The Employment Rights Act 2025: Employer Guide

Summary of key provisions – updated on 30 July 2026

For what comes next

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Contents

Basic rights and employment tribunals

1 Unfair dismissal		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: The 2-year qualifying period for unfair dismissal claims will be replaced with a 6-month qualifying period. The cap on the compensatory award for unfair dismissal claims will be removed entirely.	1 January 2027.	• Ahead of the changes coming in, consider implementing more robust recruitment procedures and conducting a performance review for all those with under 2-years' service. • Reflect on how you might formalise any probation management once the reforms take effect. Consider your expectations for different roles, performance review points and notice periods. • Review and update HR systems, policies and procedures and employment contracts to reflect changes. Ensure managers are trained regularly on dismissal procedures.
Impact: Likely to increase the number of unfair dismissals claims and require enhanced recruitment procedures and probation management. The removal of the cap on the compensatory award may result in longer and more complex claims for higher earners, with detailed arguments about financial loss and mitigation. Employers may become more risk-averse in their approach to performance management/dismissal. On the flip side, the removal of the cap on the compensatory award may simplify other claims, removing the incentive for claimants to construct complex cases involving discrimination/whistleblowing in order to access uncapped compensation.		

2 Employment tribunal time limits		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: The time limit within which someone can bring an employment tribunal claim will be increased from 3 to 6 months. This includes breach of contract claims arising or outstanding on termination of employment in England and Wales. Changes to times limits for breach of employment contract claims in Scotland will apply on 9 November 2026.	Will take effect on 1 October 2026	• Consider reviewing early dispute resolution mechanisms including budget sign off procedures, to encourage early resolution. • Consider revising record systems to ensure witnesses have accurate data/information to draw on to combat memories fading over the increased time-period.
Impact: May increase exposure to employment tribunal claims if employees have longer to bring a claim, but equally it may also allow longer for settlement/mediation.		

3 Statutory sick pay (SSP)		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: The 3-day waiting period and lower earnings limit for SSP will be removed. SSP will be payable from "day one" at 80% average weekly earnings or the current rate of SSP, whichever is lower.	Took effect on 6 April 2026.	• Ensure that you have budgeted for increased SSP costs. • Ensure your payroll processes and HR systems are up to date. • Ensure that absence management policy/procedures and contracts have been updated and that HR/managers are informed/trained about the change. • Consider employee messaging about absenteeism.
Impact: Increase in SSP costs. There are concerns that these changes may result in malingering by employees.		

Harassment and whistleblowing

4 Sexual harassment and whistleblowing		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: A report that sexual harassment has occurred, is occurring or is likely to occur will be a type of "protected disclosure" for whistleblowing purposes.	Took effect on 6 April 2026.	• Review contract and settlement agreement terms to ensure they are compliant. See also "Ban on non-disclosure agreements" at 13 below. • Ensure that relevant policies and procedures have been updated. • Ensure that HR and relevant managers have received training on dealing with reports of sexual harassment as protected disclosures
Impact: Workers who make a protected disclosure in relation to sexual harassment will be protected from detriment. The dismissal of an employee will be automatically unfair where the reason (or principal reason) for their dismissal is the protected disclosure and there will be no cap on the compensation available in a successful claim. Any attempt to prevent an employee from speaking out about a report of sexual harassment (eg in confidentiality clauses in settlement agreements) will be void.		

5 Duty to take all reasonable steps to prevent sexual harassment		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: Employers will be under a duty to take "all reasonable steps" to prevent sexual harassment of their employees during the course of their employment. This is wider than the current duty to take "reasonable steps". The government will have the power to specify in regulations what is meant	Will take effect on 30 October 2026. The government is expected to define "all reasonable steps" in regulations, which are expected to come into force in	• Keep a watching brief for regulations setting out expectations for employers. As these are not due until sometime after the duty takes effect, there may be uncertainty for employers during this time. Consider what "all reasonable steps" could entail within your organisation and consider undertaking updated risk assessments.

by "all reasonable steps" but has indicated that this will depend on the specific circumstances of the employer. Where the duty is breached, tribunals can uplift the employee's discrimination compensation by up to 25% and the Equality and Human Rights Commission (EHRC) has the power to investigate and take enforcement action.	2027/28 after consultation.	• In due course, update HR policies as required. • Roll out sexual harassment training to all staff and train HR/managers on preventing and dealing with sexual harassment.
Impact: There is a risk that, where sexual harassment has taken place, an employer will never be able to show that it took "all" reasonable steps to prevent it, meaning that the 25% uplift will apply.		

6 Third party harassment		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: Employers will be under a duty to take "all reasonable steps" to prevent third party harassment of their employees during the course of their employment; this includes sexual harassment and harassment in relation to relevant protected characteristics under the Equality Act 2010.	Will take effect on 30 October 2026.	• Factor third party harassment into updated risk assessments to the extent not already covered. Engage with staff to identify potential problem areas and feed this into any risk assessment. Consider what "all reasonable steps" could entail within your organisation. • Update existing policies and procedures and consider including appropriate wording in any supplier/customer contracts. • Schedule training for HR/managers on the changes and train employees on how to report third party harassment at work.
Impact: It is likely to be difficult for employers to defend claims for third party harassment; they will be liable if the harassment took place and they failed to take even one reasonable step. The extent to which an employer will be required to investigate such allegations is also unclear.		

Family-friendly rights

7 Bereavement leave		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: Right to unpaid bereavement leave for all workers (not just parents) from "day one" of their employment. Where the person who has died is not a child, the minimum period of leave will be one week, and a bereaved person will be entitled to leave in respect of each person who has died (if more than one). Regulations will set out	Due to take effect in 2027.	• Keep a watching brief for the government's response to a consultation that closed on 15 January 2026. • Update HR systems and leave policies and procedures in due course, and ensure HR and managers are trained on new criteria and procedures.

further details. Those who take bereavement leave will have the right not to suffer detriment or be dismissed for reasons relating to that leave.		• Consider training for managers on empathy and sensitivity. • Consider whether you intend to pay employees during this leave despite it likely being an unpaid right.
Impact: Possible increased uptake of bereavement leave. However, as it is unpaid, employees may not utilise it.		
8	Pregnancy loss bereavement leave (pre 24 weeks)	
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: New right to bereavement leave for pregnancy loss before 24 weeks. This appears to be unpaid. Regulations will set out further details.	Due to take effect in 2027.	• Keep a watching brief for the government's response to a consultation that closed on 15 January 2026. • Update HR systems and leave policies and procedures in due course, and ensure HR and managers are trained on new criteria and procedures. • Consider training for managers on empathy and sensitivity. • Consider whether you intend to pay employees during this leave despite it likely being an unpaid right.
Impact: Increased uptake of bereavement leave. However, as it is unpaid, employees may not utilise it.		
9	"Day one" right to paternity leave and unpaid parental leave	
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: The 26 week service requirements for paternity leave is being removed as is the rule preventing employees from taking paternity leave after shared parental leave. Removal of one year service requirement for unpaid parental leave entitlement so that it becomes a "day one" right.	Took effect on 6 April 2026.	• Ensure that policies, procedures, contracts and HR systems have been reviewed and any necessary changes have been made. • Ensure that HR and managers have received training on the updated law.
Impact: Increased uptake of paternity leave and parental leave.		
10	Protection against dismissal strengthened for pregnant women	
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: Currently, employees in their "protected period" (ie who are pregnant, on maternity leave or who have recently returned from such leave) receive priority in redundancy situations. The government has given itself the power to make regulations to extend this protection to cover dismissals for reasons other than	Due to come into effect in 2027.	• Keep a watching brief for the government's response to a consultation which closed on 15 January 2026. • Review dismissal procedures and update HR systems and policies in due course. Ensure that managers are trained on new laws.

redundancy (except in specific circumstances). Regulations can also be made extending dismissal protection to parents who are taking or have taken other types of statutory family leave (likely to exclude statutory paternity leave).		
Impact: Subject to the forthcoming regulations, there is likely to be an increased risk in dismissing employees for a reason other than redundancy where they are in their "protected period" or taking or returning from a period of statutory family leave.		

Equality and diversity

11 Equality action plans		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: Future regulations will require employers with 250 employees or more to produce equality action plans which will not be required "more frequently than every 12 months." These will include measures to address the gender pay gap and to support employees going through the menopause. Action plans will also need to include steps an employer is taking to address ethnicity and disability pay gaps (once that reporting obligation comes into force).	Voluntary from 6 April 2026. Due to become mandatory on 4 April 2027 (or 30 March 2027 for public authority employers). Future regulations are required.	• Review recent government guidance on creating equality action plans, published in early 2026. • Prepare for any duty by auditing pay and progression data and identifying gaps, and ensuring measures are taken to support employees through the menopause. • If you do not have one, reflect on whether to implement a menopause action plan at an early stage.
Impact: Increased public scrutiny of large employers' equality strategies.		

12 Equality information about service providers		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: Regulations can be made to require private and voluntary sector employers with 250 or more employees in Great Britain to publish equality data about service providers that they engage for outsourced services.	Due to take effect in 2027 subject to the government's timetable for other proposed pay-gap reporting changes.	• Ensure you have up-to-date records of all service providers, and that internal reporting mechanisms are established. • Keep a watching brief for the progress of related measures in the draft Equality (Race and Disability) Bill.
Impact: Increased public scrutiny of large employers' equality strategies.		

Zero hours workers, contracts, wages and working time

13	Ban on non-disclosure agreements	
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: Confidentiality clauses will be void (ie unenforceable) where they prevent a worker from disclosing or alleging "relevant harassment or discrimination" (unless such clauses are in an "excepted agreement" which is yet to be defined – although views on this are sought in the current consultation). This would include disclosing an employer's response to the harassment or discrimination, or the making of the allegation or disclosure. It would apply to workers who are victims of harassment and discrimination as well as those who have witnessed it happening to someone else. **Impact:** The government has suggested that provisions within settlement agreements will be included in this ban. Settling discrimination claims could therefore become less attractive for employers where a risk of reputational damage remains. As such, there is a risk that this reform could increase the number of claims in the (already stretched) tribunal system and significantly inflate costs for those bringing and defending claims.	Due to take effect in 2027.	• In due course, review employment contract and settlement agreement templates, as well as any relevant contractual policies, to see whether amendments may be required. • As an employer's response to allegations of discrimination or harassment is also covered by the ban, consider implementing additional training for HR and managers on dealing with grievances and disciplinaries, and tackle any existing cultural issues in the workplace. • Regulations may extend the protections to independent contractors and individuals undertaking work experience or training. In time, it may be necessary to review other agreement templates.

14	Zero and low hours workers (including agency workers)	
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: The government is introducing a highly complex set of rules regarding zero and low hours workers, a broad summary of which is as follows: **Guaranteed Hours Contracts** • Employers must offer a guaranteed hours contract (GHC) to zero and "low hours" workers (to be defined), including qualifying agency workers, reflecting hours regularly worked over a reference period (expected to	The consultation on "ending one-sided flexibility – reforms of zero hours and similar contracts" is now open, and will end 25 August 2026. Due to take effect in 2027.	• Consider responding to the consultation by 25 August 2026. • Determine the likely impact of the reforms on your organisation by auditing your use of zero and low hours workers (including agency workers) and considering what this would look like if a 12-week reference period applied. • Start looking at patterns in workload and staff requirements, including identifying any busy periods. Consider revising shift management procedures now (investigating whether any technology may be available) to reduce administrative burden of tracking hours and

be 12 weeks) unless an exception applies. • Employers must inform relevant workers of their right to receive a GHC during an "initial information period". The worker can accept or reject the offer of a GHC during the "response period". If rejected, the employer must continue to offer a GHC to the worker at the end of every subsequent reference period. • A GHC can be an offer to vary existing terms and conditions or a new contract. Specific requirements apply in each case, and a fixed-term contract will only be permitted where this is "reasonable" (as defined) which is likely to cover seasonal workers. • In relation to qualifying agency workers, the hirer will be responsible for offering a GHC. If a GHC is accepted, the agency worker becomes a worker of the hirer. Complex provisions are included to ensure that a GHC does not contain less favourable terms for an agency worker. • Qualifying workers are given automatic unfair dismissal rights and the right not to be subjected to a detriment. In addition, they will be able to bring a tribunal claim for failure by their employer to comply with requirements relating to GHCs. Anti-avoidance provisions have also been introduced. **Reasonable notice of shifts** • Employers must provide qualifying workers (to be defined but including zero hours workers and qualifying agency workers) with reasonable notice of shifts – specifying the date, start and end times and number of hours to be worked. The meaning of "reasonable" is yet to be defined. In relation to agency workers, this duty will be jointly shared by the hirer and the agency. • Qualifying workers can bring a tribunal claim against their employer for failure to comply.		making offers when the new laws come into force. • Review HR systems and scheduling processes in due course to enable compliance with the new laws. • In due course, ensure that HR and managers dealing with zero or low hours workers have a full understanding of the law in this area. Keep a watching brief for the consultation which may give more details about the government's intended approach (for example, what "low hours" means) and consider responding to it.

They are also given the right not to be subjected to a detriment. **Compensation for shifts cancelled, moved or curtailed at short notice** • Workers (including qualifying agency workers) will have the right to compensation if a "qualifying shift" is cancelled, moved or curtailed at "short notice" (to be defined) unless an exception applies. This will include where an employer makes a "multi-worker request". The amount of compensation payable will be set out in regulations. • Workers are also given the right not to be subjected to a detriment in relation to this new obligation. Employment tribunals will be able to impose financial penalties on respondents in relation to claims brought under the above zero hours reforms where there are aggravating circumstances. An employer can only contract out of the above obligations by way of a collective agreement.		
Impact: Likely to impose a significant administrative burden on employers who use zero and low hours workers (tracking hours and making offers) and likely to reduce their operational flexibility. The complexity of the new provisions may deter employers from using zero or low hours workers at all.		
15 Fire and re-hire		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: It will be automatically unfair to dismiss an employee for refusing to agree to a "restricted variation" to their contract of employment except where the employer can satisfy a "financial difficulties" exception (which is slightly different for public sector and local authority employers). It is currently proposed that a "restricted variation" will broadly include terms relating to pay, hours and holidays (the Secretary of State can add to this). The insertion of a	Due to take effect in January 2027. The government intends to update the statutory Code of Practice to reflect the changes.	• Keep a watching brief for the government's response to the recent consultation that closed on 1 April 2026. • Ensure robust financial documentation is being maintained to aid in deciding whether the "financial difficulties" exception is met. • This reform will impact the entirety of an employee's contractual terms, whether they are in an employment contract or another document, and whether express or implied. Consider conducting a full audit.

variation clause enabling variations without the employee's consent will also be regarded as a "restricted variation". The government has recently consulted on whether or not to include (i) expenses, benefits or payments in kind, and/or (ii) certain types of shift pattern, as restricted variations and its response is yet to be published. Where an employer can satisfy the "financial difficulties" exception, the employee's dismissal will not be automatically unfair and the usual test for ordinary unfair dismissal will apply. It will also be automatically unfair to dismiss an employee for the purposes of replacing them with a non-employee (eg an agency worker or a contractor) who will carry out the same (or substantially the same) duties under a varied contract of employment.		• Consider whether you need to take any action in relation to staff terms and conditions before the stricter provisions come into force in January 2027 – in particular, whether to include a variation clause. • Consider your process for asking employees to re-sign employment contracts (for example, consider linking changes to promotions or pay rises) and assess whether the business has appropriate consultation processes and bodies in place given that increased engagement and consultation is likely to be necessary. • Train relevant senior managers on the change to the law.
Impact: The "financial difficulties" exception looks to be an extremely high bar, meaning that employers will only be able to use fire and rehire to bring about contractual changes in exceptional circumstances.		
16 Flexible working		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: Employers can only refuse flexible working requests if it is reasonable to do so on prescribed statutory grounds.	Due to take effect in 2027.	• Keep a watching brief for the government's response to the recent consultation which closed on 30 April 2026. • Consider reviewing flexible working policies and preparing enhanced justification processes. It will be particularly important to document the reasons for decisions taken; train managers on this.
Impact: This is likely to make it more difficult to refuse flexible working requests, and employers may see an increase in employment tribunal claims (challenging the reasonableness of decisions rather than just procedural breaches). However, no amendments have been made to the compensation limit of 8 weeks' pay and so the financial impact remains limited.		

17 Tips and gratuities		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: Before producing the first version of a written tips policy, an employer must consult with a recognised trade union or worker representatives (or workers directly if there are none). Employers must review (and consult) on a tips policy at least once every three years. An anonymised summary of the views expressed in the consultation must be available to all workers at the place of business where the policy applies. **Impact:** Employers are already required to produce a written tips policy, but these reforms will make the obligations around tip policies more onerous.	Due to take effect by the end of 2026 (previously expected in October 2026 but was pushed back following the withdrawal of a Draft Statutory Code of Practice) on 13 July 2026). On 29 July 2026 the government produced an updated Draft Statutory Code of Practice, and advised that a further consultation will be held on it shortly.	• Keep a watching brief for the upcoming consultation on the Draft Statutory Code of Practice. • In due course, review current tips policies and consultation processes, identify appropriate worker/union representatives and consider timing of policy reviews if you already have policies in place.

18 Working time records		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: New obligations on employers to keep records to show compliance with legal requirements for annual leave and holiday pay. Records must be kept for 6 years. **Impact:** Additional administrative burden on employers.	Took effect on 6 April 2026.	• Ensure that current holiday record-keeping systems are compliant with the new law.

19 Time off for public duties		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: The Secretary of State will review the purposes for which employees should be entitled to take time off for public duties (in particular, for the purposes of being a special constable). **Impact:** May increase employee uptake of time off for public duties.	On 11 June 2026 the government published a report following its review of the public duties eligible for time off. On 12 June 2026 it published a consultation seeking views on its proposed amendments.	• Consider responding to the consultation by 4 September 2026.

Redundancy and TUPE

<table>
<tr><th colspan="3">20 Collective redundancy</th></tr>
<tr><th>Brief details of the reform and likely impact</th><th>Likely timescale</th><th>Practical steps you can take</th></tr>
<tr><td>Reform: Key aspects of the reform include:
• The obligation to collectively consult will be triggered when an employer is proposing to dismiss as redundant within a period of 90 days or less either: (i) 20 employees at one establishment; or (ii) at least the "threshold number of employees" (to be confirmed in regulations but not lower than 20).
• An employer will not be required to consult all representatives together or to carry out consultation with a view to reaching the same agreement with all representatives.
Where it is proposed employees will be dismissed as redundant at more than one establishment, an employer must inform representatives about the total number of employees affected and the establishment they work in.</td><td rowspan="2">The government has indicated that it intends to consult further on strengthening the collective redundancy framework, for example, by doubling the minimum consultation period where 100+ dismissals are proposed.
Due to take effect in 2027.</td><td rowspan="2">• Reflect on the necessity of any organisational changes now, before the new provisions come into force.
• Keep a watching brief for the government's response to the recent consultation on the 'threshold number of employees' which closed on 21 May 2026.
• In anticipation of the "threshold number of employees" being confirmed, review HR systems and processes to ensure that the business can be alerted when the requisite number of redundancies are being proposed across different establishments.</td></tr>
<tr><td>Impact: Employers will need to track redundancies across the entire organisation, rather than at each establishment. However, there will be greater flexibility for employers in terms of consultation with representatives.</td></tr>
<tr><th colspan="3">21 Protective award</th></tr>
<tr><th>Brief details of the reform and likely impact</th><th>Likely timescale</th><th>Practical steps you can take</th></tr>
<tr><td>Reform: Increase to the protective award for failure to comply with collective redundancy obligations from 90 to 180 days' gross pay per affected employee.</td><td>Took effect on 6 April 2026 (in relation to dismissals that took effect on or after that date).</td><td>• When assessing the risks of collective consultation, factor in that there will be significantly higher penalties for failing to comply with the relevant obligations.</td></tr>
</table>

Impact: The financial risk of non-compliance will be doubled, and this may increase employee bargaining power. Additionally, the protective award may be increased by up to 25% for failure to comply with the Statutory Code of Practice on Dismissal and Re-Engagement, meaning that the total maximum penalty could be 225 days' gross pay per affected employee.	The government intends to produce guidance for employers on compliance with collective consultation obligations "in due course".	• Keep a watching brief for the promised government guidance.

Enforcement

22 Fair Work Agency (FWA)		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: Creation of a new public authority to carry out labour market enforcement functions (including but not limited to the enforcement of statutory sick pay, the national minimum wage, and holiday pay). Notably, the FWA will be able to bring employment tribunal proceedings (in relation to all types of claim) on behalf of workers.	The FWA was established on 7 April 2026. However, it is not yet clear when its full enforcement powers will be brought into effect. It is expected to begin enforcing statutory holiday pay rights from 2027. Consultation on statutory holiday pay compliance and enforcement by the FWA is open until 22 September 2026.	• Consider responding to the consultation by 22 September 2026. • Consider what you can do to improve record-keeping. • Ensure compliance with sick pay, national minimum wage, and holiday pay legislation.
Impact: Will depend on the resources allocated to the FWA (currently unclear).		

Industrial relations

23 Removal of the minimum service levels legislation		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: The Strikes (Minimum Service Levels) Act 2023 has been repealed. This Act enabled the government to set minimum service levels for strikes in "relevant services" such as health, education, transport, border control etc.	Took effect on 18 December 2025.	• If you operate in a "relevant service", ensure that HR and relevant managers have been informed/trained about the change to the law and that policies have been updated.

Impact: Minimum service levels are no longer required in these services.		
24 Duty to inform staff of their right to join a union		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: New legal duty for employers to give workers a written statement advising them of their right to join a trade union. This is to be provided at the same time as the worker's section 1 statement and at "other prescribed times" (TBC). Regulations will confirm the form the statement must take, what information it must include and how it must be given.	Will take effect on 30 October 2026.	• Keep a watching brief for the government's response to a recent consultation which closed on 18 December 2025. • In due course, review current onboarding processes and documentation, prepare template statements and update HR systems to ensure compliance. Ensure HR/relevant managers are trained/informed. • Prepare for potentially higher union membership.
Impact: May result in potentially higher union membership, particularly in non-unionised sectors.		
25 Right of access for trade unions		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: Qualifying trade union officials have the right to request access to workplaces (whether that be in person or via digital communication) to meet, support, represent, recruit or organise workers (regardless of whether they are members of a trade union) and/or to facilitate collective bargaining – but not to organise industrial action. There will be a process for trade unions and employers to agree "access agreements" for this purpose and an application to determine access can be made to the Central Arbitration Centre (CAC) by the union if the employer fails to respond or negotiations are not successful. If an access agreement is breached, a party may complain to the CAC and there may be financial penalties for employers.	Will take effect on 30 October 2026.	• Consider reviewing the government's response to a recent consultation on the draft Code of Practice, along with the final draft Code of Practice (both published on 6 July 2026). The draft Code of Practice has now been laid before Parliament for approval so keep a watching brief on its progress through Parliament. • Prepare for potentially increased union activity and visibility, particularly in non-unionised sectors. • Consider your current arrangements (ie what you currently provide in terms of union access and what you allow union officials to do) to understand if you need to make changes and frameworks for access agreements. • Inform/train relevant HR and relevant managers as appropriate.
Impact: Potentially increased union activity and visibility, particularly in non-unionised sectors. However, the impact is likely to depend on the capacity of the unions to request access; they may target larger		

employers first or those employers where there is no existing union recognition and/or where voluntary recognition has been refused in the past.		
26	**Facilities for trade union officials and union equality representatives**	
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: Broadly speaking, where trade union officials are entitled to take time off for duties or training, employers will be required to provide reasonable accommodation and other facilities for the same. Employers will also be required to allow trade union equality representatives reasonable time off for specific equality-related activities (where certain conditions are met) and to provide reasonable accommodation and other facilities for the same.	Will take effect on 30 October 2026. The Acas Code of Practice on Time Off for Trade Union Duties and Activities was laid before Parliament on 7 July 2026.	• Keep a watching brief for the Acas Code of Practice once approved by Parliament. • Assess current time off and facility provision for union representatives. Consider whether any employees are also union equality representatives. • Consider whether further provisions/budgets are required. • Inform/train relevant HR and relevant managers as appropriate.
Impact: May increase costs for employers and require further provision of accommodation/facilities.		
27	**Simplification of statutory trade union recognition process**	
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: Key aspects of the reform include: (a) The current 10% support threshold for the CAC to accept an application for recognition will be replaced with a threshold of between 2% and 10% (TBC). (b) The requirement for majority support for union recognition (at application stage and other stages) will be removed. (c) Where the CAC orders a recognition ballot, the requirement that a union is supported by both a majority of the workers voting and at least 40% of the workers in the bargaining unit will be removed. Instead, only a simple majority of those voting will be required.	The support threshold at (a) will remain at 10% until further regulations are passed. The reforms at (b) and (c) took effect on 6 April 2026 (subject to transitional provisions). The reform at (d) will be brought into force by further regulations.The government's recent timeline suggests that, as part of the measures proposed in relation to the "industrial relations framework," the reform at (d) will come into force in 2027.	• Inform/train relevant HR and relevant managers as appropriate. • Update any processes/policies as appropriate.

(d) There will be a duty for employers to provide specified worker information (including numbers in a bargaining unit) to the CAC within five working days of being notified of receipt of a trade union's application for recognition (or such longer period as the CAC may specify). The number of workers provided will then remain fixed for the purposes of the recognition process.		
Impact: Union recognition will become easier to achieve and employer administrative burden will increase.		
28 Strengthening provisions on unfair practices		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: The existing provisions on unfair practices during trade union recognition or derecognition will be strengthened. For example, the time limit for bringing an unfair practice complaint will be increased (to five working days after the ballot closes) and a revised version of the CAC's Code of Practice: Access and Unfair Practices during Recognition and De-recognition Ballots would be applicable during the entire recognition and derecognition process, not just the ballot stage.	Will take effect on 30 October 2026. A revised Code of Practice on access and unfair practices during the recognition and derecognition process is due to come into force in October 2026.	• If appropriate, consider refresher training for relevant HR and managers on avoiding unfair practices. • Keep a watching brief for developments, and ensure your organisation is aware of updates to the list of unfair practices as and when they are made.
Impact: Limited impact on employers who do not engage in unfair practices.		
29 Notices of industrial action		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: Notice of industrial action has been reduced from 14 to 10 days. The notice no longer needs to disclose the number of employees in each category that are expected to take part in the action.	Took effect on 18 February 2026 (subject to transitional provisions).	• Inform/train HR and relevant managers as appropriate. • Develop more agile response protocols for strike preparation given that there is now less time to prepare for strikes. • Review business continuity plans for industrial action scenarios.
Impact: Employers will have less time to prepare for strikes.		

30 Mandates for industrial action

Brief details of the reform and likely impact	Likely timescale	Practical steps you can take
Reform: The mandate period for industrial action has been extended to 12 months (with no possibility of extension). **Impact:** Unions will have a longer period to strike.	Took effect on 18 February 2026 (subject to transitional provisions).	• Inform/train HR and relevant managers as appropriate. • Review business continuity plans for industrial action scenarios and ensure that they look forward over a 12 (not 6) month period.

31 Supervision of picketing

Brief details of the reform and likely impact	Likely timescale	Practical steps you can take
Reform: The requirement for union supervision of picketing has been removed. **Impact:** Employers will no longer be able to challenge picketing for lack of supervision.	Took effect on 18 February 2026 (subject to transitional provisions).	• Inform/train HR and relevant managers as appropriate.

32 Industrial action ballots: thresholds

Brief details of the reform and likely impact	Likely timescale	Practical steps you can take
Reform: Amendments to both the "turnout" and "support" thresholds. • The turnout threshold requirement for 50% of all eligible members to have voted (in addition to there being a majority voting in favour) has been removed. • For workers engaged in "important public services", the support threshold (where at least 40% of those entitled to vote have voted in favour of the action) has been removed. **Impact:** Industrial action is likely to be lawful in more scenarios.	**Support threshold:** Took effect on 18 February (subject to transitional provisions). **Turnout threshold:** To be brought into force by regulations on a date TBC, after the government has considered the effect of the introduction of non-postal balloting. A revised Code of practice on industrial action ballots and employer notices was issued on 5 March 2026.	• Keep a watching brief for developments. • Inform/train relevant HR and relevant managers as appropriate. • Review business continuity plans for industrial action scenarios.

33 Industrial action ballots: papers and notice

Brief details of the reform and likely impact	Likely timescale	Practical steps you can take
Reform: Ballot (or voting) papers have been simplified so that the union will just have to ask which type of industrial action members want to take part in, expressed in	Took effect on 18 February 2026 (subject to	• Inform/train HR and relevant managers as appropriate.

terms of whether it is strike action, or action short of a strike. The type of action that is voted for will then become protected (assuming the other legal requirements are met). The requirements for written notices of intention to ballot have also been simplified.	transitional provisions).	
Impact: The administrative burden on unions trying to ballot for industrial action will be reduced.		
34 Industrial action ballots: provision of information		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: The following information requirements (which must be given to all those entitled to vote in a ballot) will be removed: (a) number of individuals who were entitled to vote in the ballot; (b) whether the number of votes cast was at least 50% of the number of individuals entitled to vote; and (c) where the additional balloting rules on important public services apply, whether the number of people voting "yes" met the 40% threshold. Additionally, unions will no longer be required to include information regarding industrial action taken within their annual return to the Certification Officer (CO).	**Information requirements (a) and (b):** to be removed by regulations – timeframe TBC. **Information requirement (c):** took effect on 18 February 2026 (subject to transitional provisions). **CO information requirement:** took effect on 18 February 2026 (subject to transitional provisions).	• Keep a watching brief for developments, particularly any updates to the likely timing of the reforms. • Inform/train HR and relevant managers as appropriate.
Impact: The administrative burden on unions trying to ballot for industrial action will be reduced.		
35 Electronic balloting		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: The government intends to introduce modern and secure electronic balloting for statutory trade union ballots and for recognition and derecognition ballots.	According to the updated government website at date of publication, this will take effect for statutory trade union	• Prepare for potentially higher ballot participation rates.

Impact: Potentially higher ballot participation rates.	ballots on 25 August 2026. Due to take effect for recognition and derecognition ballots in 2027.	
36 Protection against detriment on the grounds of protected industrial action		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: Workers will be protected from detriment (ie a sanction short of dismissal) for taking part in industrial action. **Impact:** Intended mainly to address a gap in the law.	Will take effect on 30 October 2026.	• Consider reviewing the government's response to the consultation which was released on 23 June 2026. • Review current policies on pay deduction and other sanctions short of dismissal during industrial action. • Train HR and managers on appropriate responses to industrial action participation.
37 Enhanced protection against dismissal for taking industrial action		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: Protection to be provided against dismissal for the full duration of protected industrial action and after it has concluded (ie removal of the current protected period of 12 weeks). An employee will be automatically unfairly dismissed where the reason (or, if more than one, the principal reason) for the dismissal is that the employee took protected industrial action. **Impact:** Limited impact on employers who already take steps to avoid unfair dismissal in the context of industrial action.	Took effect on 18 February 2026 (subject to transitional provisions).	• Inform/train HR and relevant managers as appropriate. • Consider refresher training for HR/managers on unfair dismissal in the context of industrial action.

38	Strengthened blacklisting protection	
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: The government will be able to make regulations strengthening protections against blacklisting. It is anticipated that the government will use this power to extend the prohibition on blacklists to those which are (i) used for the purposes of discrimination despite not having been prepared for that purpose originally, or (ii) complied by third parties.	Consultation is likely to take place in 2026. Due to take effect in 2027.	• Keep a watching brief for any developments and the consultation. Consider responding to the consultation if appropriate. • Audit recruitment and HR practices to ensure compliance with current blacklisting laws. • In due course, inform/train HR and relevant managers as appropriate.
Impact: Limited impact on employers who already take steps to ensure compliance with blacklisting legislation.		

39	The Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA 1992)	
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: TULRCA 1992 has been amended to clarify that certain provisions (relating to access to employment, inducements and detriment, time off for trade union activities and the duty to notify the Secretary of State of redundancies) will not apply where an employee or worker "ordinarily" works outside Great Britain.	Took effect on 18 February 2026.	• Inform/train HR and relevant managers as appropriate.
Impact: Reduced compliance requirements for those with workers operating outside Great Britain.		

Public sector

40	Outsourcing	
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: Contracting authorities will be required to take "all reasonable steps" to include contractual provisions ensuring that workers transferring from the public sector, and the contractor's existing workers, are treated no less favourably than public sector employees, preventing a "two-tier workforce". A statutory code of practice will provide guidance on	On 30 October 2026 enabling provisions will take effect, but further legislation will be required to introduce the substantive requirements.	• Keep a watching brief for any statutory code of practice and regulations setting out the requirements after 30 October 2026. • Audit all current outsourcing contracts and procurement procedures to identify any gaps and engage with current and potential contractors about the implications of the new requirements.

compliance with these worker-protection requirements. **Impact:** Increased compliance obligations and potential cost increases as contractors price in public sector equivalent terms.		• Prepare to update procurement templates and processes to reflect compliance with the no "less favourable treatment" once the regulations and code are issued. • Factor in and budget for potential costs increases. • In due course, ensure procurement and management teams understand the new requirements.
41 The School Support Staff Negotiating Body (SSSNB) – England only		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: The SSSNB will be reinstated to consider and negotiate matters relating to pay, terms and conditions of employment, training and career progression for school support staff in state-funded schools in England. An agreement reached by the SSSNB may be ratified by the Secretary of State through regulations. **Impact:** Employers' ability to set pay and employment terms may be constrained.	This reform will be brought into force by regulations, date TBC.	• Keep a watching brief for further developments. Keep a watching brief on when the SSSNB is established and consider any roles available as employer representatives. • Audit existing school support staff contracts to understand how they may be affected.
42 Social Care Negotiating Bodies		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: The Act enables social care negotiating bodies to be established in England, Scotland and Wales to consider and negotiate on matters relating to remuneration, terms and conditions of employment for social care workers. **Impact:** Employers' ability to set pay and employment terms may be constrained.	With effect from 6 April 2026, the government gave itself the power to make regulations establishing Adult Social Care Negotiating Bodies. The government is expected to bring forward regulations to establish the Fair Pay Agreement Adult Social Care Negotiating Body in England by 30 October 2026. Following that, negotiations for the financial year 2028 to 2029 are expected to begin around April 2027, and the first fair pay agreement is expected to come	• Consider the government's response to the consultation which was released on 16 July 2026. • Keep a watching brief for developments on the establishment of social care negotiating bodies and consider any roles available as employer representatives.

	into effect in April 2028.	
43 Facility time		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: The requirement to publish information about facility time taken by trade union officials and "reserve powers" in the public sector has been removed.	Took effect on 18 February 2026 (subject to saving provision).	• Ensure that facility time policies have been reviewed and updated.
Impact: Reduced administrative burden as employers will no longer need to collect and publish information about facility time.		
44 Trade union subscriptions		
Brief details of the reform and likely impact	**Likely timescale**	**Practical steps you can take**
Reform: Existing requirements when operating a check-off service have been removed: (i) ensuring affected workers have the option to pay their trade union subscriptions by alternative means; and (ii) making arrangements for the union to make reasonable payments to the employer for operating the check-off service.	Took effect on 18 February 2026 (subject to saving provision).	• Ensure that any internal processes or systems that will be impacted have been reviewed and updated and that policies have been updated, as necessary. • Ensure relevant staff understand that the requirements have been lifted.
Impact: Reduced administrative burden on employers.		

TLT LLP

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This publication is intended for general guidance and represents our understanding of the relevant law and practice as at 30 July 2026. Specific advice should be sought for specific cases. For more information see our terms and conditions.

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