Employment Rights Act 2025 employer checklist

For small employers in England, Scotland and Wales • 8 November 2026

Each item explains the change in law and a practical employer check. Enter an owner and due date for each action. Tick the box when you have checked the evidence. For an item outside your business, write "N/A" and explain why in the last column.

Business _____ Reviewed by _____

Payroll and family leave

Done	Employer action	Owner / due date
☐	**Check Sickness absence** **Change in law: From 6 April 2026, eligible employees can receive SSP from the first full day of sickness. The three waiting days and lower earnings limit were removed.** **Employer test:** Run payroll examples for a one-day absence and a low-paid employee. Check waiting days and the earnings threshold are no longer applied, including how SSP interacts with any enhanced company sick pay.	Owner Due
☐	**Check SSP Rate** **Change in law: For 2026/27, SSP is the lower of £123.25 a week or 80% of the employee's average weekly earnings.** **Employer test:** Check how payroll applies the rate to each employee's qualifying days. Test a low earner and confirm any contractual sick pay arrangements work alongside the new SSP calculation.	Owner Due
☐	**Update family leave forms** **Change in law: From 6 April 2026, statutory paternity leave and unpaid parental leave became day-one rights. The former 26-week and one-year service tests for taking this leave no longer apply. Statutory Paternity Pay still has separate service and earnings tests.** **Employer test:** Check the handbook and request form do not refuse leave because someone has short service. Assess Statutory Paternity Pay separately, using its own eligibility questions.	Owner Due
☐	**Add bereaved partner leave** **Change in law: From 6 April 2026, an eligible employee may take up to 52 weeks of Bereaved Partner's Paternity Leave if the child's mother, main adopter or intended parent dies during the child's first year or the first year after placement. It is a day-one right and is unpaid by law.** **Employer test:** Update your family leave policy and forms. There is no minimum service requirement; check the employee's eligibility and explain any company pay clearly.	Owner Due

Current duties to check

Harassment and whistleblowing

Done	Employer action	Owner / due date
☐	**Walk through the risks** **Change in law: From 30 October 2026, employers must take all reasonable steps to prevent sexual harassment at work.** **Employer test:** Assess foreseeable risks such as lone working, customer visits, events and work chats. Record proportionate actions, who will take them and when they will be reviewed.	Owner Due
☐	**Include customers and suppliers** **Change in law: The law now also requires employers not to permit harassment of employees by third parties, such as customers or suppliers. This covers sexual harassment and relevant Equality Act harassment.** **Employer test:** Check how staff can report an incident during a shift, who will respond, and what managers must do to intervene, record and escalate concerns. Provide an alternative contact if the usual manager is involved.	Owner Due
☐	**Check whistleblowing procedures** **Change in law: Since 6 April 2026, a disclosure that sexual harassment has occurred, is occurring or is likely to occur can qualify as a protected whistleblowing disclosure, if the statutory conditions are met.** **Employer test:** Train managers to recognise and route a potential disclosure, even if it is raised as a grievance or informal concern. Make clear that retaliation is not acceptable and record how the concern is followed up.	Owner Due
☐	**Watch for further harassment rules** **Change in law: The Government may later set specific evidence-based steps employers must take to prevent sexual harassment. The date and final steps have not yet been confirmed.** **Employer test:** Keep your prevention measures under review and check the final rules when they are published.	Owner Due

Records and enforcement

Done	Employer action	Owner / due date
☐	**Keep holiday records** **Change in law: From 6 April 2026, employers must keep detailed records of annual leave and holiday pay for at least six years. This includes the leave taken and the holiday pay paid.** **Employer test:** Make sure your system records both leave taken and holiday pay, and keeps those records for at least six years.	Owner Due

Done	Employer action	Owner / due date
☐	**Prepare for the Fair Work Agency** **Change in law: The Fair Work Agency began operating on 7 April 2026. It can investigate breaches and issue civil penalties. It currently enforces areas including minimum wage and employment agency rules. It is due to take on holiday pay and SSP enforcement over time; holiday pay enforcement will not start before April 2027.** **Employer test:** Review your pay and leave practices and keep clear records. Check updated guidance as the Agency takes on new responsibilities.	Owner Due

Tribunals and collective consultation

Done	Employer action	Owner / due date
☐	**Tribunal deadlines** **Change in law: For most claims, the time limit increased from three to six months for workplace issues arising on or after 1 October 2026. The change for employment contract claims in Scotland starts on 9 November 2026; earlier events may remain subject to the former limit.** **Employer test:** Update case trackers and check the date and type of claim before diarising a deadline. Transitional rules and Acas early conciliation affect the calculation, so take case-specific advice where needed.	Owner Due
☐	**Restructuring** **Change in law: The current collective consultation trigger remains 20 or more proposed redundancies at one establishment within 90 days. From 6 April 2026, the maximum protective award for failing to comply doubled from 90 to 180 days' pay per affected employee.** **Employer test:** Check proposals at each establishment and take advice early if the threshold may be met. Keep evidence of consultation steps. A further organisation-wide threshold is planned for April 2027.	Owner Due

Prepare for January 2027

The latest government timetable, updated 5 November 2026, lists these measures for 1 January 2027. Future dates may change, so check the latest implementation guidance before finalising documents or taking action.

Probation and dismissal

Done	Employer action	Owner / due date
☐	**Identify who will have six months' service** **Change in law: For dismissals with an effective date of termination on or after 1 January 2027, the qualifying period for ordinary unfair dismissal protection is due to fall from two years to six months. This will include existing employees.** **Employer test:** Review service dates for all employees, not only new starters. If you need to dismiss, follow a fair and consistent process and keep a clear record of the steps taken. With unfair dismissal protection applying sooner, this will become even more important.	Owner Due
☐	**Book meaningful reviews** **Change in law: The Act does not create a statutory probation review timetable. However, the six-month qualifying period means ordinary unfair dismissal protection may apply much earlier, so timely and documented performance discussions become more important.** **Employer test:** Set early check-ins and a review before probation ends. Explain expectations, give specific feedback and reasonable support, consider adjustments, and record the employee's response and next steps.	Owner Due
☐	**Check live cases individually** **Change in law: Extending probation does not reset continuous service. Discrimination and many automatically unfair dismissal protections can already apply without the ordinary unfair dismissal qualifying period.** **Employer test:** Before dismissal, check the reason, evidence, consistency, process, notice and appeal arrangements. Consider adjustments and any protected rights, and assess the circumstances of each case.	Owner Due
☐	**Brief the decision maker** **Change in law: From 1 January 2027, the statutory cap on compensatory awards for ordinary unfair dismissal is due to be removed. This does not mean every claimant receives an uncapped sum: tribunals will continue to assess compensation under the applicable rules.** **Employer test:** Make sure managers understand that compensation for unfair dismissal may no longer have the current maximum limit. Encourage them to seek advice early when a dismissal could lead to a claim.	Owner Due

Trade union information and tips

Done	Employer action	Owner / due date
☐	**Union information** **Change in law: From 1 January 2027, employers in Great Britain must give workers a standard written statement about their right to join a trade union. It includes basic information about unions, any unions recognised by the employer or with access rights, and workers' rights. Give it to new workers with their written employment details. Give it to existing workers by 5 April 2027, then each year by 5 April. You can send it directly (for example, by email or post) or make it available in a handbook or intranet, if workers are told where to find it and reminded each year.** **Employer test:** Prepare a process for new and existing workers. Use the government's standard statement and check the final regulations and guidance before issuing it.	Owner Due
☐	**Tips and service charges** **Change in law: From 1 January 2027, employers with a written tipping policy will need to consult affected workers before preparing it and during each review, review it at least every three years, and share an anonymised summary of consultation views.** **Employer test:** If you distribute qualifying tips, check that you have a written policy, identify the appropriate worker representatives or affected staff, and plan how to record consultation and share the summary. Check the final code; meanwhile, follow the existing code of practice.	Owner Due
☐	**Review industrial action procedures** **Change in law: Since 18 February 2026, strike notice has reduced from 14 to 10 days and a successful ballot can support action for up to 12 months instead of six. Protection from dismissal for taking part in lawful industrial action is no longer limited to the first 12 weeks. Since 30 October 2026, workers are also protected from treatment intended to penalise, prevent or deter them from taking protected industrial action.** **Employer test:** Review your strike and disciplinary procedures. Make sure managers understand that workers must not be dismissed or treated unfairly for taking protected industrial action.	Owner Due
☐	**Handle union access requests** **Change in law: Since 30 October 2026, independent trade unions can ask for physical or digital access to workers. The Central Arbitration Committee cannot impose an access agreement where the employer has fewer than 21 workers across its workplaces.** **Employer test:** Nominate someone to handle any request and check the current code and guidance. Digital access does not mean giving a union access to your IT systems.	Owner Due

Done	Employer action	Owner / due date
☐	**Check union recognition and ballots** **Change in law: From 6 April 2026, parts of the union recognition process were simplified, including removing the "likely majority" test and the 40% support threshold in recognition ballots. Since 25 August 2026, statutory union ballots can also use electronic or workplace voting.** **Employer test:** If a union seeks recognition or a ballot takes place, use the latest government and Acas guidance and follow the required process.	Owner Due

Plan your next review

Upcoming changes

Done	Employer action	Owner / due date
☐	**March 2027 • Contract changes** **Change in law: Further restrictions on dismissal and re-engagement to change employment terms are planned for March 2027. The government timetable gives the expected date; detailed rules may still be subject to change.** **Employer test:** If considering changes to pay, hours or other terms, explore agreement and alternatives first. Take advice before proposing dismissal and re-engagement, and keep a clear record of the business reasons and consultation.	Owner Due
☐	**April 2027 • Leave and redundancy** **Change in law: A new right to bereavement leave, including after pregnancy loss, and a new rule for counting proposed redundancies across the whole business are planned for April 2027.** **Employer test:** Check the final rules when they are published. Be ready to update your leave policies and forms, and keep track of proposed redundancies across the whole business and at each workplace.	Owner Due
☐	**September/October 2027 • Policies and contracts** **Change in law: The current timetable plans restrictions on non-disclosure agreements in workplace harassment or discrimination cases for September 2027. Enhanced dismissal protections for pregnant employees and new mothers, and further flexible working changes, are planned for October 2027.** **Employer test:** Review confidentiality clauses and settlement templates before the NDA changes. Keep following current pregnancy-related dismissal protections and the existing flexible working process; update them when the final 2027 requirements are confirmed.	Owner Due

Done	Employer action	Owner / due date
☐	**Variable shifts • Date to be confirmed** **Change in law: New rights relating to guaranteed hours and reasonable notice and payment for cancelled or changed shifts are planned, but the implementation date has not yet been confirmed.** **Employer test:** If you use casual or variable-hours staff, start keeping clear records of hours offered and worked, cancellations and notice given. Check the confirmed start date and final rules before changing contracts or processes.	Owner Due
☐	**March/April 2027 • Equality action plans** **Change in law: Action plans on gender equality and support for employees experiencing menopause are currently voluntary for employers with 250 or more employees. They are planned to become mandatory in stages in 2027, subject to final regulations: public authorities in March and private and voluntary employers in April.** **Employer test:** If you have 250 or more employees, consider whether to publish a voluntary plan now. Check the final rules to confirm whether and when your organisation must publish one.	Owner Due
☐	**April 2027 • Blacklisting** **Change in law: Protections against blacklisting are planned to be extended, including to lists created using AI and blacklisting carried out by third parties.** **Employer test:** Review recruitment and worker-listing practices, including any tools or external providers used. Check the final rules before they take effect.	Owner Due
☐	**August 2027 • Union recognition ballots** **Change in law: Electronic voting is planned to become available for statutory trade union recognition and derecognition ballots.** **Employer test:** If your organisation is involved in a recognition or derecognition process, check the rules and guidance in force at the time.	Owner Due

Next review date _____ Signed off by _____

Check for updates Government implementation timetable • GOV.UK holiday pay and record-keeping guidance • Fair Work Agency employer guidance • Acas trade union guidance

For help applying this checklist to your business, contact Human Touch HR Solutions.