

The Employment Rights Act 2025 so far: key updates

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Today's topics:

1. One-sided flexibility
2. Fair pay
3. Family friendly rights
4. Prioritising fairness, equality and wellbeing of workers
5. Trade union law
6. Enforcement

1. One-sided flexibility:

Unfair dismissal

- S.25 ERA 2025

Collective redundancy rights

- 180 days' pay per E

Threshold for collective consultation (redundancy)

- 'Organisation-wide threshold'
- Consultation Feb - May 2026, expected to come into force 2027



2. Fair pay:

SSP qualifying criteria

- Employee, must have done some work, illness for minimum of 1 full working day

Lower earnings limit

- Paid from day 1, not day 4
- No minimum earning amount to be eligible (but 80% of average weekly earnings if lower than £123.25)



3. Family Friendly Rights

Unpaid parental leave & paternity leave

- S.15 & 16 ERA 2025 - 'day 1' right
- S.17 ERA 2025 - can take paternity leave after shared parental leave

Bereavement leave

- 'Day 1' right for 1 week unpaid leave
- Includes pregnancies before 24th week
- Consultation - outcome published 22/09/26

Pregnancy dismissal protections

- Redundancy AND dismissal protection for 18 months after birth
- Consultation on nature of enhanced protections - outcome yet to be published.

Flexible working

- Can only refuse if reasonable to refuse on a s.80G(1ZA) ERA 1996 ground & must give reasons why reasonable
- Consultation - outcome published 15/09/26



4. Fairness, equality and wellbeing of workers

Third Party harassment & duty to take all reasonable steps to prevent

- S.21 ERA 2025, introducing s.40(1A) EA 2010

Harassment whistleblowing

- Amendment to s.45B ERA 1996 to include "sexual harassment" as protected disclosure.

Action plan - gender pay gap & menopause

- Voluntary, mandatory from 2027 if 250+ Es.

NDA's

- 'Prevention on speaking out about 'relevant harassment or discrimination'
- Consultation from 15/04/26 - 08/07/26, awaiting outcome.



5. Trade Union Law

Repeal of historic TU legislation

- Removing enforcement of minimum service levels in various sectors
- Removal of most of TU Act 2016

Introducing new rights/protections:

- Increasing ballot mandate expiration to 12 months
- Decreasing notice period to 10 days (7 with agreement)
- Simplifying TU recognition process
- Duty to inform of right to join a TU
- Removal of protected period (broadly, first 12 weeks of industrial action) for detriment/UD for action from 18/02/26



6. Enforcement

Fair Work Agency

- Aim to create single place Es can turn to for assistance

Increased ET time limit

- From 01/10/26, E has 6 months to bring ET claim
- Only applies to claims where problem happened on or after 01/10/26
- EC period may also now last up to 12 weeks



Timeline

18 February 2026

- Repeal of most of the Trade Union Act 2016
- Removal of 10-year ballot requirement for TU political funds
- Simplifying industrial action/ballot notices
- Protections against dismissal for taking industrial action
- Es newly eligible for 'day 1' paternity leave & unpaid parental leave can give notice

December 2025

- Repeal of the Strikes (Minimum Service Levels) Act 2023

Timeline

6 April 2026

- Collective redundancy protective award doubles max period
- 'Day 1' paternity leave/unpaid parental leave
- More protection for whistleblowing on sexual harassment
- Bereaved partners' paternity leave
- SSP changes
- Menopause guidance
- Simplifying TU recognition

1 April 2026

- Repeal of levy that TUs/employer associations pay to the Certification Officer

Timeline

25 August 2026

- Electronic & workplace balloting for statutory TU ballots

7 April 2026

- Fair Work Agency established

1 October 2026

- Time limit for ET claims increased to 6 months

Timeline

October - December 2026

- Establishing Fair Pay Agreement Adult Social Care Negotiating Body
- Seafarer Protection Regulations
- Strengthening tipping law

30 October 2026

- TU measures, including strengthening TUs' right of access, reforming recognition/derecognition process, protections for TU representatives & against detriments for taking TU action.
- Harassment measures - TP harassment measures, duty to take all reasonable steps to prevent.

Timeline

2027 generally

- Action plans on gender equality & supporting Es through the menopause
- Enhanced dismissal protection for pregnant women/new mothers
- Collective consultation threshold for collective redundancy
- Flexible working
- Bereavement leave (inc pregnancy loss)
- Regulations to prevent NDA misuse
- Right to guaranteed hours & reasonable notice & short notice payments
- Blacklisting protections extended

January 2027

- Duty to inform of right to join a TU
- UD qualifying period reduced to 6 months (for dismissals from 01/01/27)
- Uncapping UD compensatory awards
- Fire & rehire protections

Any questions?

