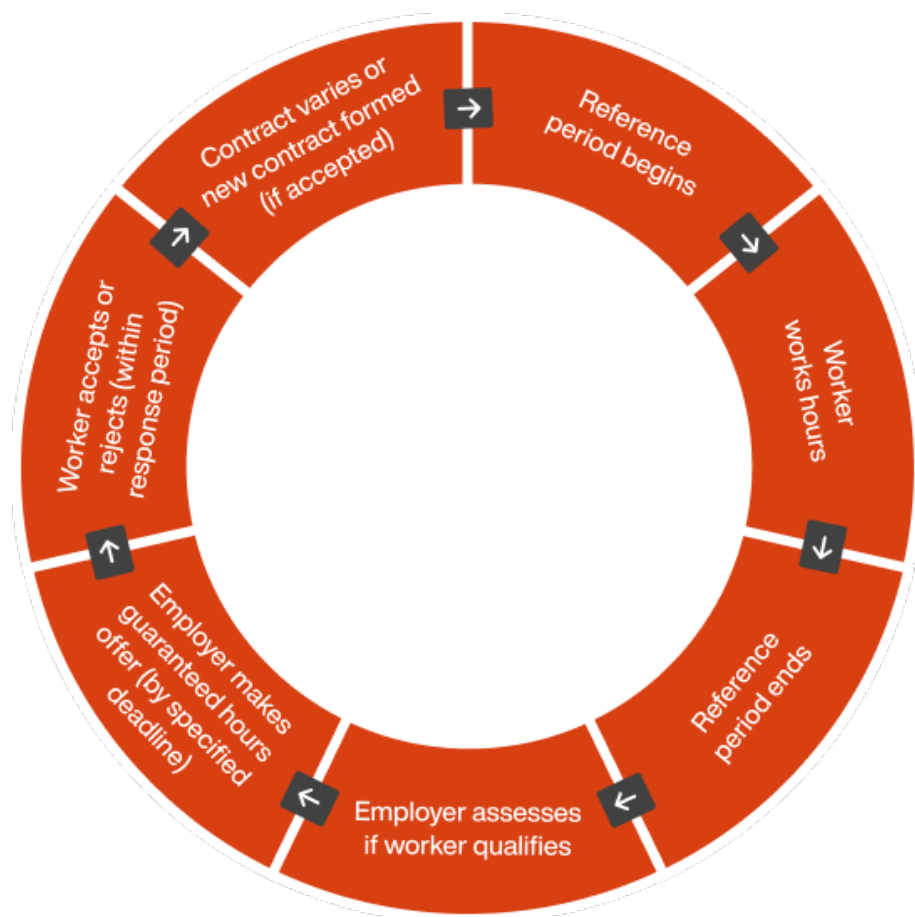
The Act also contains provisions on collective agreement contracting-out which allow independent trade unions to negotiate alternative arrangements that exclude these rights if replacement terms are incorporated into contracts. The extent to which unions will agree, however, remains to be seen.

Right to Guaranteed Hours

Employers must make a guaranteed hours offer to qualifying workers after every reference period. A worker qualifies if they worked during a reference period under a zero-hours contract or "low-hours" arrangement, worked a specified number of hours meeting conditions on regularity, and were not an excluded worker or agency worker. A consultation on these rights closed on 25 August 2026 (Government response awaited), and the Government has indicated its preference for a reference period of 12 weeks. Its supporting analysis, published on 12 August 2026, also suggests a preference for an hours threshold of 20 hours a week or lower.

The guaranteed hours offer must propose to vary the worker's contract or offer a new contract requiring the employer to provide work for hours that reflect those actually worked during the reference period. Offers must be made by a specified deadline, in a specified form, and accompanied by specified information.

Workers may accept or reject offers; acceptance creates binding contract variations or new contracts. Failure to respond is treated as rejection.



Right to Reasonable Notice of Shifts

Employers must give reasonable notice of shifts to workers on zero-hours contracts or specified low-hours contracts. Notice is presumed unreasonable if given less than a specified time before the shift starts.

Employers must also give reasonable notice of shift cancellations or changes (to start/end times or reductions in hours).

Right to Payment for Cancelled, Moved, or Curtailed Shifts

Employers must pay a specified amount when they cancel, move, or curtail a qualifying shift at short notice. Qualifying shifts are those worked under zero-hours contracts, zero-hours arrangements, or specified low-hours contracts.

"Short notice" means notice given less than a specified time before the shift would have started (for cancellations) or before the earlier of the original/changed start time (for movements/curtailments).

Agency Workers' Rights

The above rights have been extended to agency workers as an anti-avoidance measure. Hirers (rather than the recruitment business) must make guaranteed hours offers to qualifying agency workers after reference periods where they worked specified hours. The offers must propose a contract that reflects the hours actually worked by the individual in question.

Agency workers have rights to reasonable notice of shifts and shift changes. Work-finding agencies must pay agency workers for shifts cancelled, moved, or curtailed at short notice.

Additional Provisions

Collective agreements with independent trade unions may exclude these rights if they expressly replace them with alternative terms incorporated into contracts.

The Workers (Predictable Terms and Conditions) Act 2023 is repealed.

Exclusivity terms in zero-hours arrangements (both contractual and non-contractual) are unenforceable.

Who is affected?

Zero-hours workers, low-hours workers, agency workers, employers, hirers, and work-finding agencies across all sectors (subject to specified exclusions).

What should employers be doing to prepare for it?

Employers should consider taking the following action:

- Identify all workers on zero-hours contracts, low-hours contracts (requiring work for limited hours), and agency arrangements
- Implement systems to monitor hours worked by qualifying workers during reference periods, including regularity patterns
- Develop compliant guaranteed hours offer templates that reflect hours worked and (potentially) working patterns
- Configure systems to calculate and process payments for cancelled, moved, or curtailed shifts at short notice
- Establish processes to provide reasonable advance notice of shifts, cancellations, and changes; determine what constitutes "reasonable" notice in your context
- Maintain detailed records of shift offers, acceptances, rejections, cancellations, and all notices given to workers
- Prepare materials explaining guaranteed hours rights and ensure workers receive specified information within initial information periods (two weeks)
- Develop processes for making, accepting, and implementing guaranteed hours offers, including handling rejections

- Train managers on new obligations, particularly around shift scheduling, notice requirements, and guaranteed hours calculations
- If using agency workers, clarify responsibilities with work-finding agencies regarding guaranteed hours offers, shift notices, and payments
- If applicable, consider whether collective agreements could provide alternative arrangements
- Assess whether current zero-hours/low-hours arrangements remain appropriate given new obligations
- Calculate potential costs of guaranteed hours offers and shift cancellation payments
- Review shift-scheduling practices to minimise short-notice changes and associated payment obligations

What still needs to be decided?

Extensive secondary legislation is required before these provisions become operational:

Reference periods

- When the initial reference period ends
- When subsequent reference periods begin and end

Qualifying conditions

- Conditions regarding number, regularity, or other aspects of hours worked to qualify
- Which workers are "excluded workers"

Guaranteed hours offer requirements

- Whether offers must specify days/times or working patterns reflecting when hours were worked
- How to determine whether offers reflect hours worked and when they were worked
- Specified descriptions of temporary needs justifying limited-term contracts
- Deadline, form, manner, and accompanying information for offers

Reasonable notice standards

- Minimum notice period before shifts (presumed unreasonable if less)
- Minimum notice periods for cancellations and changes
- Specified matters tribunals must consider when determining reasonableness

Shift payment provisions

- Amount payable for cancelled, moved, or curtailed shifts
- Day by which payment must be made
- Time thresholds defining "short notice"
- Time threshold defining "movement" of shifts
- Circumstances exempting employers from payment obligations

Compensation limits

- Maximum compensation for complaints in relation to this part of the Act

Collective agreement provisions:

- Further provisions about collective agreement contracting-out, including effects of incorporation and withdrawal notices

Areas of uncertainty

It remains unclear how these rights will interact with existing contractual arrangements. Further, the points above that still require clarification are likely to create significant uncertainty in the meantime. We do not yet know how the "regularity" of hours will be assessed in practice, what constitutes "reasonable" notice in different industries and contexts, or how to calculate hours "reflecting" those worked during reference periods. It will become particularly complicated when trying to apply the new provisions to workers with multiple contracts or complex working patterns – in other words, the typical gig economy worker.

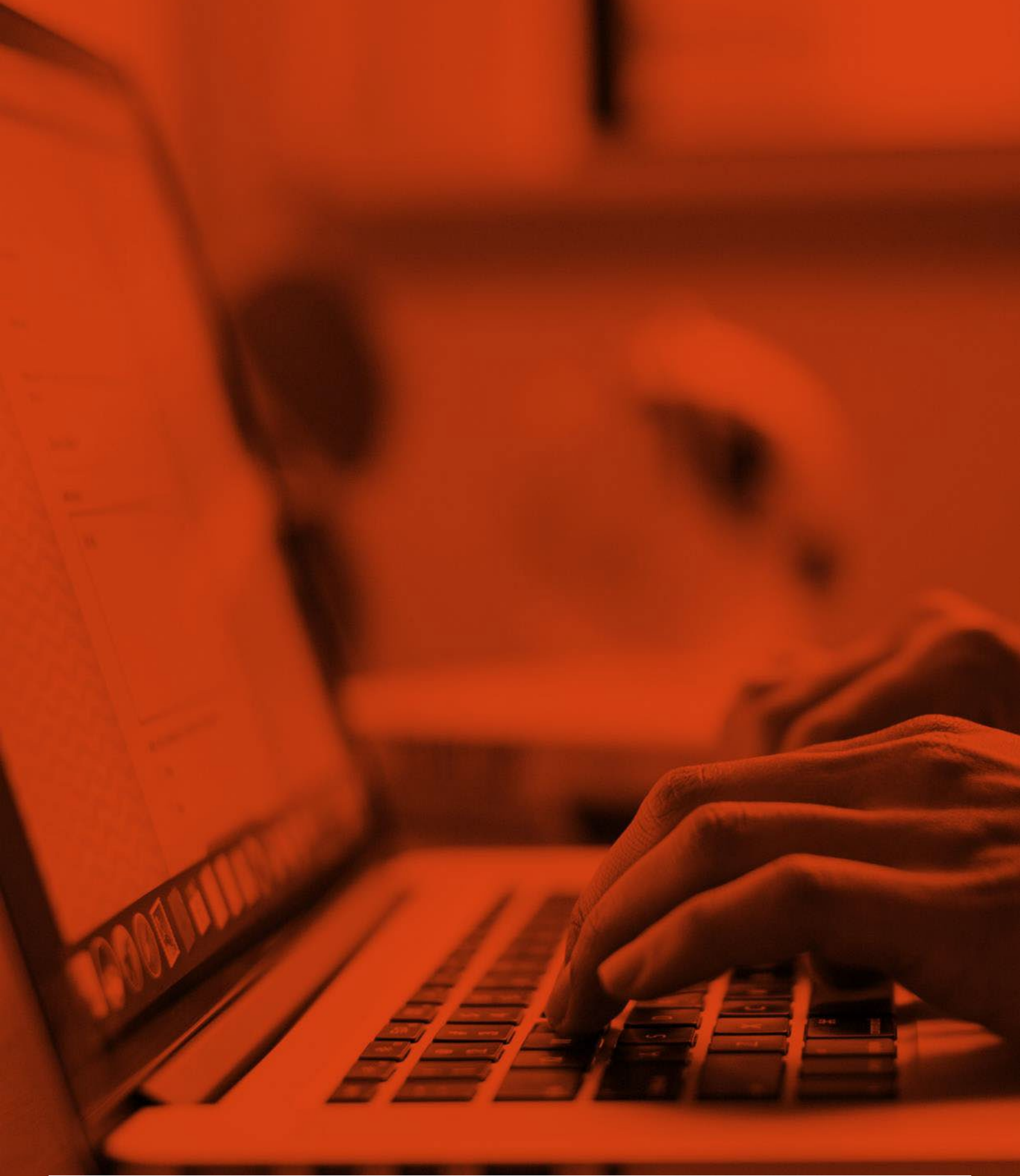
When do the changes come into effect?

According to the Government's July 2025 Implementation Roadmap, these provisions are expected to take effect in 2027. The sheer complexity and volume of required secondary legislation suggests that these provisions will take some time before they are fully in force.

Implementation timetable

Measure	Implementation date	Consultation status
Introduction of the right to guaranteed hours and the right to reasonable notice and short notice payments	2027	Consultation launched on detailed implementation closed on 25 August 2026: Government response awaited. The Government's preferred reference period is 12 weeks.
Application of zero hours contracts measures to agency workers	TBC	Consultation outcome published (closed 4 March 2025).

Flexible working



The Employment Rights Act 2025 amends the existing provisions relating to the right to request flexible working. The key changes strengthen employee rights and impose new obligations on employers when handling flexible working requests.

Employers may now only refuse a flexible working application not only if they consider that the application should be refused on one of the specified statutory grounds (the current position) but also that it is reasonable to refuse on that ground or those grounds. This introduces a dual test requiring both the existence of a valid ground and the reasonableness of relying on it – essentially, introducing the concept of proportionality into the process in a way that was previously absent.

The grounds on which an employer may refuse a request are: the burden of additional costs; detrimental effect on ability to meet customer demand; inability to reorganise work amongst existing staff; inability to recruit additional staff; detrimental impact on quality; detrimental impact on performance; insufficiency of work during the periods the employee proposes to work; planned structural changes; and any other grounds specified by the Secretary of State in regulations.

When refusing a flexible working application, employers must provide written notification that states the specific ground or grounds for refusal and explains why the employer considers it is reasonable to refuse on that basis. This goes beyond simply citing a statutory ground and requires a tailored justification.

Who is affected?

This provision applies to all employees with the statutory right to request flexible working (currently available from day one of employment). It affects employers across all sectors and sizes, though the practical impact may vary depending on workforce composition and operational flexibility. The provisions do not apply where the request may have national security implications.

What should employers be doing to prepare for it?

Employers should consider taking the following steps in preparation for the new provisions:

- Ensure you have a policy in place at the time the changes are put into force that reflects the new dual test (valid ground + reasonableness) and the enhanced explanation requirements when refusing requests. Remove any outdated references to previous legislative requirements.
- Equip decision-makers with guidance on applying the reasonableness test and documenting their reasoning. Managers should understand that merely identifying a statutory ground is insufficient; they must also demonstrate why refusal is reasonable in the specific circumstances.
- Create templates or checklists to help managers assess flexible working requests consistently, consider alternatives, and record their analysis of both the applicable ground and the reasonableness of refusal.
- Maintain detailed records of all flexible working requests, the consultation process, the reasons for decisions, and any alternatives considered. This documentation will be essential if decisions are challenged.
- Design templates that require managers to articulate not just which statutory ground applies, but also a substantive explanation of why refusal is reasonable given the employee's specific request and circumstances. Ensure that managers understand that, while a template may be available, each case should be judged on its merits.
- Audit current flexible working arrangements to identify precedents and ensure consistency in decision-making across the organisation.
- Consider offering flexible working options more widely to reduce the volume of formal applications and demonstrate good faith engagement with employee needs. This approach may avoid contractual variations, if introduced carefully, and give employers more flexibility when assessing the future needs of the business.

What still needs to be decided?

The Secretary of State has the power to specify additional grounds for refusing flexible working requests through regulations. The Government's response to the consultation (published 15 September 2026) didn't suggest that new grounds would be added.

The Secretary of State may also specify in regulations additional steps that employers must take when dealing with flexible working applications. The Government's consultation paper proposed a "light touch" process. It suggested that the employer considering rejecting a flexible working request must meet with the employee within six weeks of the request and must clarify at the meeting whether the employee would like the request to be considered as a reasonable adjustment under the Equality Act 2010. The employer should set out why it would not be feasible to accommodate the request, with reference to the eight permitted business reasons, and must consider whether there might be ways to navigate identified challenges. Finally, the employer should provide written notification of the outcome of the meeting and the outcome of the request. The full scope of these procedural requirements remains to be confirmed following the response.

When do the changes come into effect?

According to the Government's July 2025 Implementation Roadmap, flexible working provisions are expected to take effect in 2027.

Implementation timetable

Measure	Implementation date	Consultation status
Flexible working	Autumn 2027	Consultation on improving access to flexible working closed 30 April 2026; Government response published 15 September 2026. Acas consultation on a revised Code of Practice closes 17 December 2026.

Statutory sick pay



The Employment Rights Act 2025 reforms Statutory Sick Pay (SSP) through four key provisions covering both Great Britain and Northern Ireland.

Removal of the waiting period

The Act removes the existing three-day waiting period for SSP. Employees will now be entitled to SSP from the first day of sickness absence, rather than following a number of qualifying days.

Changes to the lower earnings limit and payment rates

The Act fundamentally changes how SSP is calculated and who qualifies. The lower earnings limit requirement for SSP eligibility is removed entirely, meaning employees who previously earned below the threshold will now be entitled to SSP.

The weekly rate of SSP becomes the lower of the standard rate of SSP (currently £123.25) or 80% of the employee's normal weekly earnings. This represents a shift to an earnings-linked payment structure for lower earners.

Who is affected?

These changes affect:

- All employers in Great Britain and Northern Ireland who employ staff
- All employees, particularly:
 - Those in lower-paid roles who previously fell below the earnings threshold
 - Part-time workers and those with variable hours
 - Employees who take short periods of sick leave (one to three days)

What should employers be doing to prepare for it?

These changes are now in force from 6 April 2026. Employers should ensure the following steps have been completed:

- Review and update payroll systems to calculate SSP from day one of absence, removing any three-day waiting period logic
- Configure systems to calculate SSP for low earners at 80% of normal weekly earnings (currently capped at £123.25 per week) rather than applying a flat rate in all cases
- Revise sickness absence policies to reflect day-one SSP entitlement
- Review notification requirements and update internal guidance on what employees must report and when
- Brief payroll teams, HR staff, and line managers on the changes
- Update absence recording forms and systems

What still needs to be decided?

Little needs to be done before these provisions come into effect, but we anticipate that guidance may be forthcoming from HMRC and the Department for Work and Pensions in relation to how to calculate "normal weekly earnings" for the 80% calculation, particularly for employees with variable or irregular earnings patterns. Employers should also be alert to any further guidance on transitional arrangements for absence periods that straddled the 6 April 2026 commencement date.

When do the changes come into effect?

The reforms to Statutory Sick Pay (removing the Lower Earnings Limit and waiting period) took effect on 6 April 2026, as planned. Employers should now be operating under the new SSP regime, with SSP payable from day one of absence and at 80% of normal weekly earnings for lower earners (subject to the flat rate cap).

Implementation timetable

Measure	Implementation date	Consultation status
Statutory Sick Pay (SSP) - removing the Lower Earnings Limit (LEL) and waiting period	6 April 2026	Consultation outcome published (closed 4 March 2025)

Family-friendly leave



The Employment Rights Act 2025 introduces significant improvements to family-friendly employment rights, removing barriers to leave and extending bereavement protections.

The key changes include:

Immediate entitlement to parental leave

The Act removes the qualifying period of employment previously required for parental leave (unpaid leave available to parents for up to 18 weeks per child, with a maximum of four weeks per year per child), meaning employees can access this right from day one of employment.

Immediate entitlement to paternity leave

The qualifying period for paternity leave (both following birth and adoption) is removed, allowing employees to take paternity leave from the start of their employment.

Flexibility to take paternity leave after shared parental leave

Employees are no longer prevented from taking paternity leave if they have already taken shared parental leave, providing greater flexibility for new parents to structure their leave.

Expanded bereavement leave

The Act significantly expands "parental bereavement leave" into broader "bereavement leave". This extends eligibility beyond bereaved parents to "bereaved persons" who satisfy specified conditions (to be set out in regulations) as to their relationship with a person who has died. Critically, the leave now also covers employees who have suffered pregnancy loss of a specified kind, or who have a specified relationship with someone who has suffered pregnancy loss or with a child who had been expected to be born. Pregnancy loss is defined as: (a) the ending of a pregnancy after less than 24 weeks in any way other than by a live birth, or (b) the failure of an embryo to become implanted following IVF treatment. The Government's response (published 22 September 2026) confirmed a day-one right to up to two weeks' unpaid leave on the death of a spouse, civil partner or partner, parent, adult child or sibling, and for pregnancy loss before 24 weeks. Leave can be taken within 56 weeks, including single days. Pregnancy loss leave also covers the pregnant woman's partner and intended parents in a surrogacy. Within the first eight weeks, notice can be given on the day; after that, one week's notice is needed..

Enhanced protection against dismissal during pregnancy

The Secretary of State is given power to make regulations about dismissal (other than by reason of redundancy) during or after a protected period of pregnancy / maternity. These regulations may cover notices to be given, evidence to be produced, procedures to be followed, consequences of failures, interaction with contractual rights, and modifications to the calculation of a week's pay. This extends pregnancy protections significantly beyond the existing redundancy-specific provisions. Given the removal of the cap on unfair dismissal compensation, employers should be careful to follow whatever rules are put in place by the Government in this regard.

The Secretary of State has also been given the power to make regulations about dismissal in the period after adoption leave, neonatal care leave and shared parental leave (not just during the leave period).

Who is affected?

All employers and employees across all sectors benefit from these provisions. The changes particularly affect:

- Employees planning to start families or who have caring responsibilities
- Employees who experience pregnancy loss or bereavement

What should employers be doing to prepare for it?

- Employers should consider taking the following steps to ensure compliance with these family-friendly provisions:
- Revise parental leave and paternity leave policies to reflect the changes
 - Update employee handbooks with plain-language explanations of the new bereavement leave provisions, including pregnancy loss
 - Provide training to HR and management teams on the removal of qualifying periods for parental and paternity leave to ensure consistent application
 - Educate managers on the sensitive handling of bereavement leave requests, particularly regarding pregnancy loss
 - Train decision-makers on enhanced dismissal protections during and after family leave periods to avoid unfair dismissal claims
 - Monitor forthcoming regulations that will specify the detailed conditions for expanded bereavement leave and dismissal protections during pregnancy

What still needs to be decided?

Several aspects of this part of the Act require secondary legislation or further regulatory clarification.

The conditions relating to the relationship with a deceased person that will qualify an employee as a "bereaved person" must be specified in regulations. Regulations must also specify what kinds of pregnancy loss are covered and the conditions relating to relationships with persons who have suffered pregnancy loss. The Government's consultation response settles these points in principle.

Regulations must be made under the existing framework to specify the precise entitlement (two weeks' leave, according to the Government's response) where leave relates to circumstances other than the death of a child.

The Secretary of State has power to make regulations about dismissal (other than redundancy) during or after a protected period of pregnancy, but these regulations have not yet been made. These regulations may cover notices, evidence, procedures, consequences of non-compliance, interaction with contractual rights, calculation of a week's pay, and modification of existing enactments.

Whilst the Act amends existing sections to extend protections to periods after family leave, the detailed operation of these protections will depend on regulations made under the existing framework.

When do the changes come into effect?

Day one paternity leave and unpaid parental leave took effect on 6 April 2026 (with notice provisions from 18 February 2026). Bereaved Partners' Paternity Leave also took effect on 6 April 2026. Rights for pregnant workers, and expanded bereavement leave including pregnancy loss, are expected to take effect in 2027 (April 2027 for bereavement leave) and cannot take practical effect until the necessary secondary legislation is made and brought into force.

Until the remaining regulations (expanded bereavement leave and dismissal protections during and after pregnancy) are made and brought into force, those provisions cannot take practical effect.

Implementation timetable

Measure	Implementation date	Consultation status
'Day 1' Paternity Leave and Unpaid Parental Leave	6 April 2026 (with notice provisions from 18 February 2026)	No specific consultation listed
Bereaved Partners' Paternity Leave - enabling bereaved fathers and partners to take up to 52 weeks of paternity leave	6 April 2026	No specific consultation listed

if the mother or primary adopter dies within the first year of the child's life		
Bereavement leave including pregnancy loss	April 2027	Closed consultation (deadline 15 January 2026); Government response published 22 September 2026.
Enhanced dismissal protections for pregnant women and new mothers	2027	Closed consultation (deadline 15 January 2026)
Parental leave and pay review	TBC	Call for evidence closed (10 September 2025)

Harassment and equality



The Employment Rights Act 2025 strengthens protections against harassment and discrimination in the workplace and introduces new employer obligations to promote gender equality.

Protection from harassment

- Employers must take "all" reasonable steps to prevent sexual harassment of employees, strengthening the existing duty under the Equality Act 2010.
- Employers must not permit third parties (such as customers, clients, or suppliers) to harass employees, and will be liable if they fail to take all reasonable steps to prevent such harassment.
- The Secretary of State gains power to specify in regulations what steps are considered "reasonable" for preventing sexual harassment, which may include carrying out assessments, publishing policies, establishing reporting mechanisms, and handling complaints procedures.

Whistleblowing protections

- Disclosures about sexual harassment (whether past, present, or likely future incidents) now qualify for whistleblower protection. At first glance, this may seem unnecessary, given that workers are already protected from victimisation, but it does allow for those making protected disclosures to apply for interim relief if they are dismissed because they blew the whistle. If successful, this would mean that they are entitled to continue to be paid throughout the period leading to the tribunal hearing.

Confidentiality clauses

- Contractual provisions (such as non-disclosure agreements) are void if they prevent workers from making allegations of, or disclosing information about, harassment or discrimination, or about an employer's response to such matters.
- This applies to harassment or discrimination by an employer or another worker, and where the victim is the worker themselves or another worker of the same employer.
- The Secretary of State may specify exceptions to this rule by regulations, and may also provide that even "excepted agreements" cannot prevent disclosures to specified persons, for specified purposes, or in specified circumstances.

Gender equality duties

- Regulations may require employers with 250 or more employees (and certain public authorities) to develop and publish equality action plans showing the steps they are taking on gender equality matters, and to publish prescribed information relating to the plan.
- Gender equality matters include addressing the gender pay gap and supporting employees going through the menopause.
- Regulations may require employers who are the 'principal' in relation to contract workers to disclose the identity of agencies or intermediaries supplying contract workers when publishing gender pay gap information or meeting public sector equality duties.

Who is affected?

All employers (for harassment protections and confidentiality clause restrictions); employers with 250+ employees (for equality action plans); employees, workers, and contract workers (as beneficiaries of protections).

What should employers be doing to prepare for it?

Employers should:

- Ensure policies reflect the enhanced duty to take "all" reasonable steps to prevent sexual harassment, not just "reasonable" steps. Consider what additional preventative measures may be needed.
- Put in place systems to track harassment complaints, outcomes, and preventative measures taken to demonstrate compliance with the duty to take "all" reasonable steps.

- Establish clear procedures for preventing, identifying, and responding to harassment by customers, clients, suppliers, or other third parties. Train customer-facing staff on how to report and escalate incidents.
- Review all employment contracts, settlement agreements, and non-disclosure agreements to identify and remove clauses that prevent workers from disclosing harassment or discrimination. Update template agreements accordingly.
- Ensure internal whistleblowing procedures explicitly cover sexual harassment disclosures and that staff understand these protections.
- Deliver or update mandatory training for all staff on harassment prevention, bystander intervention, and reporting mechanisms. Ensure managers are trained on handling complaints effectively.
- Ensure accessible, confidential mechanisms are in place for reporting harassment, including third-party harassment, and that investigation procedures are robust and trauma-informed.

For employers with 250 or more employees:

- Begin assessing your gender equality position across pay gaps, representation, progression, and menopause support. Consider what steps you are currently taking and what gaps exist.
- Consult with employee representatives, equality networks, and senior leadership about gender equality priorities and potential action plan content.
- Ensure you have systems to track and analyse gender pay gap information and related metrics that may inform action plan requirements.
- Prepare to disclose agency and contract worker arrangements if regulations require transparency about outsourced workers in equality reporting.

What still needs to be decided?

Several key provisions depend on secondary legislation that has not yet been published:

- the specific steps that will be regarded as "reasonable" for preventing sexual harassment, including requirements for assessments, policies, reporting mechanisms, and complaints handling
- the matters employers must have regard to when taking those steps
- the conditions an agreement must satisfy to be treated as an "excepted agreement" exempt from the prohibition on confidentiality clauses (the Government consulted on this from 15 April to 8 July 2026, proposing independent legal advice, a 14-day cooling-off period, limiting agreements to past conduct and preserving certain disclosures; its response is awaited and regulations are expected in 2027).
- whether excepted agreements will still be void for disclosures to specified persons, for specified purposes, or in specified circumstances
- whether the prohibition will be extended to individuals who are not technically "workers" but who work or receive training in specified circumstances
- the full scope of requirements for equality action plans, including what steps must be shown and what information must be published
- the detailed requirements for plan content, format, publication timing and frequency, revision cycles, and senior approval processes
- how failures to comply with equality action plan requirements will be enforced
- whether and how employers must disclose the identity of agencies or intermediaries supplying contract workers in gender pay gap and public sector equality reporting
- regulations on equality action plans for public authorities require consultation with the Equality and Human Rights Commission and the Welsh Ministers (for Welsh public authorities), so timing will depend on these consultation processes.

All regulations for sexual harassment prevention, confidentiality clauses, and equality action plans are subject to the affirmative procedure, meaning they require Parliamentary approval, which may affect implementation timelines.

When do the changes come into effect?

According to the Government's updated timeline, the requirement on employers to take "all reasonable steps" to prevent sexual harassment of their employees, and the obligation on employers not to permit the harassment of their employees by third parties, will take effect on 30 October 2026. The provisions relating to third-party harassment are likely to require guidance from the EHRC. Parliament allowed employers 12 months to prepare for the duty to prevent sexual harassment; it seems unlikely that equivalent preparation time will be given in relation to third-party harassment, despite its complexity.

Gender pay gap and menopause action plans were introduced on a voluntary basis from 6 April 2026. Mandatory requirements are expected to take effect in April 2027 (or March 2027 for public authorities).

Implementation timetable

Measure	Implementation date	Consultation status
Requiring employers to take 'all reasonable steps' to prevent sexual harassment of their employees	30 October 2026	No specific consultation launched
Introducing an obligation on employers not to permit the harassment of their employees by third parties	30 October 2026	No specific consultation launched
Introducing a power to enable regulations to specify steps that are to be regarded as 'reasonable', to determine whether an employer has taken all reasonable steps to prevent sexual harassment	30 October 2026 (power); 2027 (specification of steps)	No specific consultation launched
Action plans on gender equality and supporting employees through the menopause (voluntary)	6 April 2026	No specific consultation launched
Action plans on gender equality and supporting employees through the menopause (mandatory)	April 2027	No specific consultation launched
Menopause guidance	6 April 2026	No specific consultation listed
Whistleblowing - strengthening protections for workers who 'blow the whistle' on sexual harassment	6 April 2026	No specific consultation listed
Equality law	TBC	Call for evidence outcome published 23 July 2026
Mandatory ethnicity and disability pay gap reporting	TBC	Closed consultation (18 March 2025); Government response published 25 March 2026
Restricting NDAs in harassment and discrimination cases	2027	Closed consultation (8 July 2026); Government response awaited

Fire and rehire



The Employment Rights Act 2025 introduces protections against "fire and rehire" practices. It creates a new category of automatically unfair dismissal.

An employee will be regarded as automatically unfairly dismissed (irrespective of their length of service) if they are employed for the purposes of a business and the principal reason for dismissal is related to a "restricted variation" of their contract, unless the employer can show that an exemption applies. This appears to apply even in circumstances where the employee has a term in their contract allowing the employer to make unilateral changes to the contract, but this point may need to be tested in the Tribunals.

Restricted variations include: reductions in pay or removal of pay entitlements; changes to performance-related pay measures; variations to pension terms; changes to working hours; certain shift timing or duration changes; reductions in time off entitlements; other variations specified in future regulations; and contractual terms allowing employers to impose these changes unilaterally.

Where dismissal relates to contract variations that are not "restricted variations", the dismissal is not automatically unfair, but specific factors must be considered in determining fairness including the reason for the variation, the consultation process that preceded the change, the extent to which unions were involved in the negotiations and what was offered to the employee in return for agreeing to the variation.

Employees will be regarded as automatically unfairly dismissed if the principal reason for dismissal is to enable the employer to replace them with an individual who is not an employee (such as contractors, consultants, or agency workers). This applies where the non-employee carries out substantially the same activities and the dismissal is not mainly due to reduced business requirements. Although it is not made expressly clear in the legislation, it is unlikely that this will apply to an employee who is fairly dismissed during a TUPE exercise.

For non-local authority employers, the protections do not apply if the employer can show that the variation or replacement was necessary to eliminate, prevent, or significantly reduce financial difficulties affecting their ability to carry on business as a going concern (or for public sector employers, the financial sustainability of carrying out statutory functions), and that they could not reasonably have avoided the need for the change.

Local authorities have a separate exemption where a relevant intervention direction is in effect relating to financial difficulties.

Who is affected?

- All employees employed for the purposes of a business
- Employees who have not yet started work are excluded from protection
- Private sector employers, public sector employers, and local authorities (with specific provisions for each category)

For public sector employers and local authorities, employment tribunals must apply judicial review principles when assessing whether the employer could reasonably have avoided the need for changes.

What should employers be doing to prepare for it?

Employers should consider taking the following steps to ensure compliance:

- Audit any planned contract variations to identify which would fall within the new "restricted variations" categories
- Review policies on workforce restructuring, outsourcing, and use of contractors versus employees
- Approach the use of variation clauses in contracts with caution
- Where financial difficulties might justify changes, ensure robust consultation processes are in place with affected employees and recognised trade unions (or other employee representatives where applicable)

- For non-restricted variations, document the reason for variation and conduct meaningful consultation, as these will be key factors in determining fairness
- Document anything offered to employees in return for agreeing to variations, as this will be considered by tribunals
- If considering changes that might rely on the financial difficulties exemption, begin documenting evidence of financial challenges and their impact on business viability
- Prepare evidence showing reasonable alternatives were explored
- For public sector employers, ensure decision-making can withstand judicial review scrutiny
- Brief senior management, line managers, and HR professionals on the new protections
- Provide guidance on identifying "restricted variations" and the risks of fire and rehire
- Accelerate any plans to replace employees with contractors, consultants, or agency workers, as this otherwise may trigger automatic unfair dismissal claims unless financial difficulties exemptions apply when the provisions come into force
- Ensure business cases for workforce changes can demonstrate genuine redundancy situations rather than mere substitution

What still needs to be decided?

Several provisions depend on secondary legislation that has not yet been made:

- The specific conditions under which variations to shift timing or duration will constitute "restricted variations" must be specified in regulations by the Secretary of State
- Regulations may clarify that certain expenses or payments in kind are excluded from the definition of sums payable to employees, meaning variations to these would not be "restricted variations". The Government consulted on this question (consultation closed 1 April 2026). The consultation put forward two options: Option 1 (the Government's preferred option) would exclude all expenses and benefits or payments in kind from the scope of restricted variations, meaning that a dismissal made in order to reduce or remove any expenses, benefits or payments in kind would not be automatically unfair; Option 2 would exclude all expenses and benefits except for certain types of share schemes, travel expenses and accommodation that clearly have an equivalent character to pay and form part of an employee's remuneration package. The Government's response to the consultation has not yet been published.
- The Secretary of State may specify additional matters that employment tribunals must consider when determining whether dismissals are fair (where financial difficulties exemptions apply)
- Similar additional matters may be specified for cases involving non-restricted variations
- Additional matters may also be specified for cases involving the replacement of employees with non-employees

We are still awaiting clarification on the following issues:

- Detailed guidance on what constitutes "financial difficulties" sufficient to meet the exemptions
- How tribunals will assess whether employers "could not reasonably have avoided the need" for changes

When do the changes come into effect?

According to the Government's July 2025 Implementation Roadmap, fire and rehire provisions were originally expected to take effect in October 2026. However, the Government's revised implementation timeline (published 16 July 2026) confirmed that these changes have been delayed to January 2027. While the Employment Rights Act 2025 did not receive Royal Assent until 18 December 2025 (significantly later than anticipated when the Roadmap was published), relatively little secondary legislation is needed for this part of the Act to be implemented.

Implementation timetable

Measure	Implementation date	Consultation status
Fire and rehire protections	January 2027	Consultation on changes to expenses, benefits and shift patterns (closed 1 April 2026); consultation outcome published on collective redundancy and fire and rehire (closed 4 March 2025); draft code of practice on dismissal and re-engagement previously consulted.

Unfair dismissal



The Employment Rights Act 2025 makes some significant amendments to the regime relating to unfair dismissal rights.

The key changes are:

- The qualifying period of continuous employment required before employees can bring an unfair dismissal claim will reduce from two years to six months. This reduction also applies to the right to a written statement of reasons for dismissal.
- The limit on the compensatory award in unfair dismissal cases will be repealed entirely. This means there will no longer be a statutory cap on the amount of compensation that employment tribunals can award for unfair dismissal.

These changes apply to all employees in Great Britain across all sectors. The shorter qualifying period will extend unfair dismissal protection to a significantly larger group of workers who are dismissed within their first two years of employment. Employers of all sizes will be impacted, as they will face potential unfair dismissal claims earlier in the employment relationship and potentially higher compensation awards.

What should employers be doing to prepare for it?

Employers should consider taking the following concrete steps to prepare for these changes:

- With unfair dismissal protection now starting at six months rather than two years, ensure that probationary review processes are proactive and robust.
- Invest more time in thorough recruitment, reference-checking, and structured onboarding to reduce the likelihood of early-stage dismissals, as the window for dismissing without unfair dismissal risk has narrowed significantly.
- Ensure all dismissal procedures meet high standards of fairness. Update HR policies to reflect the new six-month threshold and train managers accordingly.
- With the removal of the compensatory award cap, employers should:
 - Conduct risk assessments for high-earning employees, as potential awards will now be based solely on actual loss without a statutory ceiling
 - Consider the financial implications when making dismissal decisions, particularly for senior or well-paid roles
- Provide comprehensive training to line managers on:
 - Fair dismissal procedures and the importance of following them from the outset of employment
 - Proper documentation of performance issues and disciplinary matters
 - The increased financial risks associated with unfair dismissal claims
- Consider whether current settlement agreement strategies and offer levels remain appropriate given the uncapped compensation landscape.
- Identify any employees currently within their first two years (but past six months) who will gain unfair dismissal rights when these provisions come into force, and ensure any ongoing performance or conduct issues are being managed appropriately.

What still needs to be decided?

Confusingly, the Government has committed to conducting an impact assessment (but not a consultation) relating to the removal of the cap on compensation, but the legislation to remove it is now in place. It is possible that the position will change, but there is no indication at present as to what will happen.

When do the changes come into effect?

The changes to the qualifying period and the removal of the compensatory award cap have been confirmed by Commencement No. 4 Regulations (SI 2026/559). The six-month qualifying period and removal of the compensatory award cap will come into force on 1 January 2027, applying to dismissals where the effective date of termination falls on or after that date. Anyone with six or more months' continuous service on 1 January 2027 will gain protection immediately. The Government has committed to conducting an impact assessment on the cap removal; there is no current indication that this will prevent the change from proceeding, but employers should monitor any Government announcements on this point.

Implementation timetable

Measure	Implementation date	Consultation status
Reduction of unfair dismissal qualifying period to 6 months, for dismissals from 1 January 2027, and uncapping compensatory awards	January 2027	None specifically launched
Employment tribunal time limits	1 October 2026	No specific consultation listed

Redundancies



The Employment Rights Act 2025 reforms the collective redundancy consultation regime by making significant changes to the Trade Union and Labour Relations (Consolidation) Act 1992.

Key changes to consultation thresholds and scope:

- The maximum period for which employment tribunals may make protective awards for failure to consult is extended from 90 days to 180 days. This means that where an employer fails to comply with collective redundancy consultation duties, affected employees may be awarded remuneration for a protected period of up to 180 days (previously up to 90 days). This doubles the potential financial liability for consultation failures. The protective award is calculated according to the employee's normal gross pay during the relevant period. Similar provisions apply to the compensation available to ships' crew, following the incident involving the large-scale redundancies at P&O.
- The duty to consult employee representatives now applies where an employer proposes to dismiss as redundant within 90 days or less either at least a "threshold number" of employees (to be defined in regulations) or 20 or more employees at one establishment. The "threshold number" will be determined by regulations made by the Secretary of State and may be a specified number, a percentage of the employer's workforce, or the highest or lowest of multiple numbers, but cannot be lower than 20 employees.
- Where proposed redundancies affect employees at more than one establishment, employers must provide the total number of affected employees and details of the establishments where they work.
- Employers are not required to consult all appropriate representatives together or to reach the same agreement with all representatives, allowing for separate consultations with different groups.
- The duty to notify the Secretary of State (via the HR1 form) applies using the same thresholds as the consultation duty: as such, notice must be given before issuing any termination notices, and at least 30 days before the first dismissal (or 45 days if proposing to dismiss 100 or more employees).

Who is affected?

All employers conducting redundancy exercises potentially affecting 20 or more employees (at one establishment or across multiple establishments, depending on the threshold regulations) within a 90-day period. This includes employers with multi-site operations, shipping companies, and businesses undergoing restructuring or closure.

What should employers be doing to prepare for it?

Employers should consider doing the following:

- Revise internal guidance on when consultation and notification duties are triggered, accounting for both the 20-employee establishment threshold and the forthcoming "threshold number" based on overall workforce size.
- If you operate across multiple establishments, develop procedures for calculating potential redundancies across all sites within a 90-day period.
- Ensure processes prevent termination notices being issued before statutory notifications are made.
- Build in adequate lead times (minimum 30 or 45 days before first dismissal, depending on numbers).
- Train HR teams and senior managers responsible for restructuring decisions on the new requirements, particularly the increased protective award risk.
- Ensure decision-makers understand the potential financial implications of the extended 180-day protective period.
- Assess financial exposure under the extended protective award regime and factor this into restructuring decisions and budgets.

What still needs to be decided?

A dedicated consultation on the collective redundancy threshold was published in February 2026 (closing 21 May 2026). The Government's preferred method is to use a single fixed number within the range of 250 to 1,000 proposed redundancies, which it considers the easiest way to ensure that employers understand their obligations and that employees and trade unions can be sure when the obligation to collectively consult has been triggered. The Government acknowledges the tension in setting a single number that applies to smaller organisations without also placing the largest employers in a constant state of consultation in the ordinary course of business. Four possible methods were consulted upon:

- Method 1 (the Government's preferred option): a fixed number — for example, 250 redundancies across the business within 90 days.
- Method 2: a variable, percentage-based threshold — for example, 5% of total employees.
- Method 3: a fixed number based on employer size — for example, 250 for employers with up to 2,500 employees, and 500 for those with more.
- Method 4: a combination of fixed numbers and a percentage to tier the threshold.

The Government is also seeking views on how an employer would calculate its total number of employees, with three options under consideration: the average total number of employees over a specified number of months prior to a particular date; the total number at the point when redundancies are proposed; or the total number on a regular basis (monthly, quarterly or annually) applied to redundancies made in the next period. Group companies are separate legal entities and will therefore be different employers for these purposes; each group company will keep its own running total and need not count redundancies proposed by any other group company, even where both have affected staff at the same site. Where an employer triggers both the one-establishment and the company-wide threshold, it will not be required to consult all representatives together and will have flexibility to hold a single consultation exercise or separate discussions across different groups.

The Government also intends to produce a Code of Practice on collective redundancy obligations and will consult on this in 2026.

These regulations must be made by statutory instrument subject to the affirmative procedure (requiring approval by both Houses of Parliament).

Until these regulations are made and in force, the practical scope of the extended collective redundancy regime remains uncertain. Employers will not know definitively whether workforce-wide thresholds apply to their proposed redundancies.

When do the changes come into effect?

The doubling of the maximum protective award period (from 90 to 180 days) took effect on 6 April 2026. The provisions relating to the new organisation-wide collective redundancy consultation threshold cannot take effect until the threshold number regulations are made and in force; it would appear that this is unlikely to take place until 2027. Employers should expect phased implementation, with the threshold regime following later.

There may be transitional provisions to address redundancy proposals already in progress when the organisation-wide threshold changes take effect.

Until commencement regulations are in force, the extended collective redundancy consultation threshold regime has no legal effect, and the existing establishment-level threshold (20 or more employees at one establishment) under TULR(C)A 1992 continues to apply.

Implementation timetable

Measure	Implementation date	Consultation status
Collective redundancy protective award - doubling the maximum period of the protective award	6 April 2026	Consultation outcome published (closed 4 March 2025)
Collective redundancy - collective consultation threshold	2027	Consultation outcome published (closed 4 March 2025); further consultation on organisation-wide threshold closed 21 May 2026 (Government response awaited).

Trade unions



One of the most significant parts of the Employment Rights Act 2025 is its effect on trade unions and industrial action. It introduces substantial reforms to strengthen workers' collective rights whilst removing restrictions imposed by previous legislation.

Statement of Trade Union Rights

Employers must give workers a written statement confirming their right to join a trade union. This statement must be provided when the employer gives the worker their employment particulars statement, and at other times to be prescribed by the Secretary of State. The Secretary of State may prescribe what information must be included, the form the statement must take, and how it must be given. The Government's response (published 25 September 2026) confirmed that the duty will start on 1 January 2027. The Government will supply standard wording, to which employers may add only workplace-specific details. Existing workers must receive the statement by 5 April 2027 followed by an annual written reminder. New workers must receive the statement with their written statement of employment particulars.

Right of Trade Unions to Access Workplaces

An "access agreement" is an agreement between a qualifying independent trade union and an employer that allows union officials to physically enter a workplace or communicate with workers for specified access purposes. The access purposes are to meet, support, represent, recruit or organise workers (whether or not union members) and to facilitate collective bargaining, but do not include organising industrial action. An agreement cannot require entry into a private dwelling, or disclosure of personal data without consent or in breach of data protection law.

A qualifying trade union may give an employer a request for access by union officials for the access purposes. Access agreements may be entered into by negotiation if the employer responds and the parties agree terms within prescribed periods (15 working days to respond, then 25 working days to negotiate), which are then notified to the Central Arbitration Committee (CAC). If the employer does not respond within the prescribed period, or negotiations fail, the CAC may determine whether officials are to have access and, if so, the terms on which access must be provided. An application to the CAC must be made within 55 working days of the access request.

The CAC must apply access principles including that union officials should be able to physically enter workplaces or communicate with workers in ways that do not unreasonably interfere with the employer's business, that employers should take reasonable steps to facilitate access, that both physical and remote access should not be refused solely because one of the two forms is permitted, and that access should only be refused entirely where reasonable.

Either party to an access agreement may complain to the CAC that the other party has breached the agreement, or that a person has taken steps to prevent access, within three months of the alleged breach; the CAC may vary the agreement, declare whether the complaint is well-founded, and order steps to ensure compliance. For subsequent breaches within 12 months of the CAC's declaration on the initial complaint, the CAC may order the party in breach to pay an amount to the CAC, which can be enforced as a court order. The maximum penalties are £75,000 for a first penalty, £150,000 for a second and £500,000 for each later penalty. Penalties accumulate across all workplaces covered by one access agreement. Appeals to the EAT on points of law and against penalty orders.

Trade Union Recognition

The Act makes extensive amendments to the trade union recognition procedures, including:

- The minimum number of union members required for a recognition application will be subject to change. It is currently 10% of the proposed bargaining unit, but this may be reduced to as low as 2% by secondary legislation
- The turnout threshold (80% of the proposed bargaining unit) has been removed entirely
- Employers must provide specified information (name, date of birth, category) about relevant workers to the CAC within five working days of notice of a recognition application

- If the CAC is satisfied the employer has failed to fulfil duties to provide worker information, it may order the employer to remedy the failure
- If the employer fails to comply with a remedial order, the CAC may issue a declaration that the union is recognised
- Unions may request access to relevant workers in connection with recognition applications (this is separate to the general right of access, described above) within five working days of acceptance
- Parties must refrain from unfair practices including dismissals, threats, detriment, offering money for votes, making outcome-specific offers, coercing workers to disclose voting intentions, or using undue influence. From 30 October 2026 this applies from the CAC's acceptance of the application, not just during the ballot
- Recognition agreements entered into by non-independent unions during a restricted period must be ignored when assessing admissibility – in other words, employers are prevented from making 'sweetheart deals' with unions that they have helped to set up specifically to frustrate the recognition process
- Applications are inadmissible if made within three years of a CAC declaration that a union is not entitled to be recognised for the same or substantially the same bargaining unit
- From 30 October 2026, once the CAC receives an application the bargaining unit is frozen; workers recruited afterwards do not count or vote. After statutory recognition, the CAC will ignore substantial changes in numbers in a challenge to the bargaining unit made within three years

Trade Union Finances

Union members are now contributors to the political fund by default unless they give an "opt-out notice" to the union (reversing the previous "opt-in" requirement). Trade unions must give opt-out information notices to members within eight weeks of passing a political resolution and at 10-year intervals thereafter.

The restriction on deduction of union subscriptions from wages in the public sector is removed.

Facilities for Trade Union Representatives

Employers who permit trade union officials to take time off must, when requested, provide reasonable accommodation and facilities for carrying out duties or undergoing training, having regard to Acas Codes of Practice. This requirement also applies to union learning representatives.

The Act creates a new right for union equality representatives to take time off for activities including promoting equality in the workplace, arranging learning or training on equality matters, providing information and advice to members, consulting with the employer, and obtaining and analysing equality-related information. "Equality" is defined to include elimination of discrimination, harassment and victimisation, advancement of equality of opportunity, and fostering good relations between persons with and without relevant protected characteristics.

Publication requirements and reserve powers relating to facility time are removed.

Blacklists

The Secretary of State gains power to make regulations prohibiting the use, sale or supply of lists containing details of trade union members or those who have taken part in union activities, for purposes of discrimination in recruitment or treatment of workers.

Industrial Action Ballots

The turnout threshold requiring that at least 50% of those entitled to vote must do so will be removed once the Secretary of State has considered the effect of e-balloting on turnout. E-balloting was introduced on 25 August 2026; the Government will consider its effect on turnout, and no date has yet been set for removing the threshold. The support threshold requiring a minimum percentage of those entitled to vote to vote "yes" in certain sectors is removed.

Notices to employers about industrial action ballots are simplified to require only the total number of employees concerned, rather than detailed figures and explanations.

The period for which an industrial action ballot remains effective is extended from six months to 12 months.

The notice period that unions must give employers before industrial action is reduced from 14 days to 10 days.

Industrial Action: Picketing and Protection

The requirement for detailed union supervision of picketing, including appointing a picket supervisor and providing information to police, is removed.

Workers gain the right not to be subjected to prescribed detriment by their employer if the act or failure takes place for the sole or main purpose of preventing or deterring the worker from taking protected industrial action, or penalising them for doing so. Workers may present complaints to employment tribunals within six months. The Government published its response to the consultation on this question in June 2026. The Protection Against Detriments (Industrial Action) Regulations are expected to come into force on 30 October 2026. It is well established that if a worker goes on strike they will not be paid for any time spent participating in that strike, and the Government does not intend to change this position. Actions that are not for the sole or main purpose of penalising, preventing or deterring a worker from taking industrial action (such as disciplining an employee for 'ordinary' misconduct occurring during industrial action) would not be prohibited. The Regulations also add protection against detriment for taking industrial action to the list of claims for which an Employment Tribunal can increase any award by up to 25% for failure to comply with the Acas Code of Practice on Disciplinary and Grievance Procedures.

Protection against dismissal for taking industrial action is strengthened by removing the 12-week protected period limit and procedural requirements relating to lock-outs and conciliation.

Strikes: Minimum Service Levels

All provisions relating to minimum service levels during strikes are repealed, including the entirety of the Strikes (Minimum Service Levels) Act 2023.

Certification Officer

The oversight powers previously conferred on the Certification Officer have been drastically curtailed.

The requirement for trade unions to include details of industrial action in annual returns is removed. The requirement to include details of political expenditure in annual returns is also removed.

The Certification Officer's enforcement powers relating to annual returns are removed. Investigatory powers of the Certification Officer are removed. Powers to impose financial penalties are removed. Powers to impose a levy on trade unions are removed.

The Certification Officer's powers may now only be exercised on application by a member or union; the ability to act without an application is removed.

Appeals to the Employment Appeal Tribunal from the Certification Officer are limited to questions of law.

As such, the unions will be subject to considerably less regulatory scrutiny than before.

Regulations

Regulations prescribing matters for access agreements (response and negotiation periods, application periods, CAC determinations, amounts payable for breach) and regulations relating to detriment for taking industrial action must be subject to the affirmative resolution procedure in Parliament.

What should employers be doing to prepare for it?

Employers should consider taking the following steps:

- Prepare to incorporate the statement of trade union rights into your Section 1 employment particulars templates (or similar document), ready to issue to new starters and existing workers when regulations prescribe the form and content
- Review current policies on third-party access to premises to understand how union access requests might be accommodated under the new framework
- Create internal processes for responding to union access requests within the prescribed timeframes, including identifying who will negotiate terms and how decisions will be made

- Ensure those responsible for employee relations understand the new unfair practices regime during recognition applications, the strengthened protections for industrial action participants, and the new access rights
- If you recognise unions, open dialogue about how workplace access, facilities for equality representatives, and recognition procedures will operate under the new framework
- Ensure decision-makers understand the strategic implications of the removal of ballot thresholds, extended ballot validity, and enhanced protections for workers and unions
- Consider implementing alternative forms of employee representation to forestall trade union recognition, if recognition is a concern.

What still needs to be decided?

Significant elements of this part of the Act depend on secondary legislation and further detail:

Statement of Trade Union Rights

- The times (other than when providing employment particulars) at which the statement must be given have been confirmed: existing workers by 5 April 2027, then an annual reminder. Regulations implementing this are awaited
- The specific information that must be included, the form the statement must take, and the manner in which it must be given; the Government's 25 September 2026 response settles most of this, but the standard wording and the implementing regulations are awaited

Workplace Access Agreements

- The Government's response to the consultation (published 8 April 2026) and the revised draft code of practice (laid before Parliament on 6 July 2026, alongside secondary legislation) confirmed the framework: the framework is expected to come into force on 30 October 2026; weekly access (physical, digital or both) is considered reasonable; unions must give two working days' notice of access (five working days for the first visit); employers may not avoid granting physical access solely by offering digital access; and access agreements expire two years after coming into force (though the parties may agree to extend them). Employers with fewer than 21 workers will be exempt.
- The Government will review the framework within six months of commencement and consult on changes in early spring 2027.

Trade Union Recognition, access arrangements, etc

- Detailed regulations relating to the recognition process, including prescribed periods for various stages
- The "required percentage" of workers who must be union members for recognition applications is currently 10%, but the Secretary of State may amend this to between 2% and 10%
- Codes of Practice from Acas or the Secretary of State on access agreements, unfair practices, and related matters (these were laid before Parliament on 6 July 2026)
- Electronic means (other than email and electronic forms) by which members may give opt-out or withdrawal notices
- Guidance (to be published within three months of commencement) about appropriate provision in union rules for when opt-out notices take effect, subject to revision
- Codes of Practice from Acas or the Secretary of State on time off and facilities for equality representatives, and on what training is sufficient (Acas's updated Code was laid before Parliament on 7 July 2026)
- Regulations prohibiting the use, sale or supply of lists containing details of union members or participants in union activities for purposes of discrimination
- Specific provision within regulations on causing another person to do prohibited acts and enforcement mechanisms
- How existing recognition procedures, ballots, and access arrangements will transition to the new regime – this has largely been settled by regulations and Government guidance.

— Treatment of existing facility time reporting obligations and political fund opt-in arrangements

When do the changes come into effect?

The following provisions came into force at the end of the period of two months beginning with the day of Royal Assent (i.e., 18 February 2026):

Section	Provision
Section 61	Political funds: requirement to pass political resolution
Section 62	Requirement to contribute to political fund
Section 63	Deduction of trade union subscriptions from wages in public sector
Section 66	Facility time: publication requirements and reserve powers
Section 67	Blacklists: additional powers
Section 69	Industrial action ballots: support thresholds
Section 70	Industrial action ballots: information to be included in notices to employers
Section 71	Industrial action ballots: information to be included on voting paper
Section 72	Period after which industrial action ballot ceases to be effective
Section 73	Electronic balloting
Section 74	Notice to employers of industrial action
Section 75	Union supervision of picketing
Section 80	Union annual returns: removal of provision about political expenditure
Section 82	Certification Officer: removal of investigatory powers
Section 83	Certification Officer: powers to be exercised only on application
Section 84	Certification Officer: removal of power to impose financial penalties
Section 86	Certification Officer: appeals to the Employment Appeal Tribunal
Section 87	Employment outside Great Britain
Section 89	Devolved Welsh authorities

Some changes to the trade union recognition process took effect in April 2026, with more taking effect on 30 October. The changes to electronic and workplace balloting took effect on 25 August 2026 for industrial action ballots, with application to recognition and derecognition ballots due to follow in 2027. On 30 October 2026, the enhanced right of access, new rights and protections for trade union reps and extending protections against detriments for taking industrial action come into effect. The duty to inform workers of their right to join a trade union will take effect on 1 January 2027.

Guidance on political fund opt-out provisions in union rules must be published within three months of the section coming into force.

Implementation timetable

Measure	Implementation date	Consultation status
The repeal of the great majority of the Trade Union Act 2016, thereby simplifying requirements on trade unions, including in relation to industrial action and political funds	18 February 2026	No specific consultation listed
Removing the 10-year ballot requirement for trade union political funds	18 February 2026	No specific consultation listed
Simplifying industrial action notices and industrial action ballot notices	18 February 2026	No specific consultation listed
Protections against dismissal for taking industrial action	18 February 2026	No specific consultation listed
The repeal of the levy that trade unions and employer associations pay to the Certification Officer	1 April 2026	No specific consultation listed
Simplifying trade union recognition process	6 April 2026	No specific consultation listed
Electronic and workplace balloting for Statutory Trade Union Ballots	25 August 2026	Closed consultation on draft code of practice (deadline 28 January 2026); in force, with Code of Practice in force 25 August 2026
The duty to inform workers of their right to join a trade union	30 October 2026	Closed consultation (deadline 18 December 2025); Government response published 25 September 2026
Strengthening trade unions' right of access	30 October 2026	Consultation outcome published (8 April 2026); further consultation on draft code of practice closed 20 May 2026; revised draft code of practice laid in Parliament 6 July 2026; secondary legislation and code expected to come into force 30 October 2026.
Unfair practices in the trade union recognition process	30 October 2026	Consultation on recognition code of practice July 2026; code expected to come into force 30 October 2026.
New rights and protections for trade union representatives	30 October 2026	Acas updated Code laid before Parliament 7 July 2026
Extending protections against detriments for taking industrial action	30 October 2026	Consultation outcome published 23 June 2026; Protection Against Detriments (Industrial Action) Regulations to be laid in Parliament; expected to come into force 30 October 2026.
Extending blacklisting protections	2027	No specific consultation listed

Industrial relations framework	2027	Consultation outcome published on creating a modern framework for industrial relations (closed 4 March 2025)
Electronic and workplace balloting for recognition and derecognition ballots	25 August 2026	Closed consultation on draft code of practice (deadline 28 January 2026); consultation on unfair practices in electronic ballots (closed 1 April 2026)

Fair Work Agency



The Employment Rights Act 2025 gives the Secretary of State responsibility for enforcing a wide range of labour market legislation, supported by enforcement officers appointed for this purpose.

The 'Fair Work Agency' (FWA) will act on behalf of the Secretary of State, with wide ranging powers, many of which currently sit with other bodies such as HMRC, the Health & Safety Executive, and the Gangmasters and Labour Licensing Authority. Key provisions include:

- The FWA will have the power to require individuals to attend interviews, provide information or documents, and produce specified materials by a specified date. Enforcement officers can enter premises (excluding dwellings without a warrant), inspect documents, and access computers used for processing or storing information.
- The FWA must establish an Advisory Board with at least nine members, consisting of equal numbers representing trade unions, employers, and independent experts, to provide advice on enforcement matters.
- The FWA must publish a labour market enforcement strategy every three years, setting out assessments of non-compliance with relevant legislation and proposals for how enforcement functions will be exercised.
- Where the FWA determines that a sum was due to an individual under statutory pay provisions and has not been paid, a notice of underpayment can be issued requiring payment within 28 days. These notices must require payment of a penalty (200% of the underpayment, capped at £20,000 per individual, with a minimum penalty of £100).
- Where the FWA believes a person has committed or is committing a labour market offence, they can invite the person to give an undertaking, or apply to court for an order, requiring compliance with prohibitions, restrictions, or requirements. These can have effect for up to two years.
- The FWA may bring employment tribunal proceedings on behalf of a worker who appears not to be pursuing their own claim.
- The FWA may assist parties to civil proceedings relating to employment law by providing legal advice, representation, or other assistance.

Who is affected?

All employers, workers, and employees across all sectors. The enforcement provisions apply to legislation including the National Minimum Wage Act 1998, Working Time Regulations 1998, employment agency rules, gangmaster licensing, and modern slavery offences.

What should employers be doing to prepare for it?

- Ensure robust processes are in place for compliance with all relevant labour market legislation, including national minimum wage, working time regulations, statutory sick pay, and employment agency requirements.
- Be prepared to produce documents in electronic form that can be taken away and are visible and legible. Maintain accurate, accessible records of pay, hours worked, contracts, and statutory entitlements. In particular, the Act has introduced a new requirement whereby employers must keep records that are adequate to show compliance with annual leave entitlements under the Working Time Regulations 1998. These records must be retained for six years from the date they were made. Records may be created, maintained and kept in such manner and format as the employer reasonably thinks fit. Failure to comply with this duty is a criminal offence.
- Train HR and management teams on enforcement powers and their obligations to cooperate with enforcement officers, including understanding when premises entry may occur and what information can be requested.
- Understand that the Secretary of State can require attendance at interviews, provision of information, or production of documents. Establish internal procedures for responding to such requests promptly.

- Conduct audits to identify and remedy any potential underpayments or non-compliance issues before enforcement action is taken. Be aware that the "required sum" in underpayment notices may be calculated based on current rates rather than historic rates.
- Familiarise yourself with the penalty structure (200% of underpayments, capped at £20,000 per individual) and the early payment discount provisions.
- If contacted by enforcement officers, respond cooperatively and seek legal advice where appropriate. Understand your appeal rights against notices of underpayment (28 days from receipt) and the grounds on which appeals can be made.

What still needs to be decided?

Several aspects of the enforcement regime are subject to secondary legislation or delegated rulemaking:

- Regulations may provide for determining the sum required to be paid where it would have been greater if calculated by reference to current provisions, and may specify maximum amounts.
- The Secretary of State may make regulations altering the claim period (currently six years) for notices of underpayment, potentially specifying different periods for different statutory pay provisions.
- The Secretary of State may amend penalty percentages and amounts, including specifying different rates for different purposes.
- The Secretary of State may issue directions specifying circumstances in which notices of underpayment do not impose a penalty requirement.
- Regulations will specify additional measures (prohibitions, restrictions, or requirements) that may be included in labour market enforcement undertakings and orders.
- Regulations may provide for charges to recover enforcement costs, including fixed amounts or hourly rates, and determination schemes.
- The Secretary of State may add new enactments to the list of relevant labour market legislation subject to enforcement.
- The Secretary of State may make arrangements with public authorities to delegate enforcement functions, though the details of such arrangements have not yet been specified.
- The list of persons to whom enforcement information may be disclosed may be amended by regulations.

When do the changes come into effect?

The Fair Work Agency was **formally** established on 7 April 2026, and the budget for the agency for the year 2026/2027 has been set at £60.1 million – the combined budget for the predecessor bodies was £47.4 million.

The first labour market enforcement strategy must be published before the beginning of the first 'relevant three-year period', which begins on the next 1 April after this provision comes into force. The Fair Work Agency's first delivery plan (September 2026) says this strategy will be published in April 2027, when minimum wage enforcement transfers from HMRC. Holiday pay enforcement will begin in 2027.

The first annual report must be published as soon as reasonably practicable after the end of the first financial year, which runs from the day this provision comes into force to the following 31 March.

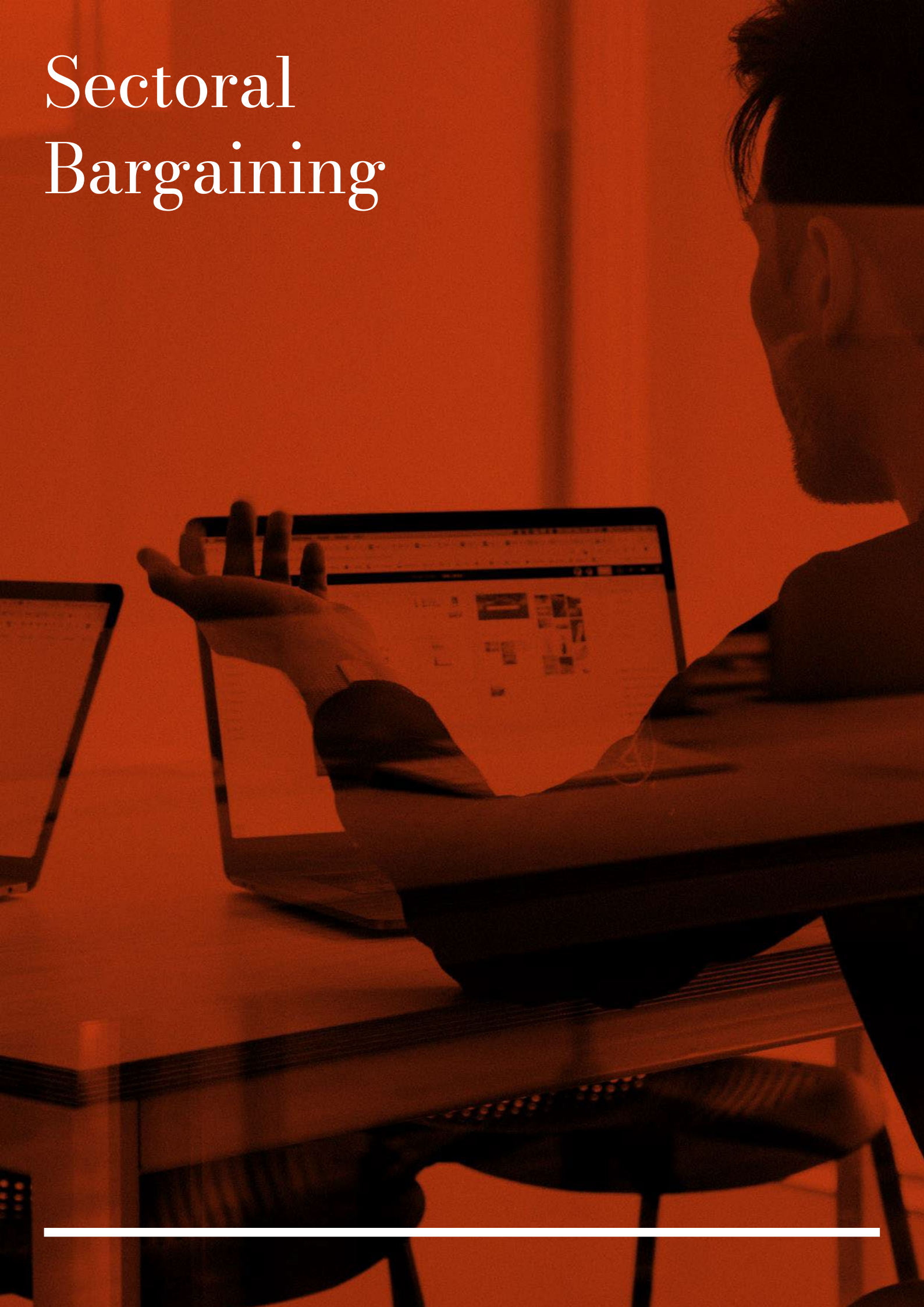
Notices of underpayment may relate to sums that became due before this section comes into force, but not before 18 December 2025 (the day the Act was passed), with an exception for national minimum wage arrears.

The Gangmasters and Labour Abuse Authority and the Director of Labour Market Enforcement are abolished, but transitional provisions will manage the transfer of functions, staff, and property to the Secretary of State.

Implementation timetable

Measure	Implementation date	Consultation status
The establishment of the Fair Work Agency	7 April 2026	None specifically launched
Holiday pay enforcement	2027	Consultation closed 22 September 2026; Government response awaited

Sectoral Bargaining



The Employment Rights Act 2025 establishes sectoral bargaining frameworks for school support staff in England, and social care workers in England, Wales and Scotland. Each framework operates differently and is covered separately below.

School support staff in England

The Act establishes the School Support Staff Negotiating Body (SSSNB), an unincorporated body with functions relating to school support staff in England. School support staff are defined as persons employed by local authorities or governing bodies of maintained schools, or by Academy proprietors, under contracts providing for work wholly at schools, excluding school teachers.

The SSSNB's remit covers matters relating to remuneration, terms and conditions of employment, training, and career progression for school support staff. The Secretary of State may refer matters within the SSSNB's remit to the body for consideration, particularly matters relating to remuneration or terms and conditions of employment.

The SSSNB's membership must include persons representing prescribed school support staff organisations, prescribed employer organisations, and the Secretary of State. An independent chair must be appointed who does not represent the interests of staff organisations, employer organisations, the Secretary of State, or any other represented party.

Social Care Workers (England, Wales, and Scotland)

The Act grants powers to establish Social Care Negotiating Bodies: the Adult Social Care Negotiating Body for England (by the Secretary of State), the Social Care Negotiating Body for Wales (by Welsh Ministers with the Secretary of State's agreement), and the Social Care Negotiating Body for Scotland (by Scottish Ministers with the Secretary of State's agreement).

A social care worker is defined as a person employed wholly or mainly in, or in connection with, the provision of social care to individuals aged 18 or over (in England) or to any individual (in Wales or Scotland). The Negotiating Bodies' remit covers remuneration, terms and conditions of employment, and other specified matters relating to employment as a social care worker.

Membership of each Negotiating Body must include officials of trade unions representing social care workers and persons representing employers of social care workers. When a Negotiating Body submits an agreement to the appropriate authority, that authority may make regulations ratifying the agreement in full or to the extent specified.

If an agreement is ratified and relates to remuneration, social care workers' remuneration must be determined and paid in accordance with the agreement; provisions relating to other terms or conditions have effect as terms of the worker's contract. However, agreements cannot alter terms to a worker's detriment, and workers may still receive more favourable terms than those in the agreement.

Where a Negotiating Body notifies the appropriate authority that it has been unable to reach an agreement and specified conditions are met, the appropriate authority may make regulations about the matter, which can determine terms and conditions of employment.

What should employers be doing to prepare for it?

School Support Staff Employers (Local Authorities, Maintained Schools, Academies)

- Monitor the establishment of the SSSNB and its constitutional arrangements, which will be made by the Secretary of State following consultation with prescribed organisations
- Prepare for potential changes to remuneration, terms and conditions, training requirements, and career progression frameworks once the SSSNB begins operating
- Review current employment contracts, policies, and procedures for school support staff to identify areas that may be affected by future SSSNB agreements

- Engage with prescribed school support staff employer organisations that will represent employer interests on the SSSNB
- Budget for potential changes to pay and conditions that may result from ratified agreements
- Ensure HR systems can accommodate changes to terms and conditions that may be imposed by ratified agreements or regulations

Social Care Employers (England, Wales, Scotland)

- Monitor whether and when Social Care Negotiating Bodies are established in your jurisdiction (this requires regulations to be made)
- Engage with employer representative organisations that may be appointed to the relevant Negotiating Body
- Review current employment contracts, pay structures, and terms and conditions for social care workers
- Prepare to comply with potential record-keeping requirements that may be imposed by regulations, requiring employers to keep records in a specified form and manner and preserve them for a specified period
- Budget for potential changes to remuneration and terms and conditions resulting from ratified agreements
- Employers must comply with potential record-keeping requirements that may be imposed by regulations. These regulations may require employers to keep records of a specified description in a specified form and manner, and to preserve those records for a specified period. The regulations may apply provisions of the National Minimum Wage Act 1998 relating to workers' rights of access to records, failure to allow access, and restrictions on contracting out, with or without modifications.
- Note that agency workers who are not otherwise "workers" will be treated as if there were a worker's contract for the purposes of this Chapter

What still needs to be decided?

School Support Staff

- The Secretary of State must make arrangements constituting the SSSNB, following consultation with prescribed school support staff organisations and prescribed school support staff employer organisations
- Regulations must be made to prescribe what payments or entitlements are treated as remuneration, what matters relate to terms and conditions, training, or career progression
- The Secretary of State may specify factors the SSSNB must consider when reviewing matters and dates by which the SSSNB must comply with its duties
- The specific matters that will be referred to the SSSNB for consideration have not yet been determined
- Whether and to what extent any agreements reached by the SSSNB will be ratified by regulations
- The content of any guidance to be issued by the SSSNB (with Secretary of State approval) or by the Secretary of State relating to ratified agreements or regulations

Social Care Workers

- Whether Social Care Negotiating Bodies will actually be established (this is a power, not a duty) and, if so, when – separate regulations are required for England, Wales, and Scotland
- All detailed provisions about the Negotiating Bodies' membership, appointment procedures, decision-making processes, record-keeping, payment of fees and expenses, staffing, and reporting requirements
- The specific matters within each Negotiating Body's remit, including which categories of social care workers are covered and what employment-related matters are included
- Detailed provisions about how Negotiating Bodies will consider matters, including circumstances triggering consideration, factors to be considered, conditions for agreements (including funding conditions), information requirements, and timescales
- Provisions about reconsideration of agreements referred back by the appropriate authority

- Provisions for resolving disagreements when a Negotiating Body cannot reach agreement
- The form, manner, and description of records employers must keep, and the period for which they must be preserved
- Provisions about guidance or codes of practice to be issued by the appropriate authority, including duties on specified persons and consequences of non-compliance

When do the changes come into effect?

According to the Government's July 2025 Implementation Roadmap, the Government will consult on reinstating the School Support Staff Negotiating Body and the Fair Pay Agreement for the Adult Social Care sector in Summer/Autumn 2025. Regulations to establish the Fair Pay Agreement Adult Social Care Negotiating Body are expected to be brought forward in October 2026. However, as the Employment Rights Act 2025 did not receive Royal Assent until 18 December 2025 (significantly later than anticipated when the Roadmap was published), these dates may be subject to revision.

School Support Staff

- Section 38 and Schedule 4 establish the legislative framework for the SSSNB, but the body itself must be constituted by arrangements made by the Secretary of State
- No specific commencement date is provided; implementation depends on:
 - The Secretary of State making constitutional arrangements for the SSSNB
 - Prescription of school support staff organisations and employer organisations
 - The SSSNB being established and beginning to function
 - Matters being referred to the SSSNB for consideration
 - Agreements being reached and ratified by regulations, or regulations being made by the Secretary of State
- Pre-commencement consultation is permitted: if consultation takes place before Schedule 12A comes into force that would have satisfied consultation requirements, those requirements are deemed satisfied

Social Care Workers

- The provisions grant powers to establish Negotiating Bodies but do not require their establishment
- Implementation is entirely dependent on:
 - The appropriate authority (Secretary of State, Welsh Ministers, or Scottish Ministers) choosing to exercise the power to establish a Negotiating Body by making regulations
 - Further regulations being made about membership, procedure, remit, and operational matters
 - The Negotiating Body being convened and beginning to consider matters
 - Agreements being reached and ratified, or the appropriate authority making regulations where no agreement is reached
- No fixed timescale or commencement date is specified; this is a framework that may be activated at the discretion of the relevant authority

The sectoral bargaining frameworks are enabling provisions that require substantial secondary legislation (regulations) and administrative action before they become operational. Employers should monitor Government announcements and consultations regarding the making of these regulations to understand when specific obligations will commence

Implementation timetable

Measure	Implementation date	Consultation status
Bringing forward regulations to establish the Fair Pay Agreement Adult Social Care Negotiating Body in England	October 2026	Consultation outcome published (16 July 2026); regulations to establish the Adult Social Care Negotiating Body expected October 2026.
Setting up the School Support Staff Negotiating Body	TBC	Consultation outcome published (9 July 2026).

Miscellaneous and general provisions



The Employment Rights Act 2025 introduces a number of important provisions in addition to those described in other sections.

The key measures include tribunal time limits, tips and gratuities, public sector outsourcing, employment business regulation, heritage railways, and procedural provisions.

Time Limits

The Act increases time limits for making claims to employment tribunals in Great Britain (and certain industrial tribunal claims in Northern Ireland) from three months to six months. This took effect on 1 October 2026 (9 November 2026 just for breach of contract claims in Scotland) and applies where the relevant event occurs on or after that date. This applies across virtually all employment rights including: unfair dismissal; unlawful deduction of wages; discrimination under the Equality Act 2010; time off rights (public duties, redundancy, ante-natal care, adoption appointments, dependants, pension trustees, employee representatives, study or training); flexible working requests; carer's leave; trade union rights (unjustifiable discipline, unauthorised deductions, training obligations, political fund deductions, refusal of employment, inducements, detriment, time off for activities); collective redundancy consultation failures; protective awards; unpaid pension contributions; written statement complaints; tips information requests; guarantee payments; working time rights; national minimum wage record access; right to be accompanied; and transnational information and consultation rights. The extension also applies to merchant shipping, civil aviation, fishing vessels, and cross-border railway services working-time claims. This is a fundamental change affecting limitation periods across employment law and significantly extends the period during which employers face potential claims and must retain evidence.

Tips and gratuities

The Act requires employers to consult with trade union representatives or workers before producing their first written policy on allocating tips, and to review that policy at least every three years with further consultation. Employers must also make an anonymised summary of consultation views available to all workers at the workplace.

Time off for public duties

The Act requires the Secretary of State to review, within 12 months of the Act passing, whether employers should be required to permit employees to take time off to perform the functions of a special constable (including British Transport Police and Police Service of Scotland special constables).

Definition of Employment Businesses

The Act extends the Employment Agencies Act 1973 to capture a much wider range of entities involved in worker supply chains. In particular, it fundamentally expands the definition of 'employment business' to include businesses 'participating in employment arrangements', where 'employment arrangements' are arrangements under which persons in someone's employment are supplied to act for and under the control of another person. 'Participating in' these arrangements includes: (a) being an employer of the supplied persons; (b) paying for, receiving, or forwarding payment for their services in consideration of receiving a fee from them; (c) supplying those persons; or (d) taking steps with a view to any of the above. This brings umbrella companies, payment intermediaries, and other entities within the regulatory scope of the Employment Agencies Act 1973, even if they are not the direct employer or supplier.

Public sector outsourcing

The Act inserts new provisions into existing legislation, requiring public contracting authorities to include worker protection provisions in relevant outsourcing contracts. A 'relevant outsourcing contract' is a public contract (or framework) for services that include performing functions previously performed by the contracting authority, where transferring workers will be employed by the supplier or sub-contractor. The appropriate authority (Minister of the Crown, Scottish Ministers, or Welsh Ministers) may make regulations specifying provision to be included in such contracts to ensure transferring workers and non-transferring workers are treated no less favourably. Contracting authorities must take all reasonable steps to ensure specified provision is included and complied with. The appropriate authority must also prepare and publish a code of practice containing guidance to contracting authorities, and contracting authorities must have regard

to this code. This applies to central government, local authorities, NHS bodies, and other public authorities, but not to private utilities, certain devolved Welsh authorities, or (generally) transferred Northern Ireland authorities.

Employment of children on heritage railways

The Office of Rail and Road and the Health and Safety Executive, acting jointly, must prepare and publish guidance within 12 months of the Act being passed. This guidance must set out circumstances in which a child carrying out activities for a heritage railway in Great Britain is, or is not, to be regarded as employed in an industrial undertaking for the purposes of section 1 of the Employment of Women, Young Persons and Children Act 1920 (which restricts employment of children in industrial undertakings). A 'heritage railway' means a railway operated for preserving, recreating or simulating railways of the past, or demonstrating historical motive power or rolling stock, and used exclusively or primarily for recreational or educational purposes. The guidance may be revised and republished from time to time.

Seafarers

The Act introduces provisions that are designed to offer enhanced protection to seafarers and sets out a framework that covers both wages and working conditions.

What should employers be doing to prepare?

Employers should consider doing the following, depending on what is appropriate for their sector.

- Update HR systems and processes to accommodate the new six-month time limit for employment tribunal claims (up from three months), which will affect case management, record retention, and response timelines
- Review your consultation processes to ensure you consult with recognised trade union representatives, elected worker representatives, or workers directly before producing your first tips allocation policy
- Establish a system to review your tips policy at least once every three years, with the first review within three years of making the policy available

What still needs to be decided?

Tips and gratuities

The consultation and review requirements are fully specified in the Act, but enforcement mechanisms and penalties for non-compliance may be subject to further regulations.

Time off for public duties

The Secretary of State must conduct a review and publish findings on whether time off rights should be extended to special constables, but the outcome of this review and any subsequent legislative changes are not yet determined.

When do the changes come into effect?

The extension of employment tribunal time limits (extending from three months to six months) generally took effect on 1 October 2026. The changes to tipping law are expected to take effect by the end of 2026. The regulation of umbrella companies is expected to take effect in 2027. However, as the Employment Rights Act 2025 did not receive Royal Assent until 18 December 2025 (significantly later than anticipated when the Roadmap was published), these dates may be subject to revision.

The review of time off for public duties for special constables must be completed and published within 12 months of Royal Assent (by 18 December 2026). Guidance on employment of children on heritage railways must be prepared and published within 12 months of Royal Assent (by 18 December 2026).

Implementation timetable

Measure	Implementation date	Consultation status
Procurement - two-tier code	October 2026	Closed consultation on public procurement reforms (11 December 2025)
Tightening tipping law	By end of 2026	Consultation outcome published (closed 1 April 2026; outcome published 29 July 2026; Code withdrawn July 2026; consultation on revised draft Code closed 29 September 2026; Government response awaited
Regulation of umbrella companies	2027	Consultation outcome published on tackling non-compliance in the umbrella company market (closed 4 March 2025)
Modernising the Agency Work Regulatory Framework	TBC	Closed consultation (deadline 1 May 2026); Government response awaited
Unpaid internships	TBC	Call for evidence closed (17 July 2025)
Late payments: tackling poor payment practices	TBC	Closed consultation (16 January 2026)
Commencement of the Mandatory Seafarers' Charter	December 2026	No specific consultation listed

Appendix 1

Commencement Status Overview

Part & Provision	Commencement Status	Key Dependencies & Notes
PART 1: EMPLOYMENT RIGHTS		
Sections 1-8: Precarious workers (guaranteed hours, shift notice, shift payments)	Partially in force (regulation-making powers commenced 8 January 2026); substantive provisions require further regulations	Regulation-making powers commenced 8 January 2026. Reference periods, qualifying conditions, notice periods, payment amounts, and excluded workers must be specified in regulations before substantive rights take effect. Expected 2027.
Section 9: Flexible working	Partially in force (regulation-making powers commenced 8 January 2026); substantive provisions require further regulations	Regulation-making powers commenced 8 January 2026. Steps employers must take and additional grounds for refusal may be specified in regulations. Expected autumn 2027.
Sections 10-13: Statutory sick pay	In force from 6 April 2026	In force from 6 April 2026.
Section 14: Tips consultation and review	Regulations required	Expected by the end of 2026.
Sections 15-17: Parental and paternity leave	In force from 6 April 2026	In force from 6 April 2026.
Section 18: Bereavement leave	Regulations required	Conditions as to relationship, pregnancy loss definitions, and specified day must be prescribed. Expected April 2027.
Section 19: Review of time off for public duties	18 December 2025 (on passing)	Review must be completed and published within 12 months of Royal Assent.
Sections 20-24: Harassment and discrimination	Partially in force (s.23 whistleblowing protections in force from 6 April 2026; s.24 regulation-making powers in force from 6 April 2026); ss.20-21 substantive provisions in force October 2026	Section 23 (whistleblowing protections for sexual harassment disclosures) in force from 6 April 2026. Section 24 regulation-making powers commenced 6 April 2026. Sections 20-21 ("all reasonable steps" and third-party harassment) in force 30 October 2026. Regulations under section 22 specifying "reasonable steps" may follow in 2027.

Section 25: Unfair dismissal qualifying period and compensation	1 January 2027	Six-month qualifying period and removal of compensatory award cap apply to dismissals on or after 1 January 2027.
Sections 26-28: Dismissal protections	Partially in force (regulation-making powers commenced 8 January and 6 April 2026); s.28 (fire and rehire) substantive provisions from January 2027	Regulation-making powers commenced 8 January 2026 (ss.26-27) and 6 April 2026 (s.28 re expenses/benefits). Section 28 (fire and rehire) substantive provisions expected January 2027 per updated implementation timeline. Sections 26-27 (dismissal protections during pregnancy and after family leave) expected 2027.
PART 2: OTHER EMPLOYMENT MATTERS		
Sections 29-31: Collective redundancy	Partially in force (s.30 protective award doubling in force from 6 April 2026); ss.29, 31 require further regulations	Section 30 (protective award doubled to 180 days) in force from 6 April 2026. Threshold number of employees for organisation-wide collective consultation duty (ss.29, 31) must be determined by regulations. Consultation closed 21 May 2026; expected 2027.
Section 32: Public sector outsourcing	Regulations required	Provision for inclusion in contracts must be specified. No commencement date set.
Sections 33-34: Equality duties	Regulations required	No commencement date set.
Section 35: Annual leave records	In force from 6 April 2026	In force from 6 April 2026. Employers must keep adequate records of annual leave and holiday pay for six years. Failure to comply is a criminal offence.
Section 36: Employment businesses	Regulations required	No commencement date set.
Section 37: Heritage railways guidance	18 December 2025 (on passing)	Guidance must be published within 12 months of Royal Assent.
PART 3: SECTOR-SPECIFIC PAY		
Section 38 & Schedule 4: School support staff	Regulations required	Constitutional arrangements and remit matters must be prescribed. No commencement date set.
Sections 39-55: Social care workers	Regulations required	Negotiating Bodies must be established; remit and procedures prescribed. No commencement date set.
Sections 56-57: Seafarers	Regulations required	No commencement date set.
PART 4: TRADE UNIONS		
Section 58: Statement of trade union rights	Regulations required	Expected 1 January 2027.
Section 59: Trade union workplace access	In force from 30 October 2026	Access request procedures, response periods, and CAC determination criteria prescribed by regulations. In force 30 October 2026.

Section 60 & Schedule 6: Trade union recognition	Partially in force from 6 April 2026; further regulations required	Certain provisions (simplification of recognition process) in force from 6 April 2026. "Required percentage" (currently 10%, may be reduced to between 2% and 10%) and further procedural matters must be specified in regulations.
Section 61: Political funds resolution requirement	18 February 2026 (2 months after passing)	No further action required.
Section 62: Political fund contributions (opt-out)	18 February 2026 (2 months after passing)	No further action required.
Section 63: Public sector check-off	18 February 2026 (2 months after passing)	No further action required.
Section 64: Facilities for union officials	Regulations required	Expected 30 October 2026.
Section 65: Equality representatives	Regulations required	Expected 30 October 2026.
Section 66: Facility time publication requirements	18 February 2026 (2 months after passing)	No further action required.
Section 67: Blacklists	18 February 2026 (2 months after passing)	No further action required.
Section 68: Ballot turnout threshold	Regulations required	Secretary of State must consider effect of electronic balloting on turnout before commencement.
Section 69: Ballot support thresholds	18 February 2026 (2 months after passing)	No further action required.
Sections 70-75: Industrial action ballots and picketing	18 February 2026 (2 months after passing)	No further action required.
Sections 76-77: Protection for industrial action	Regulations required	Descriptions of detriment must be prescribed – set out in draft regulations. Expected 30 October 2026.
Section 78: Minimum service levels (repeal)	18 December 2025 (on passing)	No further action required.
Sections 79-86: Certification Officer reforms	18 February 2026 (2 months after passing)	No further action required.

Section 87: Employment outside GB	18 February 2026 (2 months after passing)	No further action required.
Section 89: Devolved Welsh authorities	18 February 2026 (2 months after passing)	No further action required.
PART 5: ENFORCEMENT		
Sections 90-151: Labour market enforcement	Partially in force (Fair Work Agency established 7 April 2026); further regulations required for full enforcement powers	Fair Work Agency established 7 April 2026 with budget of £60.1 million. Key enforcement powers (premises entry, document production, notices of underpayment) commenced from 7 April 2026. Further enforcement procedures, penalty amounts, and delegated functions to be specified in regulations.
PART 6: MISCELLANEOUS		
Section 152 & Schedule 12: Tribunal time limits	1 October 2026	Extension of employment tribunal time limits from three to six months confirmed for 1 October 2026. Applies to claims where the relevant event occurs on or after that date. Scottish breach of contract claims: from 9 November 2026.

Employment Law Obligations Summary

Guaranteed Hours

Specific Duty	Statutory Provision	Timing/Frequency
Make guaranteed hours offer to qualifying workers	s.27BA ERA 1996	After each reference period where worker qualifies
Offer must reflect hours worked in reference period	s.27BB ERA 1996	With each guaranteed hours offer
Offer must be in specified form and manner	s.27BB(11) ERA 1996	With each guaranteed hours offer
Provide specified information with offer	s.27BB(11) ERA 1996	With each guaranteed hours offer
Provide information about guaranteed hours rights	s.27BF ERA 1996	Within two weeks of employment commencing (initial information period)
Maintain ongoing access to rights information	s.27BF(2) ERA 1996	Continuously whilst worker employed

Shift Notice

Specific Duty	Statutory Provision	Timing/Frequency
Give reasonable notice of shifts	s.27BJ ERA 1996	Before each shift (minimum period to be specified)
Give reasonable notice of shift cancellations/changes	s.27BK ERA 1996	Before cancellation/change (minimum period to be specified)

Shift Payments

Specific Duty	Statutory Provision	Timing/Frequency
Pay specified amount for cancelled shifts at short notice	s.27BP ERA 1996	By specified day after cancellation
Pay specified amount for moved shifts at short notice	s.27BP ERA 1996	By specified day after movement
Pay specified amount for curtailed shifts at short notice	s.27BP ERA 1996	By specified day after curtailment
Provide notice explaining exemption from payment (if applicable)	s.27BR(2) ERA 1996	When relying on regulatory exemption

Flexible Working

Specific Duty	Statutory Provision	Timing/Frequency
Consider flexible working requests under enhanced test	s.80G ERA 1996 (as amended)	Upon receipt of each request
Refuse only on specified grounds where reasonable	s.80G(1)(b) ERA 1996	When refusing requests
State grounds and explain reasonableness of refusal	s.80G(1ZB) ERA 1996	In written notification of refusal
Take specified steps when dealing with requests	s.80G(1E) ERA 1996	During consideration of each request (steps to be specified)

Statutory Sick Pay

Specific Duty	Statutory Provision	Timing/Frequency
Pay SSP from day one (no waiting period)	ss.151-156 SSCBA 1992 (as amended)	From first day of incapacity
Pay SSP at 80% of normal weekly earnings (capped)	s.157 SSCBA 1992 (as amended)	Weekly during incapacity

Tips and Gratuities

Specific Duty	Statutory Provision	Timing/Frequency
Consult on tips allocation policy before first version	s.271(2A) ERA 1996	Before producing first policy
Review tips allocation policy	s.271(3A) ERA 1996	At least once every three years
Consult on policy reviews	s.271(3C) ERA 1996	As part of each review
Publish anonymised summary of consultation views	s.271(7) ERA 1996	After each consultation

Sexual Harassment

Specific Duty	Statutory Provision	Timing/Frequency
Take all reasonable steps to prevent sexual harassment	s.40A Equality Act 2010 (as amended)	Ongoing duty

Take all reasonable steps to prevent third-party harassment	s.40(1A)-(1B) Equality Act 2010	Ongoing duty
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Equality Action Plans

Specific Duty	Statutory Provision	Timing/Frequency
Develop and publish equality action plan (250+ employees)	s.78A Equality Act 2010	Frequency to be prescribed
Publish prescribed information relating to plan	s.78A(1)(b) Equality Act 2010	With plan (at least annually after first publication)

Annual Leave Records

Specific Duty	Statutory Provision	Timing/Frequency
Keep adequate records of annual leave compliance	reg.16B Working Time Regulations 1998	Ongoing duty
Retain annual leave records	reg.16B(1)(b) Working Time Regulations 1998	For six years from creation

Public Sector Outsourcing

Specific Duty	Statutory Provision	Timing/Frequency
Include specified worker protection provisions in outsourcing contracts	s.83C Procurement Act 2023	When procuring relevant outsourcing contracts
Have regard to code of practice on outsourcing	s.83D Procurement Act 2023	When procuring relevant outsourcing contracts

Trade Union Rights

Specific Duty	Statutory Provision	Timing/Frequency
Provide written statement of right to join trade union	s.136A TULRCA 1992	With statement of employment particulars and at other prescribed times
Negotiate workplace access agreements with recognised unions	ss.70ZA-70ZN TULRCA 1992	Upon receipt of access request

Provide facilities to union equality representatives	s.168B TULRCA 1992	When requested by qualifying representatives
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Enforcement Cooperation in relation to the Fair Work Agency

Specific Duty	Statutory Provision	Timing/Frequency
Provide information/documents when required by Secretary of State	s.96 of the Act	Within specified timeframes in notices
Permit entry to premises by enforcement officers	s.97 of the Act	At reasonable times (or when warranted)
Comply with notices of underpayment	s.103 of the Act	Within 28 days of notice
Comply with LME orders	ss.123, 125 of the Act	As specified in order (max 2 years)

Glossary of key terms and acronyms

"The Act" - The Employment Rights Act 2025

"Agency worker" - An individual supplied by a work-finding agency to work for and under the supervision and direction of another person (the hirer), as defined in section 27BV of the Employment Rights Act 1996 as inserted by this Act

"CAC" - The Central Arbitration Committee, a statutory body that resolves disputes about trade union recognition and related matters

"Collective agreement" - An agreement between one or more trade unions and one or more employers or employers' associations relating to employment terms and conditions

"Employee" - An individual who has entered into or works under a contract of employment (narrower than "worker")

"Enforcement officer" - A person appointed by the Secretary of State under section 90 of the Act to exercise enforcement functions

"ERA 1996" - The Employment Rights Act 1996, as amended by this Act

"FWA" – the Fair Work Agency

"GLAA" - The Gangmasters and Labour Abuse Authority (abolished by this Act with functions transferred to the Secretary of State)

"Guaranteed hours offer" - An offer to vary a worker's contract or enter into a new contract requiring the employer to provide work for hours reflecting those actually worked during a reference period

"Hirer" - A person for and under whose supervision and direction agency workers are supplied to work

"LME order" - A labour market enforcement order made under section 123 or 125 of the Act

"LME undertaking" - A labour market enforcement undertaking given under section 119 of the Act

"Reference period" - A specified period (initial or subsequent) during which hours worked are assessed to determine entitlement to guaranteed hours offers

"Relevant labour market legislation" - The legislation listed in Part 1 of Schedule 7 to the Act, subject to enforcement under Part 5

"SSSNB" - The School Support Staff Negotiating Body established under Schedule 4 to the Act

"TUPE" – The Transfer of Undertakings (Protection of Employment) Regulations 2006

"Worker" - An individual who works under a contract of employment or other contract to perform work or services personally (broader than "employee"), as defined in section 230(3) of ERA 1996

"Work-finding agency" - A person carrying on the business of finding or seeking to find work for individuals to do for and under the supervision and direction of other persons

"Zero-hours contract" - A contract under which the undertaking to do work is conditional on the employer making work available, with no certainty that work will be made available

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