Employment Rights Act

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LabMed Training Session

Session Aims

- Broad Overview of the Changes already implemented and upcoming
- Look at opportunities this presents for unions

The Employment Rights Act 2025 became law on 18 December 2025.

The Act will introduce additions and amendments to existing legislation, including the Employment Rights Act 1996.

The employment law changes included in the Act will happen in 2026 and 2027.

Many changes have not happened yet

Changes do not apply in Northern Ireland but legislation will be brought forward in due course to cover Northern Ireland

Collective rights for union organising

- Repeal of Trade Union Act balloting thresholds: Repeal of the 50% turnout threshold plus 40% support in important public services requirement in ballots. It has reverted to simple majority voting.

- Electronic Balloting: Introduction of e-balloting. Trade union members can vote electronically or in-person in ballots. This is if the employer and trade union agree. The change applies to industrial action, union elections and other statutory ballots.

- Trade union recognition: Legislation around the process to gain trade union recognition simplified and made easier for unions to gain recognition.

  Trade unions or employers can make complaints within 5 working days of a ballot closing. It was previously one working day

Right to request access to workplaces for a broad range of “access purposes” (i.e. to meet, support, represent, recruit and organise workers, whether or not they are members of a trade union and to facilitate collective bargaining).

Equality Reps: A specific right to paid time off for union equality representatives

Duty to inform of right to join a union: Employers will be required to give a written statement to their workers, informing them of their right to join a trade union

Individual rights or workplace policies

Extending employment tribunal time limits:

- Doubled from 3 months to 6 months.
- The time limit will increase from 1st October 2026. For breach of employment
- Contract claims in Scotland this change will take place on 9 November 2026
- The previous time limit was 3 months. If a problem at work started before 1 October 2026, the 3-month limit might still apply.

Equality Action Plans :

Employers with more than 250 employees will be required to publish Equality Action Plans, detailing the actions they are taking to close their gender pay gap and provide menopause support (Menopause Action Plans).

Whistleblowing protections for sexual harassment:

Sexual harassment is a 'qualifying disclosure' under whistleblowing law. This means whistleblowers making a sexual harassment disclosure have protection from detriment and unfair dismissal.

Harassment:

Employers will be liable for harassment from third parties, for example customers or clients, unless they have taken all reasonable steps to prevent it happening – this will apply to all types of harassment. Employers will need to take ***'all reasonable steps'*** to prevent sexual harassment – current law says ***'reasonable steps***'.

A change to the law around non-disclosure agreements (NDAs) is also expected. This will void clauses that would prevent workers from alleging or disclosing work-related harassment or discrimination. The date of this change is not known yet.

New "all reasonable steps to prevent sexual harassment". In Worker Protection Act it just said "reasonable steps." From 30th October 2026

Unfair dismissal:

Protection from unfair dismissal will become a right after 6 months of being in a job – currently, someone must have worked for their employer for 2 years before claiming unfair dismissal.

Flexible working:

There will be an amendment to flexible working law in 2027. If an employer rejects a flexible working request because of a genuine business reason, they will have to: state the reasons from a list of 8 acceptable reasons and explain why they believe their refusal is reasonable

Reasons for Rejection of Flexible Working

- The burden of additional costs
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- a detrimental effect on ability to meet customer demand
- insufficient work available for the periods the employee proposes to work
- planned structural changes to the employer's business

Paternity leave and ordinary parental leave

- From 6 April 2026:
- paternity leave became a 'day one right', allowing someone to give notice of leave from the first day of employment
- ordinary parental leave, or unpaid parental leave, became a day one right
- the restriction on taking paternity leave after shared parental leave was removed

Useful Links

- Employment Rights Act 2025 – Acas
- Plan to Make Work Pay and Employment Rights Act: timeline update - GOV.UK
- Webinars | Acas
- Employment Rights Act: A Guide for Employers
- Employment Rights Act 2025 | TUC

Useful Links



Questions
&
Discussions