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DRAPER LANG QUARTERLY



The Employment Law Partnership

Welcome to Draper Lang Quarterly Update. Here we share employment news highlights and look at what's coming up to help your business planning.

Growing impact of AI on employment relations

Artificial intelligence is rapidly becoming part of everyday working life. From recruitment and performance management to drafting policies, grievances and Employment Tribunal submissions, AI tools are increasingly being used by both employers and employees.

Used effectively, AI can reduce administrative burdens, support policy development and improve access to information. However, its impact on workplace disputes is often less positive. AI-generated complaints are frequently lengthy, repetitive and inaccurate. AI also tends to tell people what they want to hear, creating unrealistic expectations about workplace disputes and the value of potential claims.

IMPACT ON MANAGING GRIEVANCES

For employers, the impact of AI in workplace disputes is an emerging, and very real, practical challenge. Many HR professionals are already seeing AI-generated grievances, appeals and other complaints. Typically, these are substantially longer and more complex than traditional correspondence, often repetitive and filled with jargon or additional details which make little sense.

This can make it harder to identify the core issues, impacting both management time and legal costs. AI can embellish factual matters and reshape the issues at hand when unchecked, often causing employers to spend more time trying to actually understand the complaint, than dealing with the actual issue ever would!

The problem is, however, that it is so easy for employees to use these tools, and many people tend to accept what AI says as correct, even though it can be way off the mark, partly because AI tends to agree with whoever 'created' the content, rather than lending a true analytical or experienced eye. Mike Clancy of the Prospect trade union wrote this about this recently, complaining that 'sycophantic' AI is causing a surge in fake or weak workplace grievance claims.

To help address this, employers should consider updating grievance procedures to expressly combat these AI issues, encourage employees to raise concerns in their own words and, where appropriate, hold early discussions to get to the heart of the issues. After all, the purpose of a grievance process is to understand concerns and resolve them effectively.

WARNINGS FROM THE TRIBUNAL

AI's growing influence in employment disputes extends to the tribunal system and its impact is illustrated in two cases, namely [CX v Secretary of State for Justice](#) and [Hancox v Sutherland](#). In CX the Tribunal commented on submissions that appeared to have been generated using AI. The Tribunal noted that the documents were lengthy, repetitive and at times difficult to follow, emphasising that concise submissions written in a party's own words are often more effective.

In the case of Hancox, the Claimant submitted a skeleton argument running to 300 pages and totalling almost 132,000 words. The EAT held that the document was entirely unacceptable, especially as the Claimant admitted that he had not checked the whole document, but he asked the Respondent to do so!

Recent Presidential tribunal guidance emphasised that AI-generated submissions must remain concise, relevant and legally accurate, with parties retaining full responsibility for the content.

Case Management directions are starting to go further, prohibiting the upload of Tribunal or opponent documents to non-confidential AI systems, requiring parties to verify the accuracy of any AI-generated material, disclose its use, and confirm compliance with the Tribunal's AI requirements, with potential sanctions for non-compliance, including costs awards.

IN SUMMARY

AI has its place, particularly in widening access to advice, but it is no substitute for experience, context or common sense. Employers should review workplace dispute resolution policies and procedures and encourage early, open dialogue. In most cases, an early frank conversation will achieve more than an exchange of AI-generated positions ever could.

ERA : Key changes in October

October 2026 brings a number of important employment law reforms, for which employers should now be preparing.

- **1 October 2026: Time Limits:** the time limit for bringing most Employment Tribunal claims doubled from three to six months, meaning workplace disputes will remain live for longer.
- **30 October 2026:**
 - **Harassment:** employers must take “**all reasonable steps**” to prevent sexual harassment of workers and will be under a **new duty to protect employees from all forms of harassment by third parties**, such as clients and customers. Please see our [guidance note](#) for further information.
 - **Trade unions:** Significant reforms will take effect creating new union access rights, stronger protections for industrial action participants, and enhanced rights for union representatives. Please see our [summer edition](#) for further information.
- **October 2026:** the Government intends to bring forward regulations to establish the Adult Social Care Negotiating Body in England



New Global Standard on menstruation and menopause in the workplace

A new international standard, ISO 45010:2026, has been launched to help employers better support employees experiencing menstruation and menopause at work. It provides practical guidance on workplace culture, manager training, policies and workplace adjustments.

While voluntary, the standard offers a useful framework for reviewing existing support and is particularly timely given forthcoming Employment Rights Act reforms. From 2027, employers with 250 or more employees are expected to be required to publish Equality Action Plans, including measures aimed at supporting employees experiencing menopause. As a result, many employers may wish to start reviewing their policies and practices now.

Next Retail wins Equal Pay appeal

The EAT has partially upheld Next's appeal in a significant equal pay claim involving around 3,500 employees.

The claim was brought by predominantly female retail staff, who argued they should receive the same pay as predominantly male warehouse workers after the roles were found to be of equal value.

While the Tribunal had previously rejected Next's justification for the pay difference, the EAT accepted that higher pay for warehouse workers could be justified where it was needed to recruit and retain staff.

The decision is a useful reminder that recruitment and retention pressures can justify pay differences, but employers must be able to support those reasons with clear evidence, rather than simply relying on market rates.

Draper Lang news - celebrating success

We are delighted that Draper Lang has again been ranked as a Tier 1 employment law firm in The Legal 500, and again recognised in the Chambers and Partners legal directory. We are particularly proud that all of our senior lawyers have been individually ranked as notable practitioners by Chambers.

Thank you to our clients for the confidence you place in us and especially to those who were kind enough to provide feedback during the ranking processes. We are also very grateful to our team for their hard work and dedication, reflected in these rankings.



Other News

- In *ABC v Huntercombe*, a former psychiatric patient brought claims for alleged abuse and negligent treatment that occurred before the hospital transferred to a new operator under TUPE. The Court of Appeal confirmed that liability for those claims did not pass to the new employer. In practical terms, a business taking over staff under TUPE will not usually inherit liability for wrongdoing of staff committed before the transfer, making it important to identify and allocate historic liabilities during due diligence.
- The prospect of devolving employment law to Scotland has returned to the political agenda, with the Scottish Government raising that it should have control over workplace rights. For now, however, employment law remains reserved to Westminster and employers can continue to operate on the basis of a single UK-wide framework.
- ACAS has published research highlighting that workplace conflict involving disabled employees often stems from poor communication, inadequate support and failures around reasonable adjustments. The findings emphasise the importance of early intervention, effective communication and inclusive workplace practices.
- The [Government has launched a consultation](#) on potential reforms to the UK whistleblowing framework, including changes to the protections available under the Employment Rights Act 1996 and how whistleblowing disclosures are handled. It is also seeking views on a proposed Serious Fraud Office incentive scheme that would offer financial rewards to individuals who report economic crime. The consultation closes 8th January 2027.

COMING UP

January 2027:

- Unfair dismissal claims - the qualifying service to bring these claims reduces from 2 years' service to just six months'
- Compensation cap removed - The financial risk associated with unfair dismissal claims is set to increase significantly, with the removal of the compensation cap for dismissals which take effect on or after 1 January 2027
- New trade union information obligations - Employers will need to provide workers with information about their trade union rights on recruitment and at regular intervals afterwards.

March 2027:

- "Fire and rehire" reforms - Dismissing employees who refuse significant contractual changes will, in most cases, become automatically unfair.

Later in 2027:

- Flexible working - Further changes expected - refusal of requests will need to be 'reasonable'.
- Bereavement leave - A new day-one right to bereavement leave, including after pregnancy loss.
- Pregnancy & maternity - Enhanced protection against dismissal before, during and after leave.
- Collective redundancies - Employers may need to aggregate redundancies across different sites when assessing the trigger point for collective consultation.
- NDA restrictions - regulations to prevent the misuse of NDAs in cases of harassment or discrimination
- Further reforms in areas including gender equality, menopause support, trade unions, guaranteed hours, umbrella companies and industrial relations.