EMPLOYMENT RIGHTS ACT 2025: TRACKER

Timetable of changes taking place from Royal Assent on 18 December 2025 through to 2027



ADDLESHAW GODDARD

DATE	PROPOSAL	DETAILS AND AMENDMENTS	CONSULTATION	KEY
2025: CONSULTATIONS				
Summer / Autumn 2025 • Reinstating the **School Support Staff Negotiating Body:** Consultation and Government response *(8 July 2026)* • **Fair Pay Agreement** for the Adult Social Care sector: Consultation and Government response *(16 July 2026)*				
Autumn 2025 • **Fire and rehire:** Consultation on fire and rehire protections for expenses and shifts. Government response *(22 October 2026)* • **Zero hours contracts** – right to a guaranteed hours contract reflecting regular hours over a reference period – with compensation for cancelled / curtailed shifts: Consultation here – *closed 25 August 2026* • Regulation of **umbrella companies:** Consultation on modernising the Agency Work Regulatory Framework to account for the activities of umbrella companies – *closed 1 May 2026* • Rights of **pregnant workers:** Consultation and Government response *(22 October 2026)* • Day 1 right to **new statutory bereavement leave** going beyond existing parental bereavement leave: Consultation and Government response *(22 September 2026)* • **Trade union measures:** - Electronic & workplace **balloting:** Consultation, draft Code of Practice and further consultation on e-balloting unfair practices. Government response *(22 June 2026)* - Simplifying trade union **recognition** processes: Consultation on trade union recognition code and e-balloting practices. Government response *(6 July 2026)* - Duty to inform workers of their **right to join** a trade union: Consultation and Government response *(25 September 2026)* - Right of **access:** Consultation and Government response *(8 April 2026)*				
2025-2026: ROYAL ASSENT AND FIRST IMPLEMENTATION On **18 December 2025**, the Employment Rights Bill received Royal Assent to become The Employment Rights Act 2025 (**Act**). See the Government's Factsheet: ***Employment Rights Act – 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 7 January 2026, the government published an analysis of the economic impact of the Act. On 3 February 2026, the Government updated the implementation timetable for the Act, and has regularly updated this since (most recently on 22 October 2026).				
18 December 2025	Repealed the Strikes (Minimum Service Levels) Act 2023	The Act repealed the Strikes (Minimum Service Levels) Act 2023, together with sections 234B to 234G of the Trade Union and Labour Relations (Consolidation) Act 1992 (**TULRCA**). Previously, these provisions enabled the Secretary of State to set minimum service levels for strikes in "relevant services" in the fields of health, transport, education, fire and rescue, border control, nuclear decommissioning and radioactive waste management services.	N/A	

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18 February 2026 (two months after Royal Assent)	Repealed the majority of the Trade Union Act 2016 and brought in a 12-month mandate and a 10-day notice period for industrial action. The Employment Rights Act 2025 (Commencement No.1 and Transitional and Saving Provisions) Regulations 2026 brought these changes into effect. See the government guidance regarding these changes and **revised codes of practice** for: 1. Picketing: revised code of practice (5 March 2026). 2. Industrial action ballots and notice to employers: revised code of practice (5 March 2026).	The Act also repealed the vast majority of the Trade Union Act 2016 (some provisions to be repealed via commencement order at a later date), resulting in the following changes: (1) **Political Fund Contributions**: New union members now automatically contribute to political funds unless they opt out. The current 10-year balloting requirement has been replaced by a requirement for trade unions to send a reminder notice every 10 years to members informing them of their right to opt-out of the political fund. See the Factsheet ***Political Funds Review Ballots***. (2) **Public sector unions** no longer need to pay for administering check-off arrangements, nor publish information on union officials' facility time. The power to cap facility time has been removed. (3) **Industrial action ballots (information and thresholds)** - *see **separate entry** below.* a. Trade unions no longer need to meet additional reporting requirements for industrial action, such as providing detailed information on voting papers or annual returns. b. Unions only require a simple majority of voting members for lawful industrial action (rather than a 50% turnout threshold). ***NB: To be brought in by regulations on a date to be appointed.*** c. Removal of the 40% support threshold for strike ballots in the six key public services (including health and transport). (4) **Industrial action (notice period and length of mandate)**: Notice of industrial action required to be given to employers has reduced from 14 to 10 days. Following consultation, the mandate for industrial action has been extended from 6 to 12 months (without the possibility of extension). (5) **Extended protection against dismissal for taking industrial action** - *see **separate entry** below.* The Act has removed the 12-week cap that an employee is protected for when taking industrial action, where the reason for the dismissal is taking protected industrial action. (6) **Picketing Supervision**: Requirements for unions to appoint picketing supervisors has been abolished. (7) **Electronic Balloting**: The requirement to consult and review electronic balloting has been removed. Following consultation with stakeholders, the Government plans to introduce secure electronic balloting. (8) **Certification Officer Powers.** Investigatory powers introduced by the 2016 Act (e.g., investigating complaints, requiring documents, imposing penalties) has been removed. The Certification Officer retains powers to investigate financial affairs from pre-2016 legislation.	N/A	

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		(9) **Levy Payments**: The requirement for unions and employers' associations to pay a levy to the Certification Officer been abolished. See the Factsheet ***Repeal of the Trade Union Act 2016***.		
18 February 2026	Simplified industrial action notices and industrial action ballot notices Industrial action ballots and notice to employers: Code of Practice (5 March 2026)	To simplify the requirements for ballot and industrial action notices, the Act has amended the law so that unions only have to ask their members on the ballot paper which type of industrial action they want to take part in (whether that is strike action or action short of a strike). Also, now unions only have to specify the following information in the relevant notices to the employer: • **Section 226A (Notice of Ballot)** (1) List of categories of employees being balloted; (2) List of categories to which relevant employees belong; and (3) List of workplaces in which the employees work • **Section 234A (Notice of Industrial Action)** (1) List of workplaces in which the employees work (2) Total number of employees concerned (3) Total number of affected employees (4) Number of affected employees who work at each listed workplace (5) An explanation of these figures See the Factsheet ***Simplifying Industrial Action and Ballot Notices***.	N/A	
18 February 2026	Extended protection against dismissal for taking industrial action	The Act has removed the 12-week cap that an employee is protected for when taking industrial action, where the reason for the dismissal is taking protected industrial action. Employees will now be protected regardless of the length of the strike action against unfair dismissal when taking protected industrial action. Should an employer wish to dismiss an employee during long-running protected industrial action, the dismissal would have to be for reasons other than participating in industrial action. See the Factsheet ***Protection for taking Industrial Action***.	N/A	
WINTER 2026 CONSULTATIONS				
Winter / Early 2026 • **Alternative threshold for triggering collective redundancy consultation** – Consultation published here - *closed 21 May 2026*				

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• **Flexible working** – Consultation on proposed flexible working changes. Government response *(15 September 2026)* • **Tipping policies** - Consultation on strengthening the existing law on tipping. Government response *(June 2026)* • **Trade union measures** - Protection against **detriments for taking industrial action –** Consultation and Government response *(22 June 2026)* - Updating **blacklisting** regulations to protect a wider range of people – Consultation on employment status and strengthening protections for the self-employed, including through blacklisting protections – *closes 8 January 2027*				
APRIL 2026 IMPLEMENTATION				
6 April 2026	Maximum period of protective award has doubled from 90 to 180 days	Whenever an employer fails to fulfil their collective redundancy obligations and a complaint is made, an Employment Tribunal is now able to award up to 180 days' pay against the employer instead of the previous maximum of 90 days. The change applies to dismissals taking place on or after 6 April 2026. See Government guidance and the Government Factsheet ***Collective Redundancy***.	Previous consultation concluded at the end of 2024.	
6 April 2026	Day 1 right to paternity leave and to unpaid parental leave The Employment Rights Act 2025 (Parental and Paternity Leave) (Removal of Qualifying Periods etc) (Consequential Amendments) Regulations 2026	The Act makes paternity leave a day one right by removing the current qualifying period of 26 weeks for fathers. Measures have also been introduced to make unpaid parental leave a day one right, instead of parents only being eligible if they have been with their employer for more than one year. See the Factsheet ***Bereavement, Paternity and Unpaid Parental Leave***. The Employment Rights Act 2025 (Parental and Paternity Leave) (Removal of Qualifying Periods etc) (Consequential Amendments) Regulations 2026 (SI 2026/15) implements sections 15 to 17 of the Act by abolishing the minimum service thresholds for both parental and paternity leave and removing the restriction that prevented employees from taking paternity leave following shared parental leave, from 6 April 2026. They took effect on 18 February 2026 to allow employees to give advance notice for the parental or paternity leave that they are now entitled to take from 6 April 2026 onwards (regulation 1(2)).	N/A	
6 April 2026	Whistleblowing protections for those reporting sexual harassment	Sexual harassment has been added to the list of relevant failures under s.43B of the Employment Rights Act 1996 (**ERA**) that can form the subject-matter of a protected disclosure. The change means that workers no longer need to identify an existing legal obligation, criminal offence or breach of health and safety to make a qualifying disclosure about sexual harassment, provided they've complied with the other requirements in the legislation, such as holding a reasonable belief that the issue is in the public interest. See the Factsheet ***Strengthening Protections for Whistleblowers***.	N/A	

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6 April 2026	Day 1 right to statutory sick pay (no 3-day waiting period) and removal of the lower earnings limit	Statutory Sick Pay (**SSP**) has become a day one right for all employees through removal of the current three-day waiting period and the requirement to earn at or above the Lower Earnings Limit (**LEL**). Eligible employees are entitled to SSP from their first full day of sickness absence, rather than the fourth. The newly established FWA will be responsible for enforcement. Following consultation, the Act was amended to allow employees on low wages or unable to work due to sickness to receive **either** 80% of their normal weekly earnings **or** the current rate of SSP (£123.25 from April 2026), whichever is lower. Removing the LEL means that up to 1.3 million of the lowest-paid employees (such as part-time or casual workers and other low earners) will become entitled to SSP. The Department of Work and Pensions estimates the cost to businesses of removing SSP waiting days and the LEL (with a percentage rate of 80%) as £450 million annually, about £15 more per employee (see impact assessment here). See the Factsheet ***Statutory Sick Pay***.	Previous consultation concluded at the end of 2024.	
6 April 2026	A simplified statutory union recognition process	The Act makes significant changes to the trade union recognition process to simplify and improve fairness. Recognising a non-independent union will no longer prevent an independent union from applying for recognition. Other changes include: 1. **Simpler ballot threshold**: Unions no longer need 40% workforce support in a recognition ballot, but just a simple majority of those voting. New recruits added to a bargaining unit after a recognition application is submitted do not count towards the process nor are allowed to vote in the ballot. 2. **Membership threshold for applications**: Unions applying for recognition only need to show 10% membership of the bargaining unit, instead of proving they are likely to win a ballot. Ministers are able to adjust the 10% membership requirement through regulations, within a range of 2% to 10%. 3. **Timetable for access negotiations**: Employers and unions have 20 working days to agree on access terms. If no agreement is reached, the CAC has 10 working days to set a reasonable access agreement. The changes aim to make the recognition process fairer, reduce employer interference, and ensure unions can effectively represent workers. See the Factsheet ***Simplifying the Trade Union Recognition Process***. Schedule 6 of the Act, along with updates to the Code of Practice, strengthens safeguards against unfair employer practices during recognition and derecognition ballots. It also extends these protections to apply earlier in the process, starting from the point at which the CAC accepts a union's recognition application. *NB: Between February and April 2026 the government consulted on a new code of practice: access and unfair practices during the recognition and derecognition process. The revised draft code of practice was laid in*		

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		Parliament on 6 July 2026. Subject to approval by both houses, the code is expected to come into force in October 2026.		
6 April 2026	Voluntary gender pay gap and menopause support equality action plans (for employers with 250+ employees) ***NB: Mandatory from Spring 2027*** Publication of new menopause guidance for employers	The Act expands equality and pay transparency duties, introducing Equality Action Plans. In time, gender pay gap reporting will also be extended to outsourced workforces. **Equality Action Plans** ***(voluntary from April 2026, mandatory from 2027)*** The Act allows regulations to require large employers (250+ employees) to publish "Equality Action Plans" detailing the evidence-based actions they are taking to improve gender equality and to support employees during the menopause. By having access to information and guidance about effective actions that are backed up by evidence, employers are supported to select appropriate actions. Employers will publish their plans on the gender pay gap reporting service. The changes are voluntary from 6 April 2026 (for the 2026-2027 reporting year), becoming mandatory from Spring 2027 (for the 2027-2028 reporting year). **Gender Pay Gap Outsourcing Measure** ***(timing tbc)*** To motivate employers to support efforts to improve gender equality in organisations that they are linked to, future regulations will also require employers to name who they received outsourced work from, which will be visually reflected on the gender pay gap reporting service. ***NB: The Government's Roadmap to the reforms notes that implementation of this measure will be dependent on timelines for broader changes to pay gap reporting, including related measures in the draft Equality (Race & Disability) Bill.*** See the Factsheet ***Equality Action Plans and Outsourcing*** for details on both measures.	N/A	
6 April 2026	Employers required to keep records of compliance with the WTR on annual leave and pay for six years (failure punishable as an offence with a fine).	Section 35 of the Act has introduced a new Regulation 16B into the Working Time Regulations 1998 (**WTR**) requiring employers to keep records that are 'adequate to show' whether they have complied with their obligations in relation to annual leave and to keep such records for six years from the date on which they were made. Such records may be created, maintained and kept in such manner and format as the employer reasonably thinks fit. Failing to keep adequate annual leave records will amount to a criminal offence and result in a fine, which could be unlimited. Until the Employment Rights Act 2025 (Commencement No. 2 and Transitional and Saving Provisions) (Amendment) Regulations 2026 (SI 2026/323) were published in March 2026, it was not clear when this provision would come into force as it did not appear on the Government's Roadmap in July 2025, nor the updated timetable in February 2026. It took effect on 6 April 2026. Enforcement will be by the new Fair Work Agency, which was	N/A	

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		established on 7 April 2026, although it has not yet been granted the power to enforce these measures, expected to be in 2027. See the Strategic Steer to the FWA for the transitional year of operation for more information.		

7 April 2026	The Fair Work Agency brings together existing state enforcement functions including:
	• Regulating employment agencies and employment businesses
	• Unpaid Employment Tribunal (**ET**) award penalty scheme
	• Enforcing the National Minimum Wage Act 1998 (**NMW**)
	• Enforcing the WTR (including holiday pay)
	• Statutory Sick Pay (**SSP**)
	• Licensing regime for businesses operating as
		The Fair Work Agency (**FWA**) was established in April 2026, bringing together existing enforcement bodies. In time, it will take on the enforcement of other employment rights, such as holiday pay and statutory sick pay. The Act abolishes the Gangmasters and Labour Abuse Authority and the Director of Labour Market Enforcement, although their work will carry on under the FWA. The FWA's remit includes:
		• **Powers to inspect workplaces** and require employers to produce documents evidencing compliance with employment law, based on powers of the existing bodies.
		• A **civil penalty regime** based on the NMW. Where employers have underpaid workers, enforcement officers will be able to issue Notices of Underpayment requiring payment of what is due and a penalty to government.
		  ◦ The FWA will be able to issue notices of underpayment of non-payment of any statutory payment (e.g. SSP, holiday pay or NMW) requiring payment of the amount within 28 days. Underpayments may go back 6 years from the date of giving notice and can relate to sums due before the Act comes into force.
		  ◦ Notices may also impose a penalty up to a maximum of £20,000 which may be discounted by 50% if sums due are paid within 14 days of the notice, with courts able to enforce a failure to comply with a notice.
		• A **civil proceedings power** to bring proceedings in the ET on a worker's behalf, and to offer legal advice and assistance or representation where someone is/may be party to civil legal cases related to employment or trade union law.
		• **Cost recovery** - the FWA is able to require the employer to pay a charge so that the FWA can recover the cost of taking enforcement action against non-compliant employers (to be set out in regulations). It remains to be seen how this will work in practice or how often the powers will be used or funded. We await further details.
		• An **enforcement regime** in respect of labour market criminal offences involving voluntary Labour Market Enforcement Undertakings and compulsory Labour Market Enforcement Orders (breach of which is an offence that can result in fines or imprisonment).
		The Act is the first phase of laying the foundation for the creation of the FWA, with implementation taking place in phases following Royal Assent.
		On 24 March 2026, The Times reported Matthew Taylor (Chairman) as saying that the FWA will focus on persuading employers to comply with employment reforms rather than using its enforcement powers, noting that the threshold for deploying these powers is "quite high" and stressing the need for proportionality. The
			N/A. However, on 30 June 2026, the Government published a consultation seeking views on the proposed approach to statutory holiday pay compliance and enforcement by the FWA from 2027 (*closed 22 September 2026*).
			
			In the meantime, the Strategic Steer to the FWA for the transitional year of operation details next steps, with NMW enforcement due to transfer to the FWA in April 2027 and holiday pay enforcement also due to commence in 2027.	

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	'gangmasters' in certain sectors.	Government's updated Factsheet: ***Fair Work Agency*** notes "*The FWA will aim to "resolve issues upstream by supporting employers that want to comply with the law. But it will also have strong powers to investigate and take action against businesses that flout the law, to level the playing field for compliant businesses*." On 7 April 2026, the Government published a strategic steer to the FWA, detailing the transitional arrangements during 2026. During 2026/27, NMW enforcement will continue to be delivered by HMRC under a contracting arrangement with the FWA to ensure continuity of service, while the FWA prepares for the full transfer of NMW functions in April 2027. On 30 June 2026, the Government published a consultation seeking views on the proposed approach to statutory holiday pay compliance and enforcement by the FWA from 2027. The consultation closed on 22 September 2026. On 21 August 2026, the Government published the Fair Work Agency delivery plan 2026 to 2027 and confirmed that NMW colleagues will join the FWA in April 2027 and that the FWA's remit for holiday pay enforcement is also expected to begin from April 2027.		
AUGUST - OCTOBER 2026 IMPLEMENTATION				
25 August 2026	Electronic and workplace balloting **(Phase 1)** • Hybrid electronic balloting for all statutory union ballots • Pure e-balloting for all statutory union ballots other than recognition and	The Government is committed to introducing the use of modern and secure electronic balloting for trade union statutory ballots and has provided for two methods of electronic balloting: (1) **Pure e-balloting**, where both ballots are distributed and voting is done electronically; and (2) **Hybrid e-balloting**, where ballots are distributed via post and voting is done either electronically or via post. A consultation on unfair practices in recognition ballots published on 4 February 2026 explained that electronic balloting will be introduced in two phases. 1. **Phase One (August 2026):** Trade unions are now able to use hybrid electronic balloting for all statutory union ballots and pure e-balloting for all statutory union ballots other than recognition and derecognition ballots. ***NB: Recognition and derecognition ballots involve balloting workers who are not union members, which differentiates them from other statutory union ballots. It means that any use of 'pure' electronic balloting for a recognition or derecognition ballot will involve the use of workers' workplace emails, as unions and employers may not have personal email addresses for the entire potential bargaining unit.*** 2. **Phase Two (2027)** will allow pure electronic balloting to be used in recognition and derecognition once the following changes to legislation have been made: a. To amend Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992 (**1992 Act**) allowing the CAC to request workplace email addresses for all workers in a bargaining unit from employers.	Consultation on Electronic and Workplace balloting and response here, published alongside an updated draft Code of Practice and draft Regulations to bring the changes into effect. The Electronic and Workplace Balloting Code of Practice came into effect on **25 August 2026**.	

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	derecognition ballots	b. Adding to the list of unfair practices that parties are prohibited from engaging in during recognition and derecognition ballots (set out in Schedule A1 to the 1992 Act). See the Factsheet ***Trade Unions in the Employment Rights Act***. On 22 June 2026, the government responded to the public consultation on electronic and workplace balloting for union ballots. On 28 July 2026, the Government published Regulations permitting electronic and workplace voting methods for statutory trade union ballots as well as the finalised accompanying Code of Practice (**E-balloting Code**). The Regulations and the E-balloting Code came into force on **25 August 2026**. The Government's updated implementation timeline (last updated on 22 October 2026) confirms that electronic and workplace balloting for recognition and derecognition ballots will take effect in August 2027. The E-balloting Code provides practical guidance on electronic balloting and workplace balloting for the following statutory trade union ballots: • industrial action ballots • union elections • ballots on union political funds • ballots on amalgamations of unions • ballots on transfers of engagements between trade union The E-balloting code also applies to the use of workplace balloting for industrial action ballots (which require the employer's consent). The E-balloting Code is admissible in evidence and may be taken into account by courts and tribunals where relevant. On 6 July 2026, the Government responded to the consultation on the revised *Code of Practice: Access and Unfair Practices During the Recognition and Derecognition Process* and amended the revised draft Code of Practice (**Unfair Practices Code**) to address requests for greater clarity on "management freedom of action" during a recognition or derecognition process. Subject to approval by both houses, the Unfair Practices Code is expected to come into force on 30 October 2026.	Consultation on e-balloting unfair practices and response here (6 July 2026), published alongside a revised Unfair Practices Code of Practice. Subject to parliamentary approval, the revised Unfair Practices Code is expected to come into force on 30 October 2026.	
TBC	Industrial action ballots	Unions will only require a simple majority of voting members for lawful industrial action (rather than a 50% turnout threshold). Section 68 of the Employment Rights Act 2025 provides for removal of the 50% participation threshold but has not yet been commenced. The 50% participation threshold therefore continues to apply until section 68 comes into force, which is expected sometime in 2027. An explanatory memorandum to the secondary legislation bringing electronic balloting into force notes that the Government must assess the "*impact of non-postal balloting on voter participation in industrial action ballots before repealing the 50% turnout threshold for those ballots*",		

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		although several trade unions have written to the new Prime Minister, Andy Burnham to disagree (see letter here), asserting that there is no need to further delay the process for repealing the 50% threshold and adding that the relevant sections of the Act "*contradict the manifesto commitment by imposing unnecessary additional hurdles for the repeal of the 50% threshold*".		
1 October 2026	Time for bringing an employment claim extended from 3 to 6 months	The Act has increased the time limit for making a claim to an employment tribunal from 3 months to 6 months for all claims. The new 6-month time limit only applies to causes of action arising on or after the implementation date and will not have retrospective effect, meaning the 3-month time limit still applies to all earlier claims. This measure came into force on 1 October 2026. ***NB: For breach of employment contract claims in Scotland this change will take place on 9 November 2026.***	N/A	
30 OCTOBER 2026 IMPLEMENTATION				
30 October 2026	New rights for trade unions to access the workplace for recruitment and organising purposes	A new right for trade unions with a certificate of independence issued by the Certification Officer to make applications to physically **access the workplace** or communicate with workers 'digitally' or via other means for the purposes of meeting, representing, recruiting or organising workers and to facilitate collective bargaining. If an employer refuses such a request, the union can apply to the CAC to determine whether access can be granted. The changes will provide an opportunity for unrecognised unions to recruit and organise within a workplace with the aim of gaining recognition. See the Factsheet ***Right of Trade Unions to Access Workplaces***. On 6 July 2026, the government published its response to the consultation, *Make Work Pay: Consultation on draft code of practice on trade unions' right of access into workplaces*. It also published the draft Code of Practice, the draft Trade Unions (Right to Access Workplaces) Regulations 2026 and the Trade Unions (Right to Access Workplaces) (Required Information) Regulations 2026, which were laid before Parliament. The Government's updated timeline confirms that this new right will come into force on 30 October 2026. Following implementation, the Government will undertake a **review within six months** to assess whether the framework is meeting its objectives and to consider issues such as enforcement, the 21-worker threshold, digital access, data-sharing arrangements and worker protections. A further consultation on potential changes to the regulations and Code is expected in **Spring 2027**.	Consultation followed by the Government's response *(6 July 2026)*. Draft Code of Practice and supporting regulations laid before Parliament (see details).	

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30 October 2026	Requirement for employers to take **all** reasonable steps to prevent sexual harassment at work	On 26 October 2024, the Worker Protection (Amendment to the Equality Act 2010) Act 2023 introduced a legal duty on employers to take "reasonable steps" to prevent sexual harassment of their employees. The Act will amend the duty to require employers to take "**all** reasonable steps" to prevent sexual harassment of their employees. What constitutes "all reasonable steps" will depend on the specific circumstances of the employer, such as their size, sector, and other relevant facts. The amended duty will mirror the existing concept of the "all reasonable steps" defence in section 109(4) of the Equality Act 2010, so that the threshold in the preventative duty is consistent with the existing statutory defence against an employer's vicarious liability for the actions of their employees, which can be used in sexual harassment claims. Removing the discrepancy seeks to ensure that there's no confusion or perception of a lower threshold for sexual harassment. See the Factsheet ***Employers to take all reasonable steps to prevent sexual harassment.*** The Government's updated timeline confirms that this measure will come into force on 30 October 2026.	N/A	
30 October 2026	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	The Act introduces a power to allow the Government to make regulations at a later date to specify steps that are to be regarded as "reasonable" for the purpose of determining whether an employer has taken, or failed to take, all reasonable steps to prevent sexual harassment of an employee. A non-exhaustive list of obligations will be set out what are to be regarded as reasonable steps an employer must take in order to prevent workplace sexual harassment. Employers to which the duties apply must take these steps while also taking all other preventative steps that are reasonable in the particular circumstances. Any requirements specified will be reasonable for the employers to which they apply. The steps that may be specified in regulations include carrying out assessments of a specified description, publishing plans or policies of a specified description, steps relating to the reporting of sexual harassment and steps relating to the handling of complaints. See the Factsheet ***Power to make provision about "reasonable steps".*** The Government's updated timeline confirms that this measure will come into force on 30 October 2026.	N/A	
30 October 2026	Reintroduce employer liability for third party harassment for all relevant protected characteristics	The Act will introduce **protection from third-party harassment** for all three forms of harassment in section 26 of the Equality Act 2010 (sexual harassment, general harassment related to a protected characteristic and treating someone less favourably because he or she has either submitted to or rejected harassment). All protected characteristics in scope of the existing harassment provisions are in scope of this clause: age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.	N/A	

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		An employer will be held vicariously liable where an employee is harassed by a third party in the course of their employment and it is shown that the employer failed to take all reasonable steps to prevent the third party from harassing them. Individuals will be able to take a claim against their employer to an Employment Tribunal, and the Equality and Human Rights Commission may also use its enforcement powers to take action. Employment Tribunals will take into account that the steps an employer can reasonably take in respect of the actions of third parties in their workplace are more limited than the steps they can take in respect of their employees. Employers will need to do what is reasonable; for example, consider the nature of any contact with third parties, including the type of third party, frequency, and environment. See the Factsheet ***Harassment by third parties***. The Government's updated timeline confirms that this measure will come into force on 30 October 2026.		
30 October 2026	Sufficient access to facilities and strengthened right to facility time off for trade union reps and statutory rights for trade union equality reps	The Government wants to ensure that union workplace representatives can take sufficient paid facility time with sufficient access to facilities to enable them to fulfil their union representative duties. The Act will: 1. **Strengthen the existing right to reasonable paid facility time** for union representatives by establishing a presumption that the employee's view on what constitutes "reasonable" paid time off for union duties is correct (with regard to an ACAS Code of Practice), unless the employer can prove otherwise in a tribunal; 2. Require employers to provide union representatives, where permitted to take time off as required, with **access to facilities** (e.g. office and meeting space and access to the internet / intranet) as is reasonable in all the circumstances to enable them to carry out their duties or undergo training, having regard to any relevant provisions of a Code of Practice issued by ACAS; 3. Provide a **new statutory right for trade union equality representatives to take time off** (as is reasonable in all the circumstances having regard to an ACAS Code of Practice) during the employee's working hours for the purposes of: o Carrying out activities for the purpose of promoting the value of equality in the workplace; o Arranging learning or training on matters relating to equality in the workplace; o Providing information, advice or support to qualifying members of the trade union in relation to matters relating to equality in the workplace; o Consulting with the employer on matters relating to equality in the workplace; o Obtaining and analysing information on the state of equality in the workplace; and o Preparing for any of the things mentioned above.	ACAS consultation on updates to its Code of Practice on time off for trade union duties and activities – *closed 17 March 2026*. See consultation here. On 7 July 2026, the Government announced that the updated Acas Code of Practice on Time Off for Trade Union Duties and Activities had been laid before Parliament.	

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		See the Factsheet ***Access to Facilities and Facility Time***. On 7 July 2026, the Government announced that, following consultation, the updated *draft Acas Code of Practice on Time Off for Trade Union Duties and Activities* had been laid before Parliament. The Government's updated timeline for the Act confirms that these measures will come into force on 30 October 2026.		
30 October 2026	Provide protection against detriment for taking part in protected industrial action	In *Secretary of State for Business and Trade v Mercer [2024],* the Supreme Court found that section 146 of TULRCA is incompatible with Article 11 of the European Convention of Human Rights, by failing to provide any protection against sanctions short of dismissal, intended to deter or penalise trade union members from taking part in lawful strike action organised by their trade union. To address this, the Act amends TULRCA by inserting new section 236A into Part V (Industrial Action) to provide that a worker has the right not to be subject as an individual to detriment of a prescribed description by an act, or any deliberate failure to act, by the worker's employer, if the act or failure takes place for the sole or main purpose of preventing or deterring the worker from taking protected industrial action, or penalising the worker for doing so. The prescribed detriments will be set out in secondary legislation, following consultation on what detriments should be captured. See the Government's Factsheet ***Protection for Taking Industrial Action***. On 22 June 2026, the government published its response to the consultation. It **will take forward its preferred option of prohibiting all forms of detriment,** rather than creating a list of prohibited types of detriment and has since published the draft Protection Against Detriment (Industrial Action) Regulations 2026, prohibiting all forms of detriment for taking protected industrial action. The draft regulations also: • Confirm that the existing common law position remains unchanged and that a proportionate deduction from pay where a worker takes industrial action does not amount to a detriment. • Add section 236A to the list of claims in Schedule A2 to TULRCA 1992 so that compensation may be increased or decreased by up to 25% for any unreasonable failure to follow a relevant statutory code of practice, such as the Acas Code of Practice on Disciplinary and Grievance Procedures. The Government's updated timeline for the Act confirms that this change will come into force on 30 October 2026.	**Winter/Early 2026** Consultation and the Government response *(22 June 2026),* followed by the draft Protection Against Detriment (Industrial Action) Regulations 2026, which will prohibit all forms of detriment for taking protected industrial action.	
30 October 2026	Unfair practices in the trade union recognition process	The Act makes changes to deal more effectively with unfair practices during the recognition and derecognition processes. The Government is updating the Code of Practice on access and unfair practices during the recognition process to reflect these changes and to help foster a new partnership of cooperation between trade unions and employers.	In early 2026, the government consulted on a new code of practice: access and unfair	

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		On 4 February 2026, the Government published a consultation on (1) An updated Draft Code of Practice on access and **unfair practices during recognition and derecognition processes**; and (2) **Potential updates to the law on unfair practices**. The consultation closed on 1 April 2026. On 6 July 2026, the Government responded to the consultation on the revised *Code of Practice: Access and Unfair Practices During the Recognition and Derecognition Process* and amended the revised Code of Practice to address requests for greater clarity on "management freedom of action" during a recognition or derecognition process. The Government's updated timeline for the Act confirms that these measures will come into force on 30 October 2026.	practices during the recognition and derecognition process. The revised draft code of practice was laid in Parliament on 6 July 2026 and is expected to come into force on 30 October 2026.	
October 2026 (date TBC)	Bringing forward regulations to establish the Fair Pay Agreement Adult Social Care Negotiating Body	The Act allows the Government to establish an industry-wide body composed of representatives of employers and unions in the social care sector (the Adult Social Care Negotiating Body). The Government will be able to 'ratify' agreements reached within this negotiating body relating to the terms and conditions of all staff employed in the provision of adult social care in England, when they would become binding on all employers in the sector. The Government consulted between 30 September 2025 and 16 January 2026 on the design of a fair pay agreement process for the adult social care (**ASC**) workforce in England, publishing a response to that consultation on 16 July 2026. This document includes detail on the background, purpose of the consultation and the analysis methodology (Part 1), the government response to each part of the consultation (Part 2) and a detailed analysis of the responses received (Part 3). The timeline for implementation is as follows: • regulations will be laid in 2026; • the ASC Negotiating Body will be set up and the chair and members appointed in 2026 to 2027; • negotiations for the financial year 2028 to 2029 will begin around April 2027; and the first fair pay agreement will come into effect in April 2028.	Consultation published here – *closed 16 January 2026.* On 16 July 2026, the Government responded, confirming that it intends to proceed largely as proposed by **laying regulations in 2026** and the first fair pay agreement coming into effect in **April 2028**.	
TBC Previously scheduled for	Amend the Procurement Act 2023 to protect transferring workers on	Previously, the *Code of Practice on Workforce Matters in Public Sector Service Contracts* (known as the "***two-tier Code***") sought to ensure fair and equitable employment conditions between public sector staff who had been transferred under TUPE and private sector employees working on the same outsourced public sector service		

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October 2026 before removed on 25/09/06 – ***timeline now TBC***	outsourcing contracts and introduce a two-tier workforce code of practice for outsourced workers	contracts. However, this was withdrawn in 2010 and replaced with less stringent *Principles of Good Employment Practice* which could be applied on a voluntary basis. The Act proposes to **reinstate the "two-tier Code"** to address disparities in terms and conditions and ensure fair employment conditions for private sector employees working on outsourced public sector contracts, aligning them with those transferred under TUPE from the public sector. In particular: • The Government will set regulations (which may include model contract terms and guidelines for their application), specifying provisions for outsourcing contracts to ensure private sector workers are treated no less favourably than their TUPE-transferred counterparts. Contracting authorities must take "all reasonable steps" to include these provisions in relevant contracts. • A new statutory code of practice will enhance the legal weight of these measures compared to the previous code (which was non-statutory for Government departments) and allow the government the opportunity to align with the development of the UK's international trade obligations and reflect domestic employment laws which have evolved since 2010. See the Government's Factsheet ***Public Sector Outsourcing (Protection of Workers)***. **Update**: This reform was removed from the Government's updated timeline on 25 September 2026. Previously, it had been expected to take effect in October 2026. We await further clarification from the Government.		
DECEMBER 2026 IMPLEMENTATION				
1 December 2026	Commencement of the Mandatory Seafarers Charter	A new mandatory charter for seafarers will require with higher standards around health and safety, pay, job security and rest breaks. Operators of services in scope will be requested by the harbour authority to declare that they are meeting these requirements to continue accessing the port. Failure to do so will incur a charge on each occasion that the vessel providing the service enters the port. If the surcharge is not paid, access to the port will be denied.		
1 JANUARY 2027 IMPLEMENTATION				
1 January 2027	Reduce the unfair dismissal qualifying period from 24 months to 6 months for	On 27 November 2025, the Government dropped their pledge for day-one unfair dismissal protection. Instead, it will reduce the qualifying period to 6 months and lift the cap on compensation. The Act will:	Consultation is no longer required.	

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	dismissals from 1 January 2027 **and** remove the current cap on compensation	• **reduce the qualifying period for unfair dismissal protection to six months** (rather than a day one right as had originally been proposed, but still a substantially shorter period than the current two years). • **remove the overall limit on the compensatory award for unfair dismissal** (both the 52-weeks' pay and the compensation cap (currently £123,543)); and • **remove the power to vary the qualifying period by regulations** (so that, in future, the six-month limit will only be able to be amended by primary legislation). The new six-month unfair dismissal right will begin from 1 January 2027 (see the implementation timetable). The complete removal of the limit on the compensatory award for unfair dismissal is likely to have far-reaching consequences leading to higher compensation awards in some cases as well as affecting settlement expectations and negotiations. We could see an increase in disputes over the loss of valuable benefits and changes in litigation tactics as well as employers needing to act promptly within the first six months of employment on any capability or conduct issues. See the Factsheet: ***Unfair dismissal.***	In January 2026, the Government published an impact statement regarding the removal of the cap on compensation for unfair dismissal.	
1 January 2027	New duty to inform new employees of their right to join a trade union in a written statement (and all staff on a regular basis)	A new duty on employers to inform workers of their right to join a trade union in a written statement alongside the statement of particulars of employment that they are already required to produce for new workers under section 1 of the Employment Rights Act 1996 and to inform them of their right to join a trade union on a regular basis after that. See the Factsheet ***Right to Statement of Trade Union Rights.*** Specific details of this requirement, including the form, the frequency and manner of communication, will be set out in secondary legislation, following consultation. The prescribed information may include that the worker has rights conferred by Part 3 of TULRCA. These are rights associated with being, or potentially being, a trade union member. The Government will adopt the existing enforcement mechanism that applies to a failure to provide the written statement of particulars of employment, set out in Section 38 of the Employment Act 2002. The Government consulted during Autumn 2025 on how this new duty can be implemented while minimising the burden on employers to consider what form the statement should take, the content that should be included, the manner in which it must be delivered and the frequency with which it must be reissued. The Government's response to the consultation on 25 September 2026 confirmed that the statement will be standardised and will be provided by Government. Employers will be required to issue the statement to all new workers that join from the commencement of the duty and deliver it to all existing workers by 5 April 2027. The Government's updated timeline (issued on 25 September 2026) confirms that this measure will come into force on 1 January 2027.	Consultation here. The Government's response was published on 25 September 2026.	

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1 January 2027	Employers required to consult workers / any recognised trade union about the allocation of tips and gratuities	The Act makes it mandatory for employers when developing tipping policies to consult with workers at the place of business. Currently, consultation should take place with recognised trade union or other elected representatives where possible, unless, if they are absent, directly with the affected workers. Employers will be required to review their policy on tipping at least once every three years and to make an anonymised summary of the views expressed in the consultation available to all workers of the employer at the place of business where the policy applies. Measures will be enforced via the ET system, with employers who fail to consult properly with their workers liable to compensate workers by up to £5,000 for financial loss sustained by the worker that is attributable to the employer's failure. See the Government's Factsheet ***Tips and Gratuities*** for more detail. The Government responded to their consultation on 29 June 2026, alongside a draft revised statutory Code of Practice (July 2026) on fair and transparent distribution of tips. However, on 13 July 2026, the government withdrew the draft revised Code after the trade union Unite said that it was "*flawed*" and that the government had "*reneged on its promise to give workers full control on the allocation of tips*" because it required employers to "*merely consult*" on how tips will be allocated. On 19 August 2026, the Government published a replacement draft revised statutory Code of Practice (August 2026) alongside a fresh consultation to provide an opportunity for interested parties and groups to review the replacement draft revised Code, and the changes which have been made to it, and consider how the government most effectively implements the new requirements on tipping. The replacement draft revised Code (August 2026) is subject to parliamentary approval. Once approved, commencement regulations will be required to bring this and section 14 of the Act into effect, now expected to be on 1 January 2027(see the updated timeline for the Act from 22 October 2026).	Consultation on strengthening the existing law on tipping, with the Government's response here. A draft Code of Practice was published on 29 June 2026 but withdrawn on 13 July 2026. On 19 August 2026, the Government published replacement draft revised statutory Code of Practice (August 2026) alongside a fresh consultation here - *closed 29 September 2026.*	
MARCH 2027 IMPLEMENTATION				
March 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.	The Act will **end 'Fire and Rehire' and 'Fire and Replace'** save in very limited circumstances where an employer has no alternative to remain a viable business. Key points: • The ban will only apply to 'restricted variations', including reductions in an employee's pay or holidays, changes to hours, pension and other changes defined in regulations (which may include benefits), but not location or duties. The ban also includes any dismissals relating to an attempt to impose a new flexibility clause covering any of these changes. However, failure to agree to a variation of contract will not apply to employees who have not yet started work.	The Government consulted about which expenses and benefits in kind should be excluded from the scope of the restricted variations and	

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		• Where an employee is dismissed for failing to agree to a variation of their contract that is not a 'restricted variation', a new provision requires tribunals to take account of the reason for the variation, any individual or collective consultation and anything the employee was offered in return for the change. • Dismissals will be automatically unfair if the reason for dismissal is to replace an employee with someone who is not employed (e.g. self-employed independent contractors, agency workers or any other individuals who are not employed by the employer), if any such replacement is going to do substantially the same work. This is provided that the 'financial difficulty' exemption does not apply and the employer could not reasonably have avoided the need to replace the employee. See the Factsheet ***Fire and Rehire***. The Government's implementation timetable originally scheduled this change to take place in October 2026. A subsequent update moved it to January 2027 before, on 22 October 2026, the government responded to the consultation and updated the timetable again, moving it to March 2027. The consultation confirms that: • Expenses and benefits to be **included** in scope of the restricted variations are **certain types of travel expenses (including mileage), accommodation expenses and accommodation as a benefit in kind**. This means that it would be automatically unfair to dismiss someone in order to vary a contractual term for sums payable in respect of travel expenses, accommodation expenses or accommodation as a benefit in kind. Changes to share schemes will not be in scope of the restricted variation. • For other types of expenses and benefits that will not be in scope of the restricted variations, employees may rely on a range of protections to protect these terms from being altered by their employer. Enhanced unfair dismissal protections in the 2025 Act and the statutory Code of Practice on Dismissal and Re-engagement will require employers to engage meaningfully with employees and their representatives when seeking to vary contractual terms, with the potential for an uplift in compensation where the Code is not followed. In addition, existing statutory protections, including those under National Minimum Wage legislation and the Equality Act 2010 will continue to apply. • It will be automatically unfair to dismiss someone in order to make a change to **contractual shift patterns** where this involves requiring an employee to change from daytime working to working at night (11pm-6am), or vice versa, or where an employee is required to work on a weekend or on a weekday when they were not previously required to. Changes to availability windows (where the contract sets out a range of hours within which the employee may be scheduled to work) will not be restricted variations. The government has also published a consultation on a new statutory draft Code of Practice on Dismissal and Re-engagement setting out best practice requirements including where employers should consult and give reasonable notice of changes to contracts. The government will revoke the existing Code of Practice on Dismissal and Re-engagement (**2024 Code**) in March 2027, at the same time as the new dismissal and re-engagement protections	whether any types of changes to shift patterns should be protected as a restricted variation. On 22 October 2026, the government responded to the consultation and confirmed in the updated implementation timetable that this change will be take effect in **March 2027** rather than January 2027.	

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		in the Act come into force. The new Code of Practice will come into force in Summer 2027, with the same consequences as the 2024 Code. Employment tribunals will be able to apply an uplift of up to 25% to an employee's compensation if an employer unreasonably fails to comply with the Code, where it applies, and reduce any award by up to 25%, where the employee has unreasonably failed to comply with the Code, where it applies.		
March 2027	Mandate gender pay gap and menopause support equality action plans (public authorities with 250+ employees)	The Act expands equality and pay transparency duties, by allowing regulations to require large employers (250+ employees) to publish "Equality Action Plans" detailing the evidence-based actions they are taking to improve gender equality and to support employees during the menopause. Employers are supported to select appropriate actions by having access to information and guidance about effective actions that are backed up by evidence. Employers will publish their plans on the gender pay gap reporting service. Having been voluntary for the 2026-2027 reporting year, for public authorities the changes will be mandatory from March 2027 (for the 2027-2028 reporting year). NB: Future regulations will also require employers to name who they received outsourced work from, which will be visually reflected on the gender pay gap reporting service. *However, the Government's Factsheet on **Equality Action Plans and Outsourcing** and Roadmap to the reforms notes that implementation of the gender pay gap outsourcing measure will be dependent on timelines for broader changes to pay gap reporting, including related measures in the draft Equality (Race & Disability) Bill.* See the Factsheet ***Equality Action Plans and Outsourcing***.	N/A	
APRIL 2027 IMPLEMENTATION				
April 2027	Duty to collectively consult triggered by number of people impacted across the business rather than in one workplace	Currently, the duty to collectively consult arises where an employer is proposing to dismiss as redundant 20 or more employees at one establishment within a period of 90 days or less. Initially, the Act removed the words "at one establishment" so that the number of proposed redundancies for collective redundancy consultation purposes would be determined across the business. However, in response to concerns from multi-site employers about the scope for being in a continual state of collective consultation, the Government amended this to allow regulations to specify an **alternative, organisation-wide threshold number for collective consultation.** This means that collective consultation will only be triggered if: (a) there are 20 or more redundancies at one establishment; OR (b) the alternative threshold is met. The Government has consulted on where to set this level for triggering collective redundancy obligations. Options included either a single fixed organisation-wide threshold or different tiered thresholds depending on the size of	Consultation on alternative threshold for triggering collective consultation - *closed 21 May 2026.*	

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		the employer. The consultation closed on 21 May 2026. The latest implementation timetable published on 22 October 2026 confirms that the new, alternative, threshold will come into force in April 2027. The Act was also amended to clarify that employee representatives will not all need to be consulted together, nor the same agreement reached with all of them in relation to separate batches of redundancies. Further guidance will be issued for employers on consultation processes for collective redundancies. See the Factsheet ***Collective Redundancy***.		
April 2027	Day 1 right to new statutory bereavement leave going beyond existing parental bereavement leave (including pregnancy loss before 24 weeks)	The Act establishes a statutory 'day one' right to at least one week of unpaid bereavement leave for those in a qualifying relationship to the deceased, with a "bereaved person" to be defined in regulations. In July 2025, the Government extended the proposed entitlement to include employees who experience pregnancy loss before 24 weeks. See the Factsheet ***Bereavement, Paternity and Unpaid Parental Leave.*** On 22 September 2026, the Government responded to their earlier consultation to confirm that these measures will come into force via secondary legislation in April 2027 as follows: • A new day one right to bereavement leave for all employees who experience a bereavement of a spouse, civil partner, partner in a committed long-term relationship (whether cohabiting or not), parent, adult child or sibling (in each case including biological, adopted, step and half), plus any equivalent parental relationship arising from kinship and foster care. • The right will include pregnancy loss before 24 weeks (including termination and IVF embryo transfer loss) where the pregnant person will qualify for leave, as well as a spouse, civil partner, other parent or committed partner, intended co-parents, and intended parents in surrogacy arrangements. • The entitlement will be for to up to two weeks of unpaid leave, which can be broken up, provided that each 'block' is at least one day long. Leave must be taken within 56 weeks of the bereavement (or knowledge of it). • No evidence of the bereavement may be required. Notice in the first eight weeks of bereavement need only be given before the employee starts work that day, or as soon as reasonably practicable. After that, one week's notice applies.	The Government has consulted and responded on 22 September 2026. This change will come into force in April 2027.	
April 2027	Mandate gender pay gap and menopause support equality action plans (private and voluntary sector	The Act expands equality and pay transparency duties by allowing regulations to require large employers (250+ employees) to publish "Equality Action Plans" detailing the evidence-based actions they are taking to improve gender equality and to support employees during the menopause. Employers are supported to select appropriate actions by having access to information and guidance about effective actions that are backed up by evidence. Employers will publish their plans on the gender pay gap	N/A	

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	employers with 250+ employees)	reporting service. Having been voluntary for the 2026-2027 reporting year, the changes will be mandatory from Spring 2027 (for the 2027-2028 reporting year). NB: Future regulations will also require employers to name who they received outsourced work from, which will be visually reflected on the gender pay gap reporting service. *However, the Government's Roadmap to the reforms notes that implementation of the gender pay gap outsourcing measure will be dependent on timelines for broader changes to pay gap reporting, including related measures in the draft Equality (Race & Disability) Bill.* See the Factsheet ***Equality Action Plans and Outsourcing***.		
April 2027	Strengthen protections against blacklisting by updating blacklisting regulations to protect a wider range of people	The Act extends amends the Employment Relations Act 1999 to allow strengthened protections against blacklisting to be delivered by secondary legislation and guidance. Currently, lists prepared for the purposes of discrimination are prohibited. The Act will extend prohibitions to lists that are not prepared for the purposes of discrimination but later used for that purpose. The Government will also bring forward secondary legislation and guidance to make it clear that blacklisting prohibitions extend to lists created by predictive technology (e.g. where AI has created a list of workers which is subsequently used to discriminate against those workers based on their trade union membership or activity). The Act also removes references to employers or employment agencies within the blacklisting legislation, widening the scope of the existing power so that regulations can be made to strengthen protections in relation to third parties compiling blacklists (for example, those who do not have a direct employment relationship with the individual being blacklisted). See the Factsheet ***Blacklisting***.	As part of the consultation on protections for the self-employed, the government is considering whether to extend blacklisting protections to the self-employed - *closes 8 January 2027.*	
AUGUST 2027 IMPLEMENTATION				
August 2027	Electronic and workplace balloting **(Phase 2)** – *electronic balloting in recognition and derecognition ballots*	The Government is committed to introducing the use of modern and secure electronic balloting for trade union statutory ballots through **pure e-balloting**, where both ballots are distributed and voting is done electronically, and **hybrid e-balloting**, where ballots are distributed via post and voting is done either electronically or via post. As explained in the consultation on e-balloting unfair practices explains, the Government is introducing electronic balloting in two phases. Phase One was implemented on 25 August 2026 (allowing hybrid electronic balloting to be used for all statutory union ballots and pure e-balloting to be used for all statutory union ballots other than recognition and derecognition ballots).	Consultation on Electronic and Workplace balloting with Government response here, published alongside an updated draft Code of Practice and draft Regulations. The	

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		Phase Two (2027) will allow pure electronic balloting to also be used in recognition and derecognition ballots once the following changes to legislation have been made: i. Amending Schedule A1 to the **1992 Act** to allow the CAC to request workplace email addresses for all workers in a bargaining unit from employers; and ii. Adding to the list of unfair practices that parties are prohibited from engaging in during recognition and derecognition ballots (set out in Schedule A1 to the 1992 Act). See the Factsheet ***Trade Unions in the Employment Rights Act***. The Government's updated implementation timeline confirms that electronic and workplace balloting for recognition and derecognition ballots will take effect in August 2027.	Electronic and Workplace Balloting Code of Practice came into effect on 25 August 2026.	
SEPTEMBER 2027 IMPLEMENTATION				
Sept. 2027	Confidentiality clauses / Non-Disclosure Agreements (**NDAs**)	Section 24 of the Act bans clauses/non-disclosure agreements that seek to prevent **allegations or disclosures of information relating to work-related harassment or discrimination** (see our report here). These rules will mean that any confidentiality clauses in settlement agreements or other agreements that seek to prevent a worker speaking about an allegation of harassment or discrimination will be null and void. This is likely to have major implications for employers who will need to review and amend confidentiality wording in contracts, policies and settlement agreements and who may be less willing to settle as many harassment and discrimination claims in the future without confidentiality. However, the Government recognises that in some cases, both parties may genuinely wish for confidentiality about certain details. An amendment 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. On 15 April 2026, the Government published a consultation seeking views on the conditions which need to be met for a non-disclosure agreement (**NDA**) to still be validly entered into ('**excepted agreement'**) in cases of harassment and discrimination. For example: • that an NDA may be valid if requested in writing by the worker; • prior to entering into the agreement, the worker has received independent advice on the agreement;	On 15 April 2026 the government published a consultation on the misuse of non-disclosure agreements - *closed 8 July 2026.*	

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		• there should be a cooling off period; • a written copy of the excepted agreement should be provided to all parties; • only for incidents which have already taken place. The consultation also looks at other issues, such as (1) Whether an excepted agreement should be time-limited, (2) The individuals or bodies who workers covered by an excepted agreement can speak to about the harassment and discrimination, irrespective of what their NDA says ('permitted disclosure'); and (3) Expanding the types of individuals the legislation applies to beyond the definitions of employee and worker used in the Employment Rights Act 1996, e.g. whether this include some types of self-employed individuals.		
OCTOBER 2027 IMPLEMENTATION				
October 2027	Enhanced dismissal protections for pregnant women and new mothers	Currently, it is automatically unfair to dismiss an employee because they are pregnant or on maternity leave and women have the right to be offered suitable alternative employment (if available) in a redundancy situation starting from when they notify their employer of their pregnancy and ending 18 months after the baby's birth. The Act allows the government to introduce regulations to cover other dismissals (which are not redundancies) taking place during pregnancy, maternity leave or following a return to work, so that it will be unlawful for employers to dismiss pregnant women, and mothers on maternity leave, in the six months after they return to work - except in specific circumstances. Following consultation, the Government responded on 22 October 2026 to confirm that new **enhanced dismissal protection will include a new proportionality test during the protected period** to replace the current band of reasonable responses test for unfair dismissal. However, the government does not intend to specify how the test should operate through regulations. Instead, it will provide guidance and support working with ACAS. • Employers will need to **justify dismissal as a proportionate means of achieving a legitimate aim**, by identifying what business objective is being furthered by the decision to dismiss the employee and demonstrating that dismissal is a proportionate way of achieving that. • Employers will be required to be confident that less severe alternatives were not reasonably available in the circumstances (for example, temporary changes to a role, identifying suitable alternative roles). This is the legal test that an Employment Tribunal will apply when determining whether a dismissal was fair. Enhanced dismissal protection will be a "day one" right with no qualifying period, meaning employees will qualify for protection from the first day of employment. It will apply once an employee has informed their employer that	The Government consulted on the detail of the enhanced dismissal protections and responded on 22 October 2026.	

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		they are pregnant and will apply throughout maternity leave and for 6 months following the end of leave. Where there's no entitlement to maternity leave, protections will last for 2 weeks following the end of a pregnancy. Enhanced dismissal protection will also apply to Adoption Leave (during the period of leave and for 6 months following the end of leave) as well as to other parents on shared parental leave, neonatal care leave and bereaved partner's paternity leave (during the period of leave and for 6 months following the end of leave where 6 or more continuous weeks of leave is taken). The reforms are intended to ensure that dismissal during the protected period is considered only after employers have appropriately explored reasonable alternatives. Depending on the circumstances, these may include changes to duties, additional support or training, redeployment opportunities, or other measures to help employees remain in work. The government recognises that the steps available to employers will vary depending on the size and nature of the organisation and expects the framework to operate proportionately in practice. See the Factsheet ***Enhanced dismissal protections for pregnant women and new mothers***.		
October 2027	Day 1 right to flexible working as the default for all workers (refusal of requests only if reasonable on prescribed grounds)	The Act aims to support access to flexible working by ensuring that employers accept reasonable and feasible requests. Currently, employers only have to deal with the request in a reasonable manner and base the refusal on one of a list of reasons. Under the new regime, employers will only be able to reject a flexible working request where it is reasonable to do so on the grounds of one (or more) of the eight business reasons already set out in primary legislation. If an employer wants to reject a request, they will need to consult with the employee (as they do currently), but by following a specified process, to be set out in secondary legislation, including explaining to the employee in writing what the ground for any refusal is and why their refusal is considered reasonable. On 15 September 2026, the Government responded to the consultation and confirmed that it will: • Introduce secondary legislation setting out a process that employers must follow before rejecting a statutory flexible working request; and • Bring the reasonableness test introduced through the Employment Rights Act 2025 into force. The Government intends that both of these changes will take effect in **autumn 2027**. ACAS will publish a draft update to its Code of Practice on requests for flexible working for public consultation. This will set out new statutory guidance for employers and employees and will take effect at the same time as the legislative reforms. The government will also consider what other information and guidance may be needed to support implementation of these reforms.	On 15 September 2026, the Government responded to the recent consultation to confirm that these changes will take place in autumn 2027. On 22 October 2027, the Government updated the implementation timetable for the Act to confirm that this change will take effect in October 2027.	

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		The changes will make refusal of flexible working requests more difficult for employers as the employer has to be reasonable in its reliance on the factors. There is no change to the penalty for a breach of the requirements (currently, 8 weeks' pay). See the Factsheet ***Flexible Working***.		
DECEMBER 2027 IMPLEMENTATION				
2027	Expand the legal definition of "employment business" to include umbrella companies to enable them to be regulated	To ensure that workers get comparable rights and protections when working through an umbrella company as they would when taken on directly by an employment business, the Act will expand the legal definition of "employment business" to include umbrella companies. This will bring them within scope of the Employment Agency Standards Inspectorate's (and later, the FWA's) remit, allowing enforcement action to be taken against any umbrella companies that do not comply. The Government has consulted on amending the Conduct of Employment Agencies and Employment Businesses Regulations 2003 (**Conduct Regulations**) to ensure they are appropriate for application to umbrella companies and to address the main harms identified in the sector (e.g. lack of pay transparency and difficulty in enforcing employment rights and obligations). The new regulations will apply to the expanded definition of employment businesses. See the Factsheet ***Umbrella Companies***.	Consultation published here on modernising the Agency Work Regulatory Framework to account for the activities of umbrella companies – *closed 1 May 2026.*	
IMPLEMENTATION TBC				
TBA following conclusion of the consultation	Ban 'exploitative' zero hours contracts and introduce: 1. A right to a guaranteed hours contract reflecting regular hours (suggested initial 12-week reference period, subsequent reference periods may be longer); and	The Act will ban "exploitative" zero hours contracts. Those on zero hours or low hours contracts who regularly work more than these hours will have the right to a **guaranteed hours contract** (**GHO**) which reflects the hours they regularly work over a 12-week reference period. If more hours become regular over time, subsequent reference review periods will provide workers with the opportunity to reflect this in their contracts. Those who wish to remain on zero hours contracts will still be able to do so. Measures will also be introduced to ensure workers get **reasonable notice of changes in shifts or working time, with proportionate compensation for any shifts cancelled or curtailed at short notice**. The Act was amended in March and July 2025 to: (i) Include agency workers on a zero or 'low hours' contract in the zero hours contracts measures; (ii) Allow contracting out from the zero hours measures under the terms of a collective agreement. For agency workers, the collective agreement can be with the person who has the contract with the agency worker;	Consultation on 2 June 2026 – *closed 25 August 2026.* Included: • How to define low hours contracts – who will qualify? • What constitutes regular hours and how to	

DATE	PROPOSAL	DETAILS AND AMENDMENTS	CONSULTATION	KEY
	2. Reasonable notice of shift changes, with compensation for curtailed or cancelled shifts.	(iii) Introduce anti-avoidance provisions to prevent employers from manipulating the hours made available to a worker with the intention of making a lower guaranteed hours offer or avoiding the obligation; (iv) Require end-hirers to make a guaranteed hours offer to an agency worker that protects the agency worker's pay and conditions, so that these are no less favourable than they had previously been working under (or those of comparable workers doing broadly similar work); (v) Clarify that when an agency worker accepts a guaranteed hours offer from an end-hirer, they will become a worker (rather than an employee); (vi) Place responsibility on both the employment agency and the end hirer for providing an agency worker with reasonable notice of shifts, with tribunals able to apportion liability appropriately; (vii) Allow regulations to prescribe how agency workers should receive notice of shifts and any cancellations, curtailments or movements; and (viii) Allow employment agencies to be responsible for paying short notice cancellation, movement or curtailment payments to eligible agency workers (subject to recouping these from the hirer where it is their responsibility - needs to be provided for in the agreement between the hirer and the agency). The reference period for calculating average hours has still not been defined, although an initial period of 12 weeks has previously been mentioned. New guidance about the application of zero hours measures to agency workers will be published before the measures come into force.	calculate the GHO • Seasonal / temporary work - what will constitute a temporary need for workers? What should count as "short" notice for shift changes or cancellations?	
2027/2028	Specifying steps that are to be regarded as 'reasonable', to determine whether an employer has taken all reasonable steps to prevent sexual harassment	A non-exhaustive list of obligations will specify steps to be regarded as reasonable to determine whether an employer has taken all reasonable steps to prevent workplace sexual harassment. Any requirements specified will be reasonable for the employers to which they apply. The steps that may be specified in regulations include: • carrying out assessments of a specified description • publishing plans or policies of a specified description • steps relating to the reporting of sexual harassment • steps relating to the handling of complaints carrying out assessments of a specified description, publishing plans or policies of a specified description, steps relating to the reporting of sexual harassment and steps relating to the handling of complaints. The Factsheet ***Power to make provision about "reasonable steps"*** confirms that regulations defining "reasonable steps" are expected to come into force in 2027/28 (after consultation).		

KEY CONTACTS



SARAH HARROP
Partner, Head of Employment & Immigration Group, UK
+44 (0)20 7788 5057
+44 (0)7595 777926
sarah.harrop@addleshawgoddard.com



MICHAEL BURNS
Partner, Employment, UK
+44(0)161 934 6398
+44(0)7801 132448
michael.burns@addleshawgoddard.com



SHAKEEL DAD
Partner, Employment, UK
+44(0)113 209 2637
+44(0)7776 570433
shakeel.dad@addleshawgoddard.com



ANYA DUNCAN
Partner, Employment, UK
+44(0)1224 444 347
+44 (0)7350 409991
anya.duncan@addleshawgoddard.com



DAVID HUGHES
Partner, Employment, UK
+44 (0)131 222 9837
+44 (0)7740 910671
david.hughes@addleshawgoddard.com



KATHRYN KERR
Partner, Employment, UK
+44 (0)20 78805855
+44 (0)7436 538208
kathryn.kerr@addleshawgoddard.com



REBECCA KITSON
Partner, Employment, UK
+44 (0)113 209 2627
+44 (0)7867 72115
rebecca.kitson@addleshawgoddard.com



MICHAEL LEFTLEY
Partner, Employment, UK
+44 (0)20 7788 5079
+44 (0)7909 996755
michael.leftley@addleshawgoddard.com

KEY CONTACTS



INGRID MCGHEE
Partner, Employment, UK
+44 (0)141 574 2486
+44 (0)7551 671872
ingrid.mcghee@addleshawgoddard.com



PAUL MCGRATH
Partner, Employment, UK
+44 (0)113 209 4928
+44 (0)7918 648433
paul.mcgrath
@addleshawgoddard.com



ANDREW MOORE
Partner, Employment, UK
+44 (0)161 934 6412
+44 (0)7920 700877
andrew.moore



DAVID PALMER
Partner, Employment, UK
+44 (0)20 7160 3304
+44 (0)77 9670 9728
david.palmer@addleshawgoddard.com



RICHARD YEOMANS
Partner, Employment, UK
+44 (0)20 7788 5351
+44 (0)7747 800591
richard.yeomans@addleshawgoddard.com

