

Refreshing Law

A roadmap: The Employment Rights Act

Dec 2025

- Employment Rights Act 2025 received Royal Assent
- The Strikes (Minimum Service Levels) Act 2023 was repealed

18 Feb 2026

- The repeal of the great majority of the Trade Union Act 2016, thereby simplifying requirements on trade unions, including in relation to industrial action and political funds
- Removal of the 10-year ballot requirement for trade union political funds
- Simplifying industrial action notices and industrial action ballot notices
- Protections against dismissal for taking industrial action
- Employees that are newly eligible for 'Day 1' Paternity Leave and Unpaid Parental Leave can give notice

1 Apr 2026

- The repeal of the levy that trade unions and employer associations pay to the Certification Officer

6 Apr 2026

- Statutory Sick Pay (SSP) reforms: SSP is payable from day 1 as the 3-day waiting period is removed. Currently employees have to earn a minimum amount (£125 per week) to be eligible for SSP but this lower earnings limit will be removed
- Doubling the maximum protective award from 90 days pay to 180 days pay for failure to collectively consult in collective redundancies
- ‘Day 1’ Paternity Leave (removing the 26 weeks service requirement)
- ‘Day 1’ Unpaid Parental Leave (currently a 1-year service eligibility requirement)

- Sexual harassment will become a qualifying disclosure under whistleblowing law, meaning protection from detriment and dismissal (although it is likely to constitute a qualifying disclosure prior to this change)
- Bereaved Partners' Paternity Leave, which will enable bereaved fathers and partners to take up to 52 weeks of unpaid paternity leave if the mother or primary adopter dies within the first year of the child's life (note this is separate legislation; Bereaved Partner's Paternity Leave Regulations 2026 and not ERA 2025)
- Action plans on gender equality and supporting employees through the menopause (voluntary)
- Menopause guidance
- Simplifying trade union recognition process. An updated Code of Practice on Trade Union recognition supporting this is expected to come into force in October 2026

7 Apr 2026

- The establishment of the Fair Work Agency to bring together existing enforcement bodies and to take on enforcement of additional employment rights, such as holiday and statutory sick pay

Aug 2026

- **Electronic and workplace balloting for Statutory Trade Union Ballots**

Oct 2026

- Employers will be required to take ‘all’ reasonable steps to prevent sexual harassment of their employees (rather than reasonable steps)
- Employers will be liable for harassment by third parties, for example customers, clients and suppliers, unless they have taken all reasonable steps to prevent it from happening. This applies to all types of harassment
- Tightening tipping laws; including consulting with workers or their representatives before creating a tipping policy and a requirement to update their tipping policy every 3 years

- Additional rights and protections for Trade Unions:
 - The duty to inform workers of their right to join a trade union
 - Strengthening trade unions' right of access
 - Unfair practices in the trade union recognition process
 - New rights and protections for trade union representatives
 - Extending protections against detriments for taking industrial action

No earlier than Oct 2026

- Employment tribunal time limits will increase from 3 months to 6 months

Jan 2027

- Reduction of unfair dismissal qualifying period from 2 years to 6 months, for dismissals from 1 January 2027
- Removal of cap for compensatory awards in unfair dismissal claims (currently lower of 12 months gross salary, or £118,223)
- Fire and rehire protections

2027

- Collective redundancy – collective consultation threshold
- Action plans on gender equality and supporting employees through the menopause (mandatory)
- Enhanced dismissal protections for pregnant women and new mothers
- Specifying steps that are to be regarded as ‘reasonable’, to determine whether an employer has taken all reasonable steps to prevent sexual harassment
- Flexible working changes, which will include a requirement to explain why their refusal is reasonable
- Bereavement leave including pregnancy loss

- Introduction of the right to guaranteed hours and the right to reasonable notice and short notice payments
- Extending blacklisting protections
- Industrial relations framework
- Regulation of umbrella companies
- Electronic and workplace balloting for recognition and derecognition ballots

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