

Employment Rights Act 2025 - Roadmap

April 2026

- Statutory Sick Pay: Becomes a day 1 right; lower earnings limit removed
- Collective redundancy consultation: Maximum protected award increases from 90 to 180 days
- Paternity and Unpaid Parental Leave: Becomes a day 1 right; paternity leave can be taken after shared parental leave
- Sexual harassment complaints become a protected disclosure (whistleblowing)
- Trade Unions: Recognition process simplified and thresholds lowered
- Fair Work Agency established: Initial powers are unclear
- Bereaved Partners' Paternity Leave: Will enable bereaved partners to take up to 52 weeks of Paternity Leave if the mother or primary adopter dies within first year of a child's life
- Voluntary action plans on gender equality and guidance on supporting employees through the menopause. This will become mandatory in 2027

January 2027

- Unfair Dismissal: Reduction of the 2 year qualifying period to 6 months' service; removal of cap on compensation
- Right to a written statement of reasons for dismissal - qualifying period also reduces to 6 months; removal of the minimum service requirement for unfair dismissal claims relating to the existence of, or failure to disclose, spent convictions
- Fire and Rehire: Automatically unfair to dismiss an employee for refusing to agree to a "restricted change"

Timeline TBC

The following are also subject to change, but the timeline has not been confirmed:

- Tribunal time limits to bring claims are set to change from 3 to 6 months (not before October 2026)
- Banning NDA/confidentiality clauses in discrimination and harassment cases, no retrospective effect
- New requirements to maintain annual leave records, demonstrating compliance

October 2026

- Harassment: Mandatory duty to take "all reasonable steps" to prevent sexual harassment
New obligation for employers to protect employees from all forms of third party harassment
- Trade Unions: Employers must inform workers of right to join union; new right to access workplaces (and to contact employees digitally) even where union is not recognised; greater protections against detriment for taking industrial action; new rights and protections for TU representatives
- Tips: Requirement to consult re tipping policies, reviews required every 3 years
- Fair Pay Agreement: Establishment of Adult Social Care Negotiating Body in England

2027 - dates TBC

- Collective Redundancy Consultation: Multi-site redundancies - new additional collective consultation trigger based on total redundancies across the employer
- Mandatory Equality Reporting: Employers of 250+ staff required to publish menopause and gender pay action plans
- Flexible Working refusals tightened: Refusal must be reasonable; employees must be consulted and reasons must be given in writing
- Zero/Low Hours Contracts: Workers receive right to guaranteed hours based on 12 week average, right to reasonable notice of shifts and compensation for shifts cancelled or changed at short notice
- Umbrella Companies: Better defined; greater regulation
- New Bereavement Leave of at least a week: Day 1 right - will apply to pregnancy loss before 24 weeks
- Greater protection during or after pregnancy or statutory family leave: Details TBC
- Blacklisting rules tightened