

JSCC Update Paper: Employment Rights Act 2025

The Employment Rights Act 2025 received Royal Assent on 18 December 2025 and is being implemented in phases. Several measures are already in force, including the extended employment tribunal time limit from 1 October 2026. Further changes have confirmed commencement dates in October 2026 and January 2027, while other reforms remain subject to regulations, consultation and parliamentary process.

The table below describes the changes, date of change and expected impact.

Changes already in force

Date	Change	Impact
18 December 2025	The Strikes (Minimum Service Levels) Act 2023 was repealed.	Limited direct impact on NHC.
18 February 2026	Most Trade Union Act 2016 restrictions were repealed or simplified. Industrial action notice reduced to 10 days and ballot mandates last 12 months. The requirement for public-sector employers to publish facility-time information and the 12-week limit on protection from dismissal for taking part in industrial action were removed. Changes to statutory recognition thresholds followed in April 2026.	Potential for faster and more sustained industrial action. Employee-relations arrangements should reflect the revised recognition and protection framework.
6 April 2026	Statutory Sick Pay became payable from the first qualifying day of incapacity for work. The Lower Earnings Limit was removed, and payment is 80% of average weekly earnings or the statutory flat rate, whichever is lower.	Limited impact on NHC due to occupational sick pay arrangements; payroll and eligibility processes remain compliant.
6 April 2026	Paternity leave and unpaid parental leave became day-one rights.	Policies, procedures and forms updated. HR to provide clear guidance on eligibility.
6 April 2026	The maximum protective award for failure to comply with collective redundancy consultation doubled to 180 days' pay per affected employee.	Limited immediate impact under current practice. Early planning and robust consultation remain essential.

6 April 2026	Disclosure of sexual harassment became a qualifying whistleblowing disclosure.	Whistleblowing and complaint investigation routes must align and protect workers from detriment.
6 April 2026	Employers must keep adequate records demonstrating compliance with annual-leave entitlement and holiday-pay requirements for six years from the date each record is made.	HR and payroll systems evidence compliance and retain the relevant records for six years.
7 April 2026	The Fair Work Agency launched to simplify enforcement of specified employment rights and support employer compliance. Its enforcement functions are being expanded progressively.	Limited immediate operational impact, but stronger enforcement highlights the importance of reliable records, clear ownership and timely compliance.
April 2026	Voluntary gender-equality and menopause action plans, supported by government menopause guidance, were introduced.	Formal action plan being developed in preparation for future mandatory requirements.
25 August 2026	Electronic and workplace balloting became available for statutory trade union ballots.	Potential to make statutory ballots more accessible and quicker to administer. Continue constructive engagement and monitor any effect on local employee-relations arrangements.
1 October 2026	The ordinary time limit for bringing an employment tribunal claim increased from three months to six months where the relevant act, omission or termination occurred on or after 1 October 2026.	Record-retention arrangements are under review.

Upcoming changes

Expected timing	Change	Impact/ action
30 October 2026, subject to parliamentary process	Employers will be required to take all reasonable steps to prevent sexual harassment. Employers will also be obliged not to permit harassment of employees by third parties within the statutory scope.	Reviewing existing measures and agree a clear, documented action plan.

30 October 2026, subject to parliamentary process	Further trade union reforms, including a statutory right of workplace access, earlier access during recognition processes, rights for workplace representatives to paid time off and facilities, and protection from detriment for industrial action.	Limited impact under current arrangements. Maintain constructive relationships and align the emerging LGR employee-relations framework across councils.
1 January 2027	Ordinary unfair dismissal protection will apply after six months' service rather than two years.	The probation policy has been updated to change from 6 months to 4 months, with additional guidance for managers of new starters.
1 January 2027	Employers will be required to give workers a written statement informing them of their right to join a trade union. Existing workers must receive the statement, or be directed to an accessible version, by 5 April 2027, followed by annual provision or reminders.	Awaiting confirmation of compliant wording. To consider delivery arrangements for new starters and the existing workforce, with a process for annual provision or reminders.
Expected in 2027; date and detail subject to regulations	Flexible-working refusals will require consultation and an explanation of why refusal on one or more existing statutory business grounds is reasonable.	Manager decisions will require strong evidence, consistency and consideration of alternatives. Policy updates and further manager awareness and guidance required. This will have a lesser impact on NHC given our current approach to flexibility.
Expected in 2027 or later; detail subject to regulations	Guaranteed-hours offers for qualifying zero- and low-hours workers, reasonable notice of shifts, and compensation for cancelled, moved or curtailed shifts, including corresponding rights for agency workers.	Review casual and low-hours posts, rostering arrangements and affected services.
Expected in 2027; detail	Restrictions on dismissal and re-engagement will make dismissal	Limited immediate impact under current practice.

subject to regulations	for refusing certain contractual changes automatically unfair.	
Further regulations anticipated	Enhanced dismissal protection during pregnancy and following family leave, statutory bereavement leave, and possible mandatory gender-equality and menopause action-plan requirements.	Continue to monitor regulations and implementation guidance. Review policies, systems and workforce reporting once the final requirements and dates are confirmed.