EMPLOYMENT RIGHTS ACT 2025

OVERVIEW OF THE CHANGES
3 November 2026

Tony Rippon| Associate Solicitor

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ABOUT US

- Our firm was established in 1882, and we've worked with trade unions and associations for over 70 years
- We act for 40 trade unions and associations
- We act for people, not companies

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SERVICES



- Employment
- Professional conduct and regulatory
- Personal injury, disease and medical negligence
- Dispute resolution — private and commercial
- Wills, probate and lasting power of attorney
- Residential property
- Family law
- Professional negligence
- Criminal defence, regulatory and road traffic

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Where Are We Now?

- A Labour government project: biggest single boost to employment rights in the UK, ever
- "A modern, fairer labour market – where workers are better protected, more empowered, and supported"
- Phased implementation: December 2025 to December 2027
- Implementation dates are spread across 2026 and 2027, but there are other dates

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Redundancy Protective Award

6 April 2026

- Protective award doubled from 90 days to 180 days' gross pay for dismissals taking effect on or after 6 April 2026
- The cost of non-compliance with collective consultation obligations significantly more expensive for employers

Trade Union Recognition

6 April 2026

- "Likely majority" test removed at the application stage
- 40% support threshold removed for recognition ballots
- Simple majority of votes cast all that is needed
- Membership threshold revision (from 10% to 2-10%)
- Changes make the statutory recognition process easier for unions to navigate

25 August 2026

Union Balloting

- Electronic balloting (pure and hybrid) for:
  - for industrial action
  - union elections
  - political fund/resolution;
  - union mergers
- Workplace balloting – for industrial action ballots only and only if agreed by employer
- New Code of Practice on electronic and workplace balloting for statutory trade union ballots

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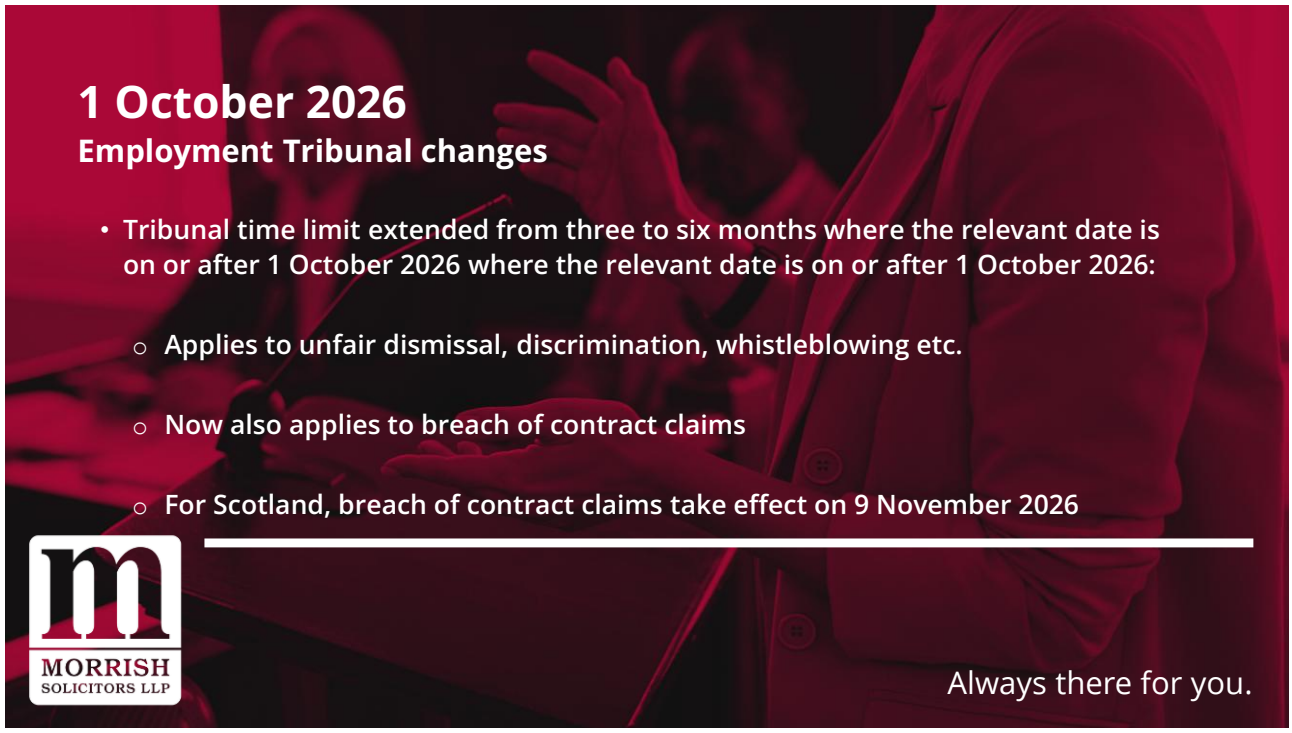

1 October 2026

Employment Tribunal changes

- Tribunal time limit extended from three to six months where the relevant date is on or after 1 October 2026 where the relevant date is on or after 1 October 2026:
  - Applies to unfair dismissal, discrimination, whistleblowing etc.
  - Now also applies to breach of contract claims
  - For Scotland, breach of contract claims take effect on 9 November 2026

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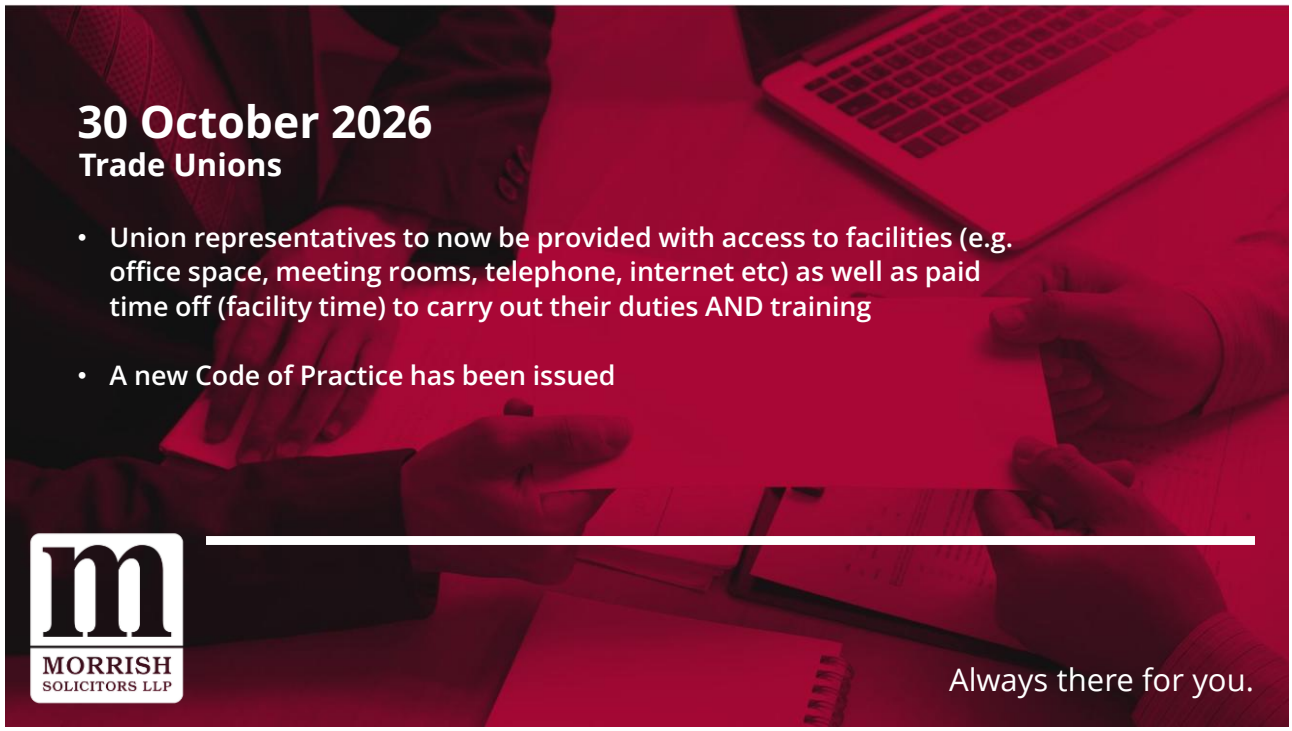

30 October 2026

Trade Unions

- Equality representatives to gain time off & facilities
- Where employee complains that they have not been permitted to take time off for TU duties, it will be "for the employer to show that the amount of time off the employee proposed to take was not a reasonable amount of time"

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30 October 2026

Equality rep duties

- Statutory duties for equality reps will include:
  - Promoting equality in the workplace (including pay-gap reporting, identifying and removing barriers to workplace equality)
  - Arranging equality related training (including e-learning)
  - Providing information, advice or support relating to equality at work

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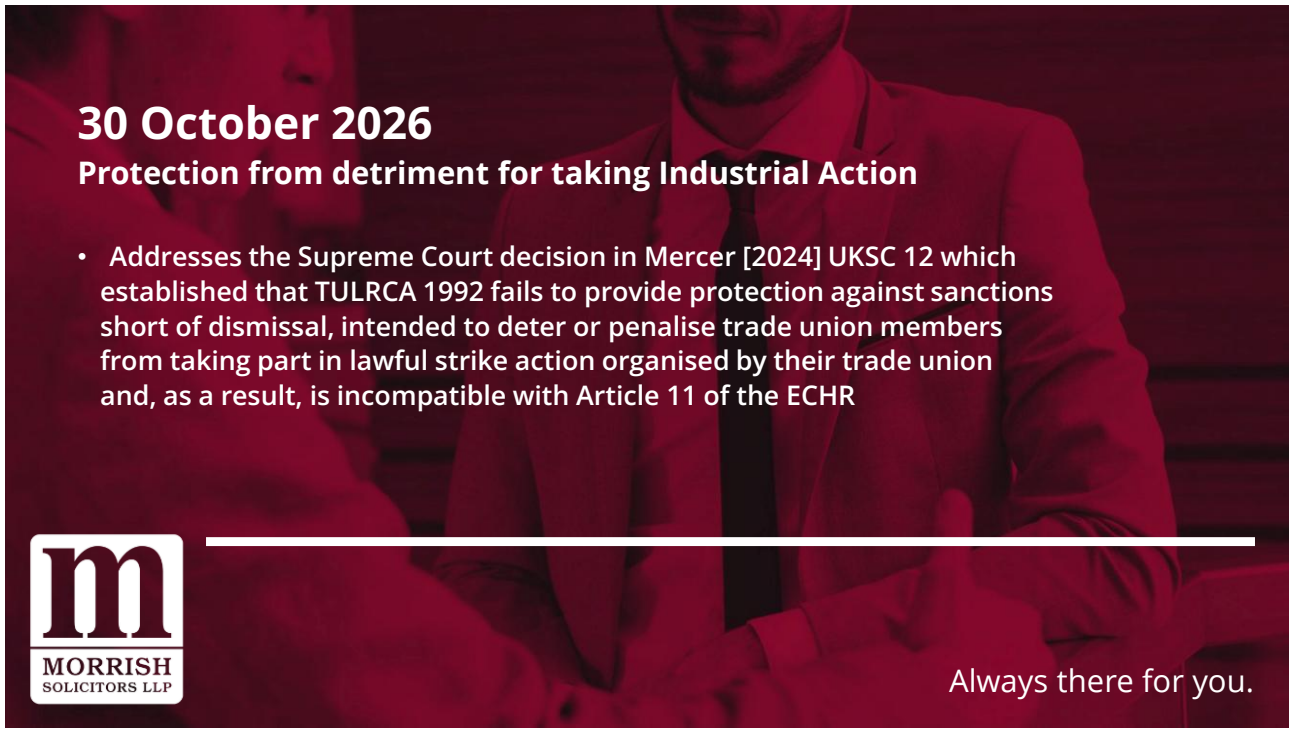

30 October 2026

Protection from detriment for taking Industrial Action

- Addresses the Supreme Court decision in Mercer [2024] UKSC 12 which established that TULRCA 1992 fails to provide protection against sanctions short of dismissal, intended to deter or penalise trade union members from taking part in lawful strike action organised by their trade union and, as a result, is incompatible with Article 11 of the ECHR

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30 October 2026

Harassment

- There will be a new stronger duty on employers to take "all reasonable steps" to prevent sexual harassment in the workplace
- A power will be introduced 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
- A duty not to permit harassment by third parties such as clients or customers

30 October 2026 (cont.)

Harassment – duty to take "all reasonable steps"

- Anticipated steps to include:
  - Risk assessments
  - Sexual harassment plans or policies
  - Steps re: reporting of sexual harassment
  - Steps re: handling of complaints
- EHRC Technical Guidance and 8-step guide have good examples and worth a read
  - Sexual harassment and harassment at work: technical guidance | EHRC
  - Employer 8-step guide: Preventing sexual harassment at work | EHRC

1 January 2027

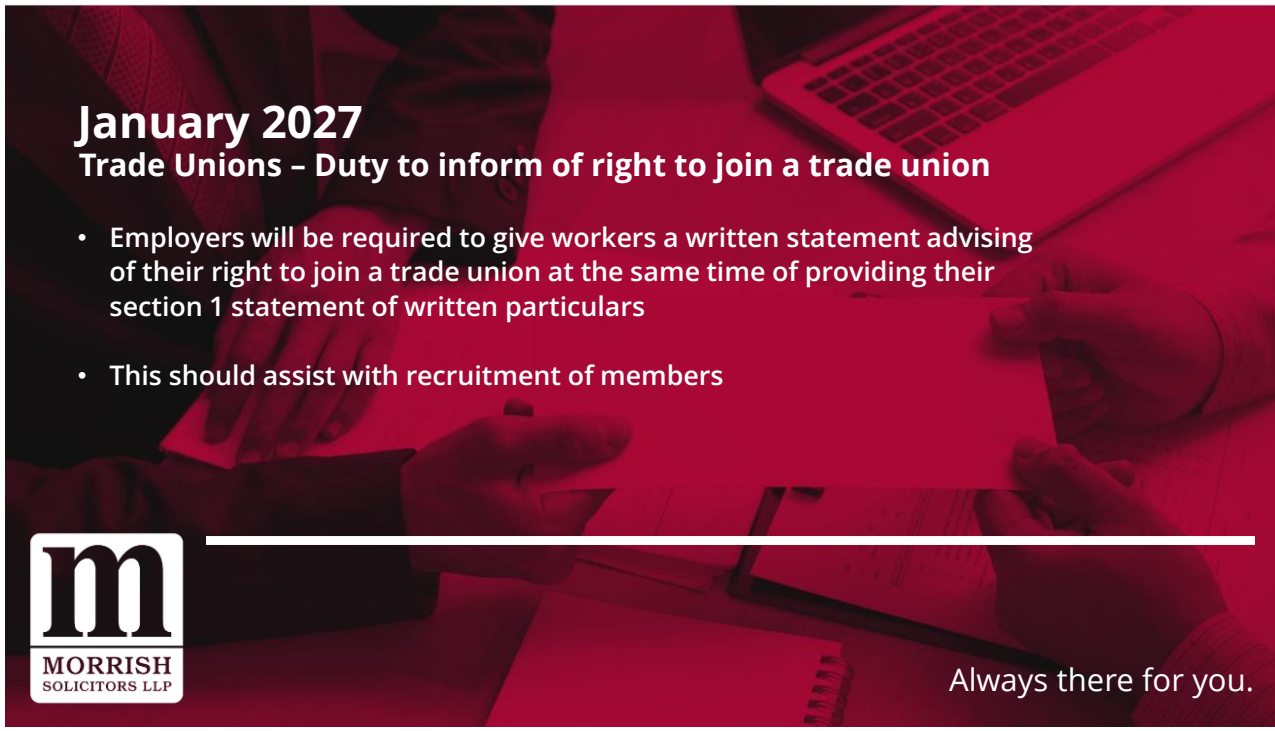
Tips

- Tipping law will be tightened to require the employer to consult the worker (via trade union reps or elected/worker reps, or directly with workers if none exist) on their tipping policy, review the policy every three years, and upon review, again consult the workers
- A new Code of Practice on fair and transparent distribution of tips may be issued – please note that the draft code was withdrawn in July 2026 and we do not have an updated issuance timeline as of yet
- Estimated £200 million annual worker benefit

1 January 2027

Unfair Dismissal

- Unfair dismissal qualifying period: two years to six months
- Effective 1 January 2027
- Statutory compensatory award cap removed (currently lower of annual salary or £118,223)
- Right to written reasons for dismissal reduced to six months
- Qualifying period amendable only by primary legislation
- Benefits around 6.3 million employees



March 2027

Fire & Rehire Restrictions

- An "unfair, unjust business practice"
- Dismissals for refusing contractual changes are to be automatically unfair
- Exception only if employer proves:
  - Financial viability difficulties
  - Changes mitigate those difficulties
  - Change unavoidable
- Many employers carrying out restructures/redundancies in advance of 2027

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April 2027

Bereavement leave

- Government consultation published on 22 September 2026
- General bereavement leave will be a day one right and extended to cover the death of the following –
  - Spouse
  - Civil Partner
  - Partner (co-habiting or non-cohabiting in a committed long-term relationship)
  - Parent (inc. kinship carer and foster carer)
  - Adult child
  - Sibling (inc. adoptive, step and half siblings)



April 2027

Bereavement leave, including pregnancy loss

- Extended to cover all types of pregnancy loss before 24 weeks (inc. IVF embryo transfer loss and terminations)
- Available for the pregnant person, the other parent, intended co-parents and intended surrogate parents



October 2027

Enhanced flexible working rights

- Government response to consultation published on 15 September 2026.
- Main points are as follows:
  - Secondary legislation is expected to set out the process employers must follow before rejecting a statutory flexible working request
  - A test of reasonableness to be introduced making it harder for an employer to refuse a request. Intention is for flexible working to be the default

- On 1 October 2026, ACAS launched consultation on draft Code of Practice.

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Key dates ahead

- For regular updates keep checking our live ERA timeline **here**

- And sign up to receive our newsletter **here** (or scan the QR code)

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Thank You

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