



Compliance Health Check

Employment Rights Act 2025
Self assessment questionnaire

*A quick assessment for employers to
identify their ERA 2025 exposure*

The Questionnaire

Section A

Your Workforce

Q1. How many people does your organisation employ (including part-time staff)?

- ☐ Fewer than 10
- ☐ 10–49
- ☐ 50–249
- ☐ 250–499
- ☐ 500 or more

Why this matters: Larger workforces have greater exposure to the ERA changes and more complex compliance requirements.

Q2. Does your organisation use zero-hours contracts, casual contracts, or workers on variable hours?

- ☐ No – all staff are on fixed-hours contracts
- ☐ Yes – a small number (fewer than 10% of workforce)
- ☐ Yes – a significant number (10–50% of workforce)
- ☐ Yes – the majority of our workforce is on variable hours

Why this matters: The ERA 2025 introduces guaranteed-hours obligations and shift-notice requirements for workers on variable-hours arrangements.

Q3. Does your organisation use agency workers or engage individuals through staffing agencies?

- ☐ No
- ☐ Yes – occasionally
- ☐ Yes – regularly

Why this matters: Agency and casual arrangements may need restructuring under the new zero-hours and low-hours provisions.

Section B

Contracts and policies

Q4. When were your standard employment contracts last reviewed by a solicitor?

- ☐ Within the last 12 months
- ☐ 1–2 years ago
- ☐ 2–3 years ago
- ☐ More than 3 years ago
- ☐ I'm not sure

Why this matters: Contracts drafted before the ERA 2025 are unlikely to reflect the reduced unfair dismissal qualifying period, SSP changes, or guaranteed-hours obligations.

Q5. When were your HR policies (disciplinary, grievance, sickness absence, performance management) last reviewed?

- ☐ Within the last 12 months
- ☐ 1–2 years ago
- ☐ More than 2 years ago
- ☐ We don't have formal written policies

Why this matters: The ERA changes to SSP, unfair dismissal, and fire-and-rehire all require specific policy updates.

Q6. Does your sickness absence policy still refer to three SSP waiting days?

- ☐ Yes
- ☐ No – it has been updated
- ☐ I'm not sure

Why this matters: SSP waiting days were abolished under the ERA 2025. Any policy still referencing them is out of date and potentially misleading.

Section C

Management practices

Q7. How does your organisation currently handle probationary periods and dismissals in the first six months?

- ☐ We have a formal probationary process with documented reviews
- ☐ We have an informal approach – managers decide on a case-by-case basis
- ☐ We rely on the two-year qualifying period to manage poor performers out
- ☐ We don't have a specific process for new starters

Why this matters: The unfair dismissal qualifying period is being reduced from two years to six months. You can no longer rely on the two-year period to manage poor performers out. A robust probationary framework is now essential.

Q8. Have your line managers received training on employment law or managing people in the last two years?

- ☐ Yes – regular, structured training
- ☐ Yes – occasional or ad hoc
- ☐ No – no formal training

Why this matters: With uncapped compensatory awards for unfair dismissal and the reduced six-month qualifying period, management capability is now a direct financial risk factor.

Section D

Specific exposure

Q9. Has your organisation changed, or considered changing, employees' terms and conditions in the last three years (e.g. restructuring, harmonising terms, removing benefits)?

- ☐ No
- ☐ Yes – and the changes were agreed voluntarily
- ☐ Yes – and we used (or considered) a dismiss-and-re-engage approach
- ☐ We are currently planning changes to terms and conditions

Why this matters: The ERA 2025 makes dismissal to impose new terms automatically unfair in most circumstances. Different legal approaches are now required.

Q10. Is there any trade union presence in your organisation, or have you received a union recognition request?

- ☐ No – no union presence or interest
- ☐ Some employees are union members, but no formal recognition
- ☐ We have a recognised trade union
- ☐ We have received a recognition request or expect one

Why this matters: The ERA simplifies union recognition and introduces new workplace and digital access rights for union representatives.

Q11. Do you have a written policy on preventing sexual harassment in the workplace, including harassment by third parties (customers, clients, members of the public)?

- ☐ Yes – it specifically covers third-party harassment
- ☐ Yes – but it only covers harassment between colleagues
- ☐ No – we don't have a specific harassment prevention policy

Why this matters: The ERA 2025 reinstates employer liability for third-party harassment and introduces a compensation uplift of up to 25% for failure to take reasonable steps.

Q12. Has your organisation conducted a workplace harassment risk assessment in the last 12 months?

- ☐ Yes – a formal, documented risk assessment
- ☐ We have reviewed our approach informally
- ☐ No

Why this matters: A documented risk assessment is the clearest evidence of having taken 'reasonable steps' to prevent harassment – a key defence under the strengthened prevention duty.

Results Summary

What your answers may indicate

The table below maps your answers to the six main areas of the Employment Rights Act 2025. It is not a formal legal opinion – it is a guide to help you identify where a conversation with a specialist employment solicitor may be worthwhile.

ERA Area	Questions	What to look for	Typical next steps
Statutory Sick Pay	Q5, Q6	If your sickness absence policy still references three waiting days, or your contracts have not been reviewed since the ERA changes, your SSP documentation is likely out of date. This affects every employer.	Policy review and update
Unfair Dismissal (reduced qualifying period)	Q7, Q8	If you rely on the two-year qualifying period to manage poor performers, or lack a formal probationary process, you are exposed: the qualifying period is being reduced to six months. Compensatory awards are now uncapped.	Probationary framework; performance management review; manager training
Zero-Hours and Casual Workers	Q2, Q3	If a significant proportion of your workforce is on variable-hours arrangements, the new guaranteed-hours and shift-notice obligations will require contract changes and new procedures.	Workforce audit; contract redesign; rostering procedures
Fire and Rehire	Q9	If you have used, or are considering, a dismiss-and-re-engage approach to changing terms and conditions, the new automatic unfair dismissal	Alternative legal strategies; risk assessment;

ERA Area	Questions	What to look for	Typical next steps
		provisions significantly restrict this option.	consultation framework
Trade Union Access Rights	Q10	If there is any union presence or interest in your organisation, the simplified recognition process and new access rights mean you should review your arrangements now, before a formal request is made.	Union readiness review; access agreements; manager training
Sexual Harassment Prevention	Q11, Q12	If your harassment policy does not cover third-party harassment, or you have not conducted a documented risk assessment, you may not meet the strengthened prevention duty. The compensation uplift for non-compliance is up to 25%.	Risk assessment; policy update; staff training

YOUR QUICK COUNT

Count the number of areas in the table above where your answers suggest a potential gap. This gives you a rough indication of your overall ERA exposure:

Your result	What it means
0-1 areas flagged	Your organisation appears to be in a good position. A brief review may still be worthwhile to confirm nothing has been missed.
2-3 areas flagged	There are specific compliance gaps that should be addressed. A focused conversation about the relevant areas would be a sensible next step.
4 or more areas flagged	Your organisation has significant exposure to the ERA 2025 changes across multiple areas. We would recommend a structured review as a priority.

Next Steps

If any of the areas above are relevant to your organisation, we would be happy to arrange a short call to discuss your situation and identify what, if anything, needs to be done.

This questionnaire is provided as a general guide only and does not constitute legal advice. The results are indicative and should not be relied upon as a substitute for specific professional advice.

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