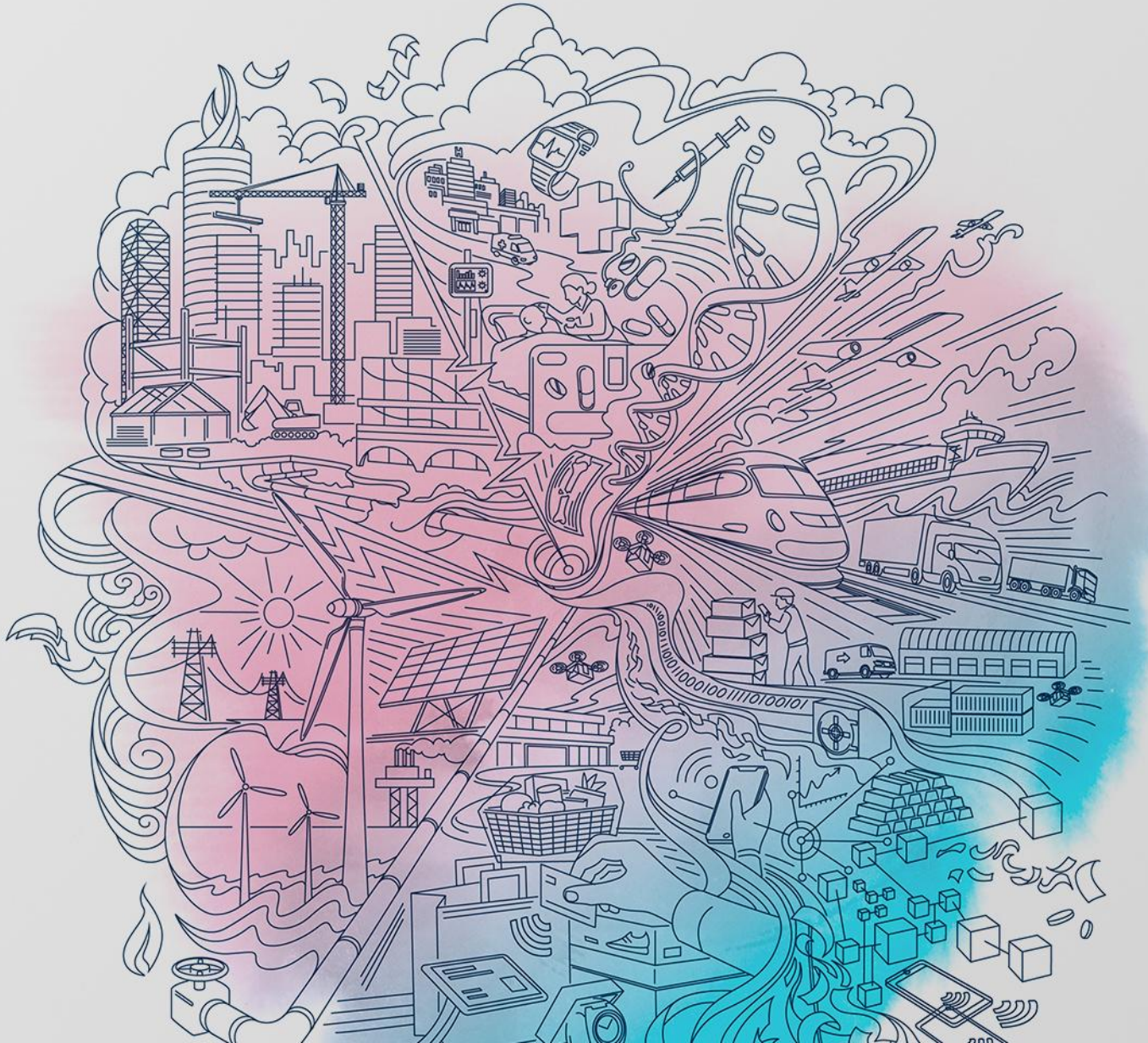
UK EMPLOYMENT HORIZON SCANNER

July 2026



ADDLESHAW GODDARD

FUTURE KEY LEGISLATION DEVELOPMENTS

NO.	ACT OR STATUTORY INSTRUMENT	SUMMARY AND IMPACTS	IMPACT DATE
1	Employment Rights Act 2025	**Employment Rights Act 2025** On 18 December 2025, the Employment Rights Bill received Royal Assent to become the Employment Rights Act 2025 (**Act**). See the Government's Factsheet: ERA 2025 (Overview) and below for implementation details. Most of the Act's provisions require commencement regulations to bring them into force, and many require further substantive regulations (following consultation) to give them full effect. On 3 February 2026, the Government updated the Implementation Timeline for changes being introduced in 2026. See the separate entries below for a summary of key changes expected to come into force on each of the following dates: October 2026, January 2027 and in 2027. For more details of the proposals contained in the Act as well as the consultation and implementation timetable, see our Employment Rights Act Tracker **here**.	Phased implementation over two years starting from 18 December 2025 until 2027. Key dates: • 18 February 2026 • April 2026 • October 2026 • January 2027 • 2027
2	The Employment Rights Act 2025	**The Employment Rights Act 2025: Changes coming into effect in August 2026** • **Electronic and workplace balloting Phase 1 (31 August 2026):** Trade unions will be able to use hybrid electronic balloting for all statutory union ballots and pure e-balloting for all statutory union ballots other than recognition and de-recognition ballots. • **Electronic and workplace balloting Phase 2 (2027):** This will allow pure electronic balloting to be used in recognition and derecognition ballots once legislative changes have been made. • **Unions will only require a simple majority** of voting members for lawful industrial action (rather than a 50% turnout threshold). For further details, see our Employment Rights Act Tracker **here**.	31 August 2026 and 2027
3	Consultation on ending one-sided flexibility – reforms of zero	**Consultation on ending one-sided flexibility – reforms of zero hours and similar contracts** The government has launched a consultation seeking views on reforms relating to zero hours and similar contracts, to implement measures in the Employment Rights Act 2025. The consultation covers:	The consultation closes on 25 August 2026.

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	hours and similar contracts	• New right for workers and agency workers to be offered guaranteed hours reflecting the hours worked during a reference period. • The right for workers and agency workers to reasonable notice of shifts • The right to payment for shifts cancelled, curtailed or moved at short notice. The government seeks views on the threshold which it proposes to set within a range of 8 to 20 hours per week. An "initial reference period" of 12 weeks over which hours should be assessed is likely, but the government is considering whether subsequent reference periods should be longer, and whether reference periods should run concurrently, or have a gap in between, to reduce the burden on business. It also seeks views on what will be "reasonable" notice of shifts, what will amount to short (or very short) notice of shift changes or cancellations and what payments an employer should be required to make in the case of such short (or very short) notice. It also seeks views on enforcement of short notice payments and the government intends to extend enforcement beyond the employment tribunal system to the Fair Work Agency to enforce aspects of these rights to help increase compliance. The consultation closes on 25 August 2026.	
4	Consultation on employment rights for unpaid carers and parents of seriously ill children	**Consultation on employment rights for unpaid carers and parents of seriously ill children** On 9 June 2026, the government published a consultation on employment rights for unpaid carers and parents of seriously ill children. The review of employment rights for unpaid carers forms part of the government's wider Plan to Make Work Pay. The government estimates that currently around three million unpaid carers balance work with caring responsibilities. It says that many will reduce their hours, delay returning to employment, or leave the workforce entirely at a cost to the economy £37 billion a year. Proposals under consideration include: • Paid carer's leave (currently carer's leave is unpaid). • A new "right to return" to work after a period of intensive caring – similar to protections currently enjoyed by those on maternity leave. • A possible new statutory entitlement to leave and pay for parents of seriously ill children, often referred to as "Hugh's Law" (in recognition of the campaigning undertaken by the family of Hugh Menai-Davis, who died aged six from cancer in 2021.) • Providing new guidance to help workers and employers better understand carers' workplace protections.	Consultation closes on 1 September 2026.

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		This consultation closes on 1 September 2026.	
5	Consultation on time off for public duties	**Consultation on time off for public duties** The government has published a report following a review of public duties which are eligible for time off and a **consultation on time off for public duties** seeking views on its proposed amendments. The aim is to ensure that the list remains fit for purpose and continues to support the effective functioning of modern public services. The proposed changes cover: • which public duties should be eligible for time off • proposed additions and removals to the current list of public duties • how the entitlement works in practice The consultation closes on 4 September 2026.	Consultation closes on 4 September 2026
6	Consultation on statutory holiday pay compliance and enforcement	**Consultation on statutory holiday pay compliance and enforcement** The government has launched a consultation seeking views on the proposed approach to be taken by the Fair Work Agency to **holiday pay compliance and enforcement** and looking at what support and guidance can be provided to support compliance. From 2027 the right to statutory holiday pay will be backed by state enforcement for the first time and the FWA will have powers to investigate non-compliance and take action on behalf of workers where employers fail to meet their obligations. It will also be able to take action on a "whole employer" approach. This means the FWA can look at an employer's compliance with holiday pay law in relation to all their workers, rather than only dealing with a worker's complaint in isolation. Importantly, the FWA will also be able to look at an employer's compliance with multiple aspects of employment law. For example, if a business is inspected for compliance with holiday pay law, they may also be inspected for compliance with the minimum wage at the same time. Key proposals include: • The government proposes a supportive approach focused on helping employers to comply, with punitive enforcement action reserved for necessary cases.	Consultation closes on 22 September 2026.

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		• A claim period of six years (aligning with the new holiday pay record-keeping requirement and NMW enforcement claim periods), but not for claims relating to underpayments before ERA came into force (18 December 2025). Individual claims brought in the tribunal must be brought within three months (extending to six months from no earlier than October 2026). This means workers who miss the tribunal time limit may still be able to have holiday pay underpayments enforced by the FWA. • Penalties of 200% of arrears owed per worker (discounted to 100% if paid within 14 days), capped at £20,000, with a minimum of £100 per case. • FWA will focus on lower-paid and precarious workers. • A naming scheme similar to the approach taken with failure to pay NMW. The consultation closes on 22 September 2026.	
7	Consultation on workplace monitoring technologies	**Consultation on workplace monitoring technologies** The government has published a consultation seeking views on proposals to support fair, transparent and responsible use of workplace monitoring technologies used to monitor, manage or make decisions relating to workers. The government recognises the pace of advancement in workplace technologies which, when used well, can support efficiency, innovation and growth, but if used badly can damage trust, undermine wellbeing and create workplace tensions. It seeks views on whether further intervention beyond the existing relevant legal frameworks is needed to improve transparency, worker engagement and accountability, and whether any intervention should have a regulatory basis. The consultation closes on 30 September 2026.	Consultation closes on 30 September 2026.
8	The Border Security, Asylum and Immigration Act 2025	**Extending Right to Work Checks** On 2 December 2025, the Border Security, Asylum and Immigration Act 2025 received Royal Assent. The Act expands the scope of the Right to Work Check scheme to those engaged under workers' contracts, individual sub-contractors and online matching services. It will include those working in the gig economy or on zero hours contracts and will require employers to confirm that individuals working on their behalf have the legal right to work in the UK before hiring them. Penalties for non-compliance include fines up to £45,000 for a first offence and up to £60,000 per illegal worker for repeated offences. In serious cases it could also lead to the closure of the business, director disqualification, seizure of earnings made as a result of illegal working and, where a criminal offence has occurred, a prison sentence of up to five years.	1 October 2026

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		The expanded regime will take effect on 1 October **2026**.	
9	The Employment Rights Act 2025	**The Employment Rights Act 2025: Changes coming into effect on 1 October 2026** • **Extend the time limit** for bringing an **employment tribunal claim from 3 to 6 months**. For breach of employment contract claims in Scotland this change will take place on 9 November 2026. For further details, see our Employment Rights Act Tracker **here**.	The time limit for bringing a claim to the Employment Tribunal will increase from 3 to 6 months will take effect on 1 October 2026 – for breach of employment contract claims in Scotland this change will take place on 9 November 2026
10	Consultation on equal pay and pay discrimination	**Consultation on equal pay and pay discrimination** The government has launched a consultation seeking views on a comprehensive reform of the current equal pay framework and how to address gaps and inconsistencies in the framework currently affecting disabled people, those from ethnic minority groups and outsourced workers. The Government is proposing a strategy focusing on 2 key phases: **Phase 1** - improving the current system by streamlining procedures and strengthening transparency and enforcement. Proposals include: • Seeking views on **pay transparency** practices, such as requiring employers to publish information about pay and conditions in job adverts. • To promote the use of **equal pay audits** by clarifying and reducing the exceptions to the existing requirement that an Employment Tribunal must order an employer to carry out an equal pay audit, where it has found an equal pay breach. • Mandating that a tribunal must also order the **implementation of a non-discriminatory job evaluation scheme** on the basis of sex, race or disability, where it has found pay discrimination. • Reinstating the use of a standard questionnaire in pay discrimination disputes only to promote early resolution of possible pay discrimination. • Measures to improve enforcement through tribunals and the **establishment of an Equal Pay Regulatory and Enforcement Unit**, possibly housed with the EHRC or within the FWA. The new unit would have new powers to prevent pay discrimination. • A formal **review into the rules of procedure** for pay discrimination claims and the operation of the independent panel of experts.	Consultation closes on 27 October 2026

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		Phase 2 - once the government is satisfied the system is improved, broadening protections to close gaps in the law. Proposals include: • Ensuring that **pay discrimination on the basis of race and disability** is taken as seriously as sex • Requiring employers to **take all reasonable steps** to uphold pay equality in their contractual arrangements • **Levelling-up direct and indirect discrimination** provisions relating to race and disability. • **Levelling-up the equal pay scheme** including permitting the use of **hypothetical comparators** in equal pay claims. • Increasing protections for **outsourced workers.** This is a wide-ranging consultation and may herald significant changes to the law on equal pay. The consultation closes on 27 October 2026.	
11	The Employment Rights Act 2025	**The Employment Rights Act 2025: Changes coming into effect in October 2026** • Requirement for **employers to take "all" reasonable steps to prevent sexual harassment at work**. • Power to enable **regulations to specify steps to be regarded as "reasonable"** to determine whether an employer has taken all reasonable steps to prevent sexual harassment. • Reintroduce employer **liability for third party harassment** for all relevant protected characteristics. • Sufficient access to facilities and strengthened right to **facility time off for trade union reps and statutory rights for trade union equality reps.** • New **duty to provide workers with a written statement informing them of their right to join a trade union** (and to remind them of this on a regular basis). • New **rights for trade unions to access the workplace** for recruitment and organising purposes. • **Protection against detriment for taking part in protected industrial action.** • Measures to deal more effectively with **unfair practices during recognition and derecognition processes.** • Amend the Procurement Act 2023 to **protect transferring workers on outsourcing contracts and introduce a two-tier workforce code** of practice for outsourced workers. For further details, see our Employment Rights Act Tracker **here**.	30 October 2026.
12	Employment Rights Act 2025	**Allocation of tips and gratuities**	By the end of 2026

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	– allocation of tips and gratuities	• Employers required to consult workers/any recognised trade union about the **allocation of tips and gratuities.** For further details, see our Employment Rights Act Tracker **here**.	
13	The Employment Rights Act 2025	**The Employment Rights Act 2025: Reducing the qualifying period for unfair dismissal protection to 6 months and removing the compensation cap for unfair dismissal** On 27 November 2025 the Government dropped their manifesto pledge for 'day one' unfair dismissal protection. Instead, they will: 1. **Reduce the qualifying period for unfair dismissal protection from 24 months to six months**; 2. **Remove the overall limit on the compensatory award for unfair dismissal** (both the 52-weeks' pay and the compensation cap (currently £123,543)); and 3. **Remove the power to vary the qualifying period by regulations** (meaning that the six-month limit could only be amended by primary legislation). For further details, see our Employment Rights Act Tracker **here**.	1 January 2027
14	The Employment Rights Act 2025	**The Employment Rights Act 2025: Changes coming into effect in 2027** • **Ban on fire and rehire for restricted variations** (e.g. reduction in pay or holiday, changes to hours) except where no alternative to remain viable (January 2027) • Ban 'exploitative' zero hours contracts (including agency workers) - **right to a guaranteed hours contract reflecting regular hours and reasonable notice of shift changes** - compensation for curtailed or cancelled shifts • **Alternative threshold for collective redundancy consultation** determined by number of employees across the business as well as in one workplace • **Specifying steps that are to be regarded as 'reasonable',** to determine whether an employer has taken all reasonable steps to prevent sexual harassment • **Day 1 right to flexible working as the default** for all workers (refusal of requests only if reasonable on prescribed grounds) • **Day 1 right to new statutory bereavement leave** going beyond existing parental bereavement leave (to include pregnancy loss before 24 weeks) • **Mandate gender pay gap and menopause support action plans** (large firms) • **Unlawful to dismiss a woman during pregnancy and up to 6 months after her RTW** (except in specific circumstances)	2027

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		• Update **blacklisting regulations t**o protect wider range of people • **Industrial relations framework** • **Regulation of umbrella companies** • **Non-disclosure agreements** (NDAs): regulations to prevent the misuse of NDAs in cases of workplace harassment or discrimination For further details, see our Employment Rights Act Tracker **here**.	
15	Equality Action Plans	**Equality Action Plans guidance** Employers with 250+ employees currently have the option to produce and publish a voluntary action plan alongside their gender pay gap data. Subject to legislation, this will become mandatory from spring 2027. The government has now published new step-by-step guidance for employers on the six steps to follow when creating an action plan to reduce their gender pay gap and to provide menopause support for employees. The six steps are: • Step 1: Understanding the issues in the organisation and how to diagnose the gender pay gap using the data. • Step 2: Choosing a minimum of two actions from a list of 18 prescribed actions, one to address the gender pay gap and one for menopause support. • Step 3: Writing a supporting text for each action (up to 100 words) and a supporting narrative for the overall action plan (up to 200 words). • Step 4: Submitting the action plan on the government's gender pay gap service. • Step 5: Tracking the outcomes of the action plan. • Step 6: Reviewing the action plan annually.	To be mandatory for large employers in 2027, expected to be April 2027
16	Draft Equality (Race and Disability) Bill	**Draft Equality (Race and Disability) Bill** The Government announced the draft Equality (Race and Disability) Bill in the King's Speech in September 2024. The draft Bill will include the following reforms to: • Enshrine in law the full right to equal pay for ethnic minorities and disabled people, making it much easier for them to bring unequal pay claims. • Introduce mandatory ethnicity and disability pay reporting for larger employers (those with 250+ employees) to help close the ethnicity and disability pay gaps. • Ensure that outsourcing of services can no longer be used by employers to avoid paying equal pay.	tba. The Government consultation on the Equality (Race and Disability) Bill closed on 10 June 2025. A draft bill was expected to be published. In March 2025, the Minister for Equalities stated in the House of Commons that the draft Bill will be published later in the July 2024-May 2026

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		In March 2025, the Government consulted on how to implement mandatory ethnicity and disability pay gap reporting for large employers (those with 250 or more employees) in Great Britain. In its response to the consultation the Government has confirmed that it intends to introduce the requirement for large employers with 250 or more employees. The reporting requirements will largely mirror the gender pay gap reporting requirements including reporting on the same six pay gap measures using the same reporting dates and online service. There is no timeline for introducing mandatory ethnicity and disability pay gap reporting yet. The government has published draft clauses to be included in legislation, but it is not clear precisely how and when these will be brought into force. We can also expect to see guidance to support employers with the proposed new reporting requirements in due course. In April 2025, the Government also conducted a **call for evidence** seeking feedback on areas of existing equality legislation and possible equality law reform to help shape the forthcoming Equality (Race and Disability) Bill. The call for evidence was wide ranging and included seeking views on: • The prevalence of pay discrimination on the basis of race and disability. • Making the right to equal pay effective for ethnic minority and disabled people. • Measures to ensure that **outsourcing of services** can no longer be used by employers to avoid paying equal pay. • Improving the **enforcement of equal pay rights** by establishing an Equal Pay Regulatory and Enforcement Unit with the involvement of trade unions, including ways that a new unit could strengthen equal pay provisions, whether by building on the Equality and Human Rights Commission's existing role or through new functions. • Improving **pay transparency**. Government is looking to build evidence before deciding whether changes in this area would be appropriate. • Strengthening protections against combined discrimination. **Dual discrimination** in s14 of the Equality Act 2010 has never been brought into force despite repeated calls from Women and Equalities Committee. • Creating and maintaining workplaces and working conditions **free from harassment**. The call for evidence closed on 30 June 2025 and the Government published it's findings in July 2026 and published a new consultation paper which seeks to address issues with the current equal pay framework, which the government describes as "excessively complex, costly, and protracted". See entry above on consultation on equal pay and pay discrimination.	Parliamentary session. That session has now closed and the draft Equality (Race and Disability) Bill was notably absent from the King's Speech on 13 May 2026. This leaves some uncertainty over the timing of the reforms in this area. We await further news from Government.

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17	Working Paper on non-compete clauses, published 26 November 2025	**Consultation on non-compete clauses** The Government has published a working paper seeking views on options for reforming non-compete clauses in employment contracts**.** The objectives set out in the paper are to seek to increase job mobility, reduce barriers to recruitment, promote competition for talent and avoid workers spending time out of the labour market in their area of expertise. Alternative policy options being put forward include: 1. Statutory time limit on the length of non-compete clauses (3-months) 2. Statutory time limit on length of non-compete clauses according to company size 3. Ban on non-compete clauses in employment contracts, making them unenforceable. 4. Ban on non-compete clauses below a salary threshold, given that the highest earners most often have non-compete clauses in their contracts. 5. Combining a ban below a salary threshold and a statutory time limit of 3 months. The Government was also seeking views on enforcement and whether the threat of high legal costs is an obstacle to bringing claims on restrictive covenants, including non-compete clauses. Interested parties had until 18 February 2026 to respond to the government consultation. We now await the government's response which will be published in due course.	Government response awaited
18	Call for evidence on TUPE	**Call for evidence on TUPE** On 8 April 2026 the Government published a call for evidence on TUPE which **closed on 1 July 2026.** It is a wide-ranging review looking at the current protections under TUPE, the consultation requirements, whether it is clear when a "relevant transfer" has taken place, the process of a TUPE transfer, the current guidance and support available, varying terms and conditions of employment in connection with the transfer and the cost and impact of a TUPE transfer. The Government will use the call for evidence to inform development of policy options to reform the TUPE Regulations.	Call for evidence closed on 1 July 2026.
19	Consultation on employment status	**Employment status** In 2025, the Government announced that it will publish a consultation on employment status by the end of 2025. It acknowledges that this is a complex issue, but it is committed to consult on tackling the pressing issues with	TBC. Was expected by the end of 2025 but has not yet been published.

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		the existing framework for employment status, such as substitution clauses. It will also consult on additional measures to strengthen protections for the self-employed, including health and safety protections. In January 2026, the government reaffirmed its commitment to tackling the issues and its aim to publish the consultation "as soon as possible". The consultation publication is still awaited.	
20	EHRC Statutory Code of Practice for Services, Public Functions and Associations and EHRC non-statutory interim guidance	**EHRC Interim Guidance and Consultation on updates to its Code of Practice for Services, Public Functions and Associations** The Equality and Human Rights Commission (EHRC) published its **consultation** to update its statutory Code of Practice for services, public functions and associations following the Supreme Court's *For Women Scotland* judgment. The EHRC made a number of technical amendments to its draft Code of Practice and sought views on whether the updates outlined in the consultation clearly articulate the practical implications of the judgment and enable those who will use the Code to understand, and comply with, the Equality Act 2010. The consultation **closed on 30 June 2025** and an updated Code of Practice was handed to Government on 5 September 2025 for ministerial approval. The EHRC has confirmed that it has made some amendments to the draft Services Code following feedback it received from Government. On 21 May 2026, the updated draft Services Code was laid before Parliament and will come into force on 5 August 2026. Employers have been asking whether the EHRC's Employment Code of Practice will also be updated following the Supreme Court's judgment. Work on the Employment Code is expected to begin after the Services Code is complete.	The updated draft Services Code will come into force on 5 August 2026.
21	The Employment Rights Act 2025 (section 24) The Victims and Prisoners Act 2024 (Permitted Disclosures) Regulations 2025 The Victims and Courts Act 2026	**Confidentiality clauses and non-disclosure agreements** The Government has published a **consultation on the misuse of non-disclosure agreements**, with a closing date of 8 July 2026. The Employment Rights Act 2025 includes a provision at section 24 banning clauses/NDAs that seek to prevent **allegations or disclosures of information** relating to work-related harassment or discrimination. The Government recognises that in some cases, both parties may genuinely wish for confidentiality about certain details. The ERA therefore gives the Secretary of State powers to: • set criteria for "excepted NDAs" in limited, legitimate circumstances; and • specify situations where disclosures will always be allowed, even if an "excepted NDA" exists. This consultation is seeking views on: • The conditions which need to be met for a non-disclosure agreement still to be valid ('excepted agreement') in cases of harassment and discrimination. E.g. workers to receive independent legal	Section 24 of the Employment Rights Act 2025 will come into force in 2027. The Victims and Prisoners Act 2024 (Permitted Disclosures) Regulations 2025 came into force on 12 December 2025. The Victims and Courts Act 2026 received Royal Assent on 29 April 2026. Regulations are needed to bring section 6 into force.

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		advice, a statutory 14-day cooling off period, whether the non-disclosure agreement should be time-limited. • The individuals or bodies who workers, covered by an excepted agreement, can speak to about the harassment and discrimination, irrespective of what their non-disclosure agreement says ('permitted disclosure'). For example, a qualified lawyer and medical professional. • Expanding the types of individuals the legislation applies to beyond employees and workers. For example, some types of self-employed individuals. These new measures are expected to come into force in 2027. **Section 17 of the Victim and Prisoners Act 2024** clarifies that confidentiality clauses and NDAs cannot be legally enforced if they prevent victims from reporting crime and will ensure information related to criminal conduct can be discussed with specified groups without fear of legal action, including police, lawyers, victim support services and close family members. New regulations came into force on 12 December 2025 adding to the list of persons to whom disclosures are permitted which are: • The Criminal Injuries Compensation Authority, for the purpose of a claim for compensation in relation to the relevant criminal conduct under the Criminal Injuries Compensation Scheme or the Victims of Overseas Terrorism Compensation Scheme. • A court or tribunal, for the purpose of issuing or pursuing any proceedings in relation to a decision of the Criminal Injuries Compensation Authority made in connection with a claim mentioned above. • A person authorised to receive information on behalf of either of the above, for the relevant purposes mentioned above. Separately, the **Victim and Courts Act 2026** received Royal Assent on 29 April 2026. Section 6 of the **Victim and Courts Act 2026** will replace the current s.17 of the Victim and Prisoners Act 2024 (which came into force on 1 October 2025) and is intended to be a simpler protection allowing victims and direct witnesses of crime to disclose information about the conduct **to anyone and for any purpose**, not just to the bodies and for the purposes set out in the previous Act. An NDA would be void insofar as it precludes such a disclosure relating to criminal conduct, or the response of an employer or other party to the NDA to such conduct. Further regulations are needed to bring section 6 into force.	

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22	Fit note reform	**Pilots for fit note reform** On 20 May 2026, the government announced the launch of several pilots to reform the fit note system. Trials will be delivered through selected NHS WorkWell sites and major employers. Four pilots across England will look at the best way to replace the current system with more personalised 'stay in work' and 'return to work' plans for workers who fall ill. Patients will be offered either an initial fit note from a GP and then referred to community health workers or go through the whole process without an initial fit note from a GP and will instead be supported by a separate service staffed by clinical and non-clinical practitioners. They will provide a range of work and health support, including three-way conversations between patients, employers, and trained professionals - covering reasonable adjustments and keeping people connected to their workplace from the first day of absence, helping more people to stay in work with support. As part of the government's overhaul of the fit note system, it also published the results from the call for evidence on fit note reform which took place between April and July 2024. The results reveal several challenges with the current process with employers generally finding it ineffective to meet their needs and clinicians and healthcare professionals giving a mixed response with most agreeing that fit notes should remain clinician-led, but expanding certification to other healthcare professionals could ease the GP workloads.	tba

FUTURE KEY CASES

NO	CASE	SUMMARY AND IMPACTS	CURRENT STATUS
1.	Corby v ACAS	**Belief discrimination: opposition to critical race theory** An employment tribunal held that a claimant's opposition to critical race theory (as opposed to his anti-racist beliefs based on the ideas of Martin Luther King Jr) is a protected belief under the Equality Act 2010. The claimant's beliefs	Preliminary hearing heard in the EAT on 4 September 2025.

NO	CASE	SUMMARY AND IMPACTS	CURRENT STATUS
		passed all five stages of the *Grainger* test and were therefore capable of protection under the EqA. An appeal has been lodged and a preliminary hearing was heard by the EAT on 4 September 2025.	
2.	Miller v University of Bristol	**Discrimination: Protected philosophical belief** An employment tribunal held that an academic's anti-Zionist beliefs qualified as a protected philosophical belief under the Equality Act 2010 and that his summary dismissal was an act of direct discrimination and was unfair. The case was heard by the EAT on 12 November 2025. Judgment is awaited.	Heard in the EAT on 12 November 2025. Judgment awaited.
3.	Augustine v Data Cars Ltd	**Employment status** Although a part-time private hire driver was treated less favourably that a full-time comparator, it did not breach the Part-Time Workers (Less Favourable Treatment) Regulations 2000. The EAT felt bound to follow the ruling of the Court of Session (though not strictly bound by the Court's decisions) which applied a "sole reason" test. The EAT preferred a construction which considered the "effective and predominant cause" of the less favourable treatment. The case was appealed to the Court of Appeal. While a majority considered the Court of Session case (McMenemy v Capita Business Services Ltd) was wrongly decided, it held that it was highly desirable that the decision be followed, given that it pertained to a statutory provision applicable throughout Great Britain. Given its misgivings about McMenemy, the Court granted leave to appeal to the Supreme Court so that the issue can be decisively resolved. The case was heard in the Supreme Court on 7 May 2026. Judgment is awaited.	Heard in the Supreme Court on 7 May 2026. Judgment awaited.
4.	Rice v Wicked Vision Ltd; Barton Turns Developments v Treadwell	**Whistleblowing detriment** The EAT considered that in a whistleblowing claim it was only possible to bring a claim that dismissal amounted to a detriment under s47B ERA if it was not possible to bring a claim for dismissal for making a protected disclosure under s103A ERA. The Court of Appeal held that employers can be vicariously liable under s47B ERA 1996 for co-workers who subject employees to dismissal amounted to a detriment in whistleblowing cases. It felt bound by the precedent set in *Timis and another v Osipov [2018] (EWCA)* which established that the ERA 1996 does not prevent employees from bringing detriment claims against co-workers for dismissal, with corresponding vicarious liability against employers. It noted that the conflicting interpretation of the statutory provisions can only be resolved by the Supreme Court or by legislative amendment.	The appeal was heard in the Supreme Court on 21 May 2026. Judgment awaited.

NO	CASE	SUMMARY AND IMPACTS	CURRENT STATUS
		Permission to appeal to the Supreme Court was granted on 5 December 2025. The appeal was heard in the Supreme Court on 21 May 2026. Judgment is awaited.	
5.	Thandi and others v Next Retail Ltd and another	**Equal Pay** An employment tribunal found that the retailer Next breached equal pay law by paying its warehouse staff more than its shop-floor sales staff, despite the jobs being of equal value. The tribunal determined that the material factors relied on by Next to justify the pay disparity for basic pay, including market forces, indirectly discriminated against female employees, who predominantly worked in sales roles. Next's argument that the pay difference was motivated by cost-cutting measures was rejected, as cost-cutting alone was not a legitimate aim. For the time being, this is an employment tribunal decision, so it is not binding on future tribunals. If it is not overturned on appeal, it could have significant ramifications for employers who want to defend equal pay claims on the basis they are paying market rate for certain roles. An appeal has been lodged and a preliminary hearing was heard by the EAT on 22 May 2025. The case was heard in the EAT on 16 and 17 June 2026. Judgment is awaited.	A preliminary hearing was heard by the EAT on 22 May 2025. The case was heard in the EAT on 16 and 17 June 2026. Judgment awaited.
6.	Ngole v Touchstone Leeds	**Religion or Belief Discrimination: Withdrawal of job offer** A tribunal held that the retraction of a job offer from a Christian mental health support worker was direct discrimination. The charity does a significant amount of work with people in the LGBTQI+ community and the claimant had made Facebook posts expressing negative views about homosexuality. Withdrawing the job offer before the second interview was not proportionate and put too great a limitation on the claimant's freedom of expression. On appeal, the EAT held that the ET must analyse separately each reason for alleged discriminatory treatment. The ET had failed to determine whether for each reason it constituted impermissible objection to protected religious beliefs or potentially justifiable objection to inappropriate manifestation of those beliefs. The matter was remitted to the same tribunal. The claimant has lodged permission to appeal to the Court of Appeal. The case is due to float in the Court of Appeal on 28 or 29 September 2026.	The case is due to float in the Court of Appeal on 28 or 29 September 2026.
7.	Lister v New College Swindon	**Religion or belief discrimination: gender-critical beliefs** A Tribunal dismissed claims for discrimination where claimant was dismissed for refusing to use a gender transitioning student's name and chosen pronouns and for subjecting the student to trans-phobic discrimination and harassment. An appeal has been granted as there were arguable points as to the boundary between belief and manifestation of belief and unqualified rights to hold a belief under ECHR. The case is due to be heard in the EAT on 20 October 2026.	Due to be heard by the EAT on 20 October 2026.

NO	CASE	SUMMARY AND IMPACTS	CURRENT STATUS
8.	Appiah v Tripod Partners Ltd	**Agency worker and unlawful deduction from wages** An employment tribunal held that a consultant who contracted with a recruitment agency through a service company was a worker for the agency for the purposes of an unlawful deduction from wages claim under the Employment Rights Act 1996.	Due to be heard in the EAT on 29 October 2026.
9.	Stobart v Zen Internet	**Unfair dismissal – capability** The EAT held that in the case of a senior executive who had been dismissed for capability, the tribunal had wrongly confined its consideration to what would have occurred after notice of termination was given, rather than from the date when the capability concerned crystallised and had not given adequate reasons for its conclusions as to timings. An appeal to the Court of Appeal is due to be heard by 15 February 2027.	An appeal to the Court of Appeal is due to be heard by 15 February 2027.
10.	Robert Gagliardi v Evolution Capital Management LLC	**Breach of contract - Bonus** The High Court awarded a trader $5.385million (plus interest) in a breach of contract claim following his employer's refusal to pay him a discretionary bonus where the employer was contractually required to award a bonus within a target range of 10 to 15% of profit based solely on the trader's revenue contributions to the relevant funds. The High Court summarised the law of trust and confidence in relation to bonuses and held that it required the decision maker to exercise their contractual discretion in good faith in accordance with its contractual purpose and not irrationally, arbitrarily or capriciously and to take into account matters which they ought to take into account and not take into account irrelevant factors. The decision is being appealed. The case is due to be heard in the Court of Appeal by 9 April 2027.	Due to be heard in the Court of Appeal by 9 April 2027.
11.	Pal v Accenture (UK) Ltd	**Unfair dismissal – Polkey reduction** The EAT overturned a tribunal decision to apply a 100% Polkey reduction in a capability dismissal claim. The tribunal failed to assess what the employer would have done had it complied with its own policies, instead it applied an incorrect counterfactual by speculating about introducing a new policy mirroring the policy actually applied. The EAT questioned whether dismissal under the employer's "progression-based performance model" could be potentially fair for capability, as it related to readiness for promotion rather than ability to perform the work the employee was required to do under the employment contract. It was also held that the tribunal had failed to analyse properly whether the employee was disabled due to endometriosis. The tribunal failed to consider properly the	An appeal is due to be heard in the Court of Appeal by 10 May 2027.

NO	CASE	SUMMARY AND IMPACTS	CURRENT STATUS
		effects of her condition on her day-to-day activities and only referred to her absence from work. On appeal, that reasoning was held to be "wholly inadequate". An appeal is due to be heard in the Court of Appeal by 10 May 2027.	
12.	Afshar and others v Addison Lee Ltd	**Deductions from wages** A tribunal held that Addison Lee drivers were workers for the purposes of holiday pay, national minimum wage and deductions from wages claims. It went on to find that the two-year backstop on deductions from wages claims in the Employment Rights Act 1996 was ultra vires and of no effect. An appeal has been granted. Awaiting hearing date.	An appeal has been granted. Awaiting hearing date.
13.	Peggie v Fife Health Board and another	**Harassment** A tribunal held that nurse who was suspended for complaining that she had to share a changing room with a transgender woman was harassed by Health Board but it dismissed other claims. The tribunal acknowledged the *For Women Scotland* judgment but concluded that it did not result in it being inherently unlawful for a trans female (a biological male under the Equality Act 2010) to be given permission to use a female changing room at work, but nor did having the protected characteristic of gender reassignment mean that permission to use the changing room was necessarily lawful. The ET appreciated there was a conflict between protected characteristics, but the Equality Act 2010 does not provide a test in such cases. It concluded that the test that should be applied was one of "objective justification" (derived from Supreme Court judgment in *Bank Mellat v HM Treasury (No 2) (2014) AC 700).* The decision is being appealed. Awaiting an EAT listing date.	The decision is being appealed. Awaiting an EAT listing date.
14.	Kelly v Leonardo UK Ltd	**Sex discrimination** A tribunal dismissed claims of direct and indirect sex discrimination and harassment brought by a female employee who objected to her employer permitting transgender women to use the female toilet facilities. The tribunal found that the policy applied equally to men and women and was not inherently less favourable to a woman. It did not put female staff at a particular disadvantage compared to male staff. Even if it had, it would have been objectively justified by legitimate aims of treating transgender employees lawfully and fostering an inclusive workplace. In respect of the harassment claim, the policy did not have the prohibited effect of violating the claimant's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for her.	The decision is being appealed. Awaiting an EAT listing date.

NO	CASE	SUMMARY AND IMPACTS	CURRENT STATUS
		The decision is being appealed. Awaiting an EAT listing date.	
15.	Bailey v (1) Stonewall Equality Ltd (2) Garden Court Service Company (3) representatives of Garden Court Chambers	**Religion and belief: did a barristers' chambers discriminate against a barrister due to her 'gender critical' philosophical beliefs and did the organisation Stonewall instruct, cause or induce that discrimination?** An employment tribunal held that Garden Court Chambers had discriminated against a barrister for holding 'gender critical' beliefs and for expressing misgivings about Stonewall's policy aims, but rejected the claimant's claim against Stonewall for instructing, causing or inducing that discrimination. The employment tribunal found that the communications from Stonewall relating to the claimant were just a protest and not sufficient to amount to an inducement, or attempted inducement, of any particular course of action by Garden Court. On appeal, the EAT concluded that the employment tribunal had not erred in rejecting Ms Bailey's claim against Stonewall. A £20,000 costs award was made against representatives of Garden Court Chambers for unreasonable conduct of their solicitor in preparing the trial bundle in the employment tribunal case. The Court of Appeal dismissed an appeal and upheld that the tribunal's decision that Stonewall did not cause or induce Garden Court Chambers to discriminate against the barrister. Permission to appeal to the Supreme Court has been granted.	Permission to appeal to the Supreme Court has been granted.
16.	Chaudhry v Paperchase Products Ltd and another	**Insolvency – recovering basic award for unfair dismissal** The EAT held that an employee cannot recover a basic award for unfair dismissal from the Secretary of State following their employer's insolvency without an employment tribunal decision making such an award. The Employment Rights Act 1996 is clear that an "award" means a decision that a payment should be made, not just an entitlement that crystallises on dismissal, despite arguments that these provisions could be interpreted differently by applying EU principles. Permission to appeal to the Court of Appeal has been granted.	Permission to appeal to the Court of Appeal has been granted.
17.	Lockwood v Cheshire and Wirral NHS Foundation Trust and others	**Gender reassignment discrimination and non-binary employee** An employment tribunal has dismissed a claim for harassment related to the protected characteristic of gender reassignment brought by a non-binary employee. The tribunal considered the Equality Act 2010 which defines a person as having the protected characteristic of gender reassignment if they are proposing to undergo, are undergoing or have undergone a process (or part of a process) for the purpose of reassigning their sex by changing physiological or other attributes of sex. Here, the claimant had taken steps to change their name and preferred pronouns from a female to a non-binary gender identity. Applying the Supreme Court ruling in *For Women Scotland Ltd v Scottish Ministers* that sex is a binary concept, it held that as the claimant was not proposing nor intending to	An appeal to the EAT has been lodged.

NO	CASE	SUMMARY AND IMPACTS	CURRENT STATUS
		take any steps to reassign their sex from female to male they did not have the protected characteristic of gender reassignment. An appeal to the EAT has been lodged.	

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