

Labour Law Highlights 2025 & 2026

edited by

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labour law highlights 2025 & 2026

introduction

Welcome to the 2025 & 2026 Labour Law Highlights bumper edition. This has been an exciting couple of years.

At the beginning of 2025 the Court of Appeal gave judgment in *Morais v Ryanair DAC* [2025] EWCA Civ 19. The court confirmed that taking part in industrial action is a trade union activity for the purposes of the blacklisting regulations. At the end of 2025 the Court of Appeal handed down judgment in *Rice v Wicked Vision* [2025] EWCA Civ 1466 dealing with the scope of protection for employees who blow the whistle. Both of these cases are covered in the relevant chapters of this publication. The Supreme Court is due to hear an appeal in *Wicked Vision* on 21 May 2026.

On 18 December 2025 the *Employment Rights Act 2025* received royal assent. At the date of writing while some of the changes have come into force others are still to be brought into effect. Future versions of this publication will doubtless contain cases dealing with the meaning and effect of these statutory changes to individual and collective rights.

This publication details important case law in the 12 months leading up to around October or November 2025. A special “bonus” chapter at the end of the booklet deals with judgments between that date and the date of publication.

The following members of Old Square have written chapters for this publication: Tom Kirk, Rosalie Snocken, Carl Rix, Karim Pal, Maryam Shah, Annie David and Daniel Hallström. We are very grateful to them all.

Nicola Newbegin and Madeline Stanley
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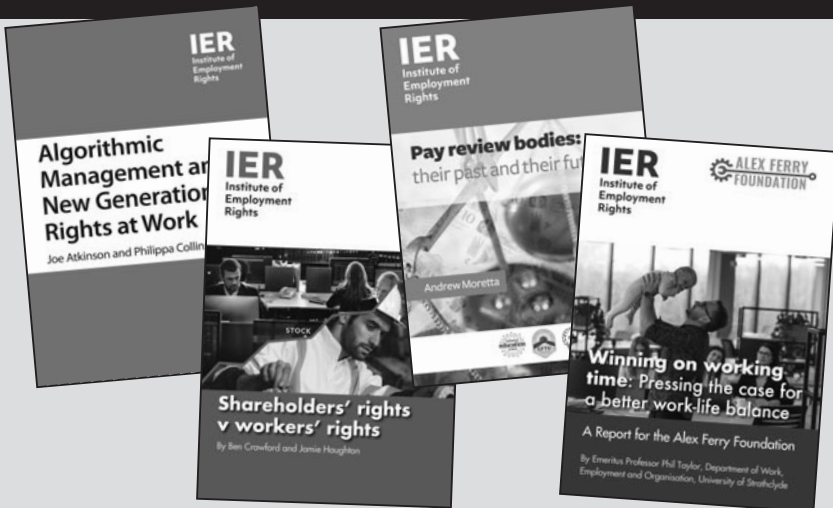
March 2026

endnotes

- 1 [2025] ICR 1270
- 2 [2025] EAT 156
- 3 [2025] ICR 265
- 4 [1982] ICR 156
- 5 [2024] EAT 106
- 6 [2025] ICR 1161
- 7 [1994] ICR 164
- 8 [2008] ICR 396
- 9 [2025] EAT 146
- 10 [2025] EWCA Civ 1466
- 11 [2024] IRLR 350
- 12 [2025] EWCA Civ 379; [2025] IRLR 520
- 13 [2025] EAT 123
- 14 [2025] EAT 136; [2026] ICR 101
- 15 [2025] EAT 62
- 16 [2025] EAT 18; [2025] IRLR 407
- 17 [2025] EAT 82; [2025] IRLR 738
- 18 [2021] IRLR 80
- 19 [2025] EAT 73
- 20 [2024] EAT 198
- 21 [2025] EWCA Civ 109
- 22 [2025] EAT 73
- 23 [2024] EAT 141
- 24 [2024] EAT 140
- 25 [2025] EAT 87
- 26 [2025] EAT 74
- 27 [2025] EAT 63; [2025] IRLR 579
- 28 [2025] EAT 77
- 29 [2025] UKSC 16
- 30 [2025] ICR 738
- 31 [2025] EWCA Civ 952
- 32 [2025] EAT 49
- 33 [2024] EAT 192
- 34 [2025] IRLR 220
- 35 [1990] IRLR 288
- 36 [2025] EAT 20
- 37 [2021] ICR 1699
- 38 [2025] EWCA Civ 592
- 39 [2025] IRLR 179
- 40 [2025] IRLR 186
- 41 [2025] ICR 1448; [2025] IRLR 764
- 42 [2014] ICR 442
- 43 [2025] EAT 126
- 44 [1997] ICR 254
- 45 [2019] ICR 1558
- 46 [1999] ICR 547
- 47 [2024] EAT 162
- 48 [2021] ICR 657
- 49 [2025] EAT 23
- 50 [2012] ICR 1027
- 51 [2017] ICR 657
- 52 [2025] EAT 83
- 53 [2023] UKSC 33; [2024] ICR 51; [2024] IRLR 51
- 54 [2015] ICR 221
- 55 [2024] ICR 976; [2024] IRLR 543
- 56 [2024] EAT 171
- 57 Case Nos: 3306435/2020 & Ors
- 58 [2005] EWCA Civ 1191; [2006] CH 337
- 59 [2011] UKSC 7; [2011] 1 AC 34
- 60 [2024] EAT 200; [2025] ICR 1013
- 61 [2025] I.R.L.R. 831
- 62 [2025] I.R.L.R. 502
- 63 [2025] I.R.L.R. 470
- 64 [2025] I.R.L.R. 334
- 65 [2025] AC 1392
- 66 [2025] AC 1222
- 67 (App. No. 52977/19)
- 68 [2025] EWCA Civ 19, [2025] ICR 863
- 69 [2025] EAT 153
- 70 [2025] EWCA Civ 1662
- 71 [2026] EAT 15
- 72 [2026] EAT 11
- 73 [2025] EWHC 3106 (KB)

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The Institute is not a campaigning organisation, nor do we simply respond to the policies of the government. Our aim is to provide and promote ideas. We seek not to produce a 'consensus' view but to develop new thoughts, new ideas and a new approach to meet the demands of our times.

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*Labour Law Highlights 2025–2026 marks a significant and eventful period in the development of employment law. This bumper edition charts a dynamic two years, shaped by important appellate decisions and major legislative reform. From the Court of Appeal's confirmation in *Morais v Ryanair* that participation in industrial action constitutes trade union activity for the purposes of the blacklisting regulations, to its consideration of the scope of whistleblowing protection in *Rice v Wicked Vision*, the courts have continued to refine the boundaries of individual and collective rights.*

Alongside these developments, the Employment Rights Act 2025 has introduced substantial changes to the statutory framework, the full implications of which will unfold in the years ahead. This edition brings together a detailed analysis of the key cases across unfair dismissal, discrimination, whistleblowing, employment status and beyond, highlighting both doctrinal shifts and practical consequences for workers and employers alike.

As ever, the Old Square Chambers team provide a comprehensive and insightful guide to the most important judicial developments of the past year, with a special concluding chapter capturing the latest decisions up to publication.

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