

INSIGHT GUIDE

The Employment Rights Act 2025

‘At a Glance’

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The Employment Rights Act 2025

‘At a Glance’

The Employment Rights Act 2025 (‘ERA 2025’) introduces significant changes for employers, with measures taking effect in phases (and some already in force). The ERA 2025 will lead to fundamental changes in key HR processes at every stage of the employment lifecycle, changes to employee relations and union rights and an increased focus on employment law compliance and enforcement.

This ‘At a Glance’ guide gives employers an overview of what’s changing, the timings for implementation and general steps on how to prepare.

Timings in this guide are based on the Government’s published [anticipated timeline](#) which is subject to change. This guide is updated from time to time to reflect changes in the timeline and/or when timings become concrete through provisions being brought into force. It was last updated on 25 September 2026.

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Key Timings

TIMELINE



¹ This demonstrates the key changes only, some changes including some specific trade union changes and sector specific changes (such as to seafarers, ships' crews and children working on heritage railways) are not included.

TIMINGS¹

18 December 2025

- Repeal of Strikes (Minimum Service Levels) Act 2023

6 January 2026

- Repeal of the Workers (Predictable Terms and Conditions) Act 2023 (never been brought into force)

18 February 2026

- Trade union changes, including:
 - Repeal of the great majority of the Trade Union Act 2016 and including but not limited to removal of the support thresholds for industrial action ballots in important public services and simplifying industrial action notices and industrial action ballot notices
 - Strengthened protections against dismissal for taking industrial action
- Employees that are newly eligible for 'Day 1' Paternity Leave and Unpaid Parental Leave can give notice (see 6 April 2026 below)

6 April 2026

- Collective redundancy protective award doubled (from 90 to 180 days' gross pay per employee)
- 'Day 1' rights to paternity leave and parental leave
- Whistleblowing protections expressly include sexual harassment
- Bereaved Partner's Paternity Leave (this is a non-ERA 2025 measure but has been included here)
- Statutory Sick Pay – removal of the lower earnings limit and waiting period and new pay rate calculation for low earners
- Action plans on gender equality and supporting employees through the menopause on a voluntary basis (mandatory from 2027)

Continued

Key Timings

TIMELINE



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TIMINGS¹

6 April 2026 *(continued)*

- Menopause guidance
- Simplifying trade union recognition process
- Requirement to keep adequate records to demonstrate compliance with annual leave and pay requirements

7 April 2026

- Fair Work Agency body established (some powers due to take effect immediately and others expected in phases)

25 August 2026

- Electronic and workplace balloting for Statutory Trade Union Ballots

1 October 2026

- Employment tribunal time limits increasing from 3 to 6 months, for breach of employment contract claims in Scotland this change will take place on 9 November 2026.

30 October 2026

- Trade union changes: strengthening trade unions' right of access; unfair practices in the trade union recognition process; new rights and protections for trade union representatives; and extending protections against detriments for taking industrial action
- Employer duty to prevent sexual harassment – increasing to “all reasonable steps”
- Introducing an obligation on employers not to permit harassment by third parties
- Regulation power to set out (at a later date) specific steps employers must take to prevent sexual harassment

October 2026 (unknown)

- Bringing forward regulations to establish the Fair Pay Agreement Adult Social Care Negotiating Body in England

End of 2026

- Tightening of tipping law (including employers to consult on tipping policies)

Key Timings

TIMELINE



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TIMINGS¹

January 2027

- Reduction of unfair dismissal qualifying period to 6 months, and uncapping compensatory awards, for dismissals where the effective date of termination falls on or after 1 January 2027
- Fire and rehire/replace protections
- Duty to inform workers of their right to join a trade union

In 2027

- Action plans on gender equality and supporting employees through the menopause (mandatory)
- Enhanced dismissal protections for pregnant women and new mothers, with potential extension to other types of leave
- Trade union changes: extending blacklisting protections; industrial relations framework
- Regulation of umbrella companies as employment businesses
- New additional collective consultation threshold to trigger collective consultation obligations where a minimum number of employees are to be made redundant across a business (rather than just at one site)
- Flexible working changes (increased requirement to justify any refusal and demonstrate reasonableness, and specific consultation steps to be followed)
- Bereavement leave (to provide protection for various types of bereavement, including pregnancy loss)
- Restrictions on the use of zero hours contracts and applying the measures to agency workers (employers and hirers required to make guaranteed hours offers, workers entitled to reasonable notice of shifts and compensation for short notice changes)
- Electronic and workplace balloting for recognition and derecognition ballots
- Restrictions making the term of any agreement between a worker and employer void if they try to stop a worker from making allegations or disclosures of harassment or discrimination

Unknown

- Potential changes to time off for public duties (subject to a review under ERA 2025)
- Procurement – reinstatement and strengthening of 'two tier workforce code' in relation to outsourcing (public sector)

Key Changes and Key Actions for Employers

How Littler Can Help

Our [ERA 2025 Readiness Review](#) provides a tailored, proportionate assessment of how the new legislation impacts your business.

We can help you to:

- Understand and assess the specific impacts of the ERA 2025 on your business
- Identify the key risk areas that require immediate attention and produce a tailored action plan
- Take the necessary steps by providing you with hands-on delivery support

How Can Employers Prepare?

Employers will want to assign responsibility in the business to track developments and update stakeholders as details evolve. You can use our online [Reform Hub](#) and [sign up](#) to our newsletter for regular updates.

With some measures already in force and others due to take effect soon, acting now will mitigate against operational and legal risk. Actions such as training managers on key processes to take account of the reforms (including effective use of probation periods), strengthening employee engagement and relations practices, understanding your current compliance position and reviewing existing practices and processes will create stronger foundations and reduce the likelihood of issues arising as the new laws take effect.

We have identified below some of the high level actions employers may wish to consider for some of the key reforms that will affect most businesses. For example, it does not include all trade union measures and those in certain sectors who may have sector specific reforms.

Please note:

- This is a general resource and is not exhaustive and will be subject to change.
- We encourage early engagement and to seek legal advice before implementing major policy or practice changes or undertaking any compliance reviews. Explore our [ERA 2025 services](#).
- For tailored advice on preparing your business, please contact your usual Littler United Kingdom lawyer. Please reach out to [Client Training Partner Natasha Adom](#), who offers a [full training programme](#).

Key Changes and Key Actions for Employers

● Apr 2026
● Oct - Dec 2026
● 2027

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STEPS

Collective Consultation Protective Awards Doubled

'Day 1' Rights To Paternity and Parental Leave and New Bereaved Partner's Paternity Leave

Whistleblowing To Expressly Include Sexual Harassment

Statutory Sick Pay (SSP) Changes

Simplifying Statutory Trade Union Recognition Process

Fair Work Agency - New Statutory Enforcement Body

Annual Leave And Pay Records

ACTIONS

- Assess impact of increased penalties for current and future redundancies
- Review affected policies and procedures and train managers on consultation processes
- Factor increased costs into risk assessments

- Review and amend any affected family leave policies and template contracts
- Ensure HR systems can process leave requests from new starters
- Prepare Bereaved Partner's Paternity Leave policy

- Review and amend affected whistleblowing and sexual harassment policies and procedures
- Review and amend template contracts, including to check NDAs will not prevent workers from making protected disclosures about sexual harassment

- Budget higher costs for SSP (e.g. if employers pay SSP only)
- Inform payroll of changes
- Review and amend sickness absence or attendance policies and procedures and consider wellbeing strategies
- Review and amend any template contracts

- If not currently unionised, consider likelihood of new requests for recognition (which may become easier with the changes)
- Consider any potential improvements to existing employee relations and your wider employee relations strategies

- Assess compliance risks (e.g. for holiday and National Minimum Wage) and consider any remedial steps to mitigate against future enforcement (note some enforcement powers are due to take effect immediately on 7 April 2026 and others are expected in phases)
- Ensure records for key areas are maintained and up to date (including for the new requirement to keep adequate records for annual leave/pay)
- Understand impact on complaints handling for the business

- Ensure records for key areas are maintained and up to date
- Assess risks for holiday entitlements and consider taking remedial steps to mitigate future enforcement

Key Changes and Key Actions for Employers



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STEPS

Tribunal Time Limits Increasing From 3 To 6 Months
(1 October 2026)

Duty To Prevent Sexual Harassment Increasing To “All Reasonable Steps”
(30 October 2026)

Employer Liability For Third Party Harassment
(30 October 2026)

Trade Union New Duties & Rights
(Including Rights Of Access, Detriments For Industrial Action and New Rights For Trade Union Representatives)
(30 October 2026)

Tightening Of Tipping Laws
(Previously anticipated in October 2026)

ACTIONS

- Consider employee relations and dispute strategies

- Assess compliance for current duty to prevent sexual harassment
- Review and amend risk assessments to reflect the new enhanced duty
- Review and amend any sexual harassment or harassment policies
- Ensure all reasonable steps identified to prevent sexual harassment have been put into effect including staff training

- Undertake risk assessments to help identify all reasonable steps that can be taken to prevent third party harassment
- Review and amend any harassment policies or other equal opportunities policies and template contracts
- Ensure all reasonable steps identified to prevent third party harassment have been put into effect including staff training

- Consider likelihood of requests for access and possible improvements to existing employee relations and your wider employee relations strategies
- Ensure new rights for union representatives and equality representatives can be accommodated (e.g. for facilities)

- Review and amend processes around tipping policy to align with new consultation requirements

Key Changes and Key Actions for Employers

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● Oct - Dec 2026
● 2027

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STEPS

Unfair Dismissal - Reduction Of Qualifying Period and Uncapped Compensation

Fire and Rehire / Replace Protections

Trade union duties - Duty To Inform Of Right To Join a Union

Redundancy Collective Consultation - New Threshold

Zero Hours Contracts (Guaranteed Hours Offers and Shifts) and Umbrella Company Reforms

ACTIONS

- Review hiring processes to ensure suitable
- Train line managers on probation and performance management
- Review and amend template contracts
- Review and amend affected policies and procedures (e.g. disciplinary, capability and absence)
- Review suitability of remuneration documents (e.g. bonus schemes)
- Review strategies, in particular around senior exits

- Consider if appropriate to make any necessary contractual changes prior to restrictions being implemented
- Consider including flexibility provisions in template contracts
- Review and amend any dismissal policies and procedures
- Ensure any dismissals and any plans to amend terms and conditions are risk assessed

- Review and amend recruitment processes and HR procedures to incorporate provision of new statement for new joiners and existing workers

- Plan to establish central administration/record keeping systems to keep track of any proposed redundancies across different sites and to manage such proposals
- Track redundancies across the business in accordance with new threshold requirements once known
- Train managers on new requirements, including tracking and record keeping systems

- Consider resourcing and staffing models and assess budgetary and operational impacts of changes
- Risk assess labour supply chains
- Establish central administration systems for working hours, guaranteed hours offers, reasonable notice for shifts and any cancellations/changes
- Review and update template contracts
- Set up payroll mechanism for compensation rights

Continued

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STEPS

Enhanced Dismissal Protections For Pregnant Women and New Mothers

New Bereavement Leave

Pay Gap Reporting Equality Action Plans

Flexible Working Changes

Non-Disclosure Agreements

ACTIONS

Once details are known:

- Track family leave taken
- Review and amend any affected family leave policies and any affected dismissal procedures
- Risk assess future dismissals in line with new protections

- Review and amend any affected family leave policies or affected template contracts

- Preparatory work will be required in advance of implementation to ensure equality action plans are ready for publication

- Consider where flexible working requests may come from to prepare for requests
- Review and amend any affected flexible working policies and documents
- Train managers on new requirements, including employee consultation

- Review and amend affected equalities policies and procedures
- Review and amend template contracts, including any NDAs and settlement agreements
- Review and consider strategies around termination and settlement

We note that all examples provided are illustrative only and not exhaustive - organisations should consider what is appropriate for their business

