

Client checklist

Employment Rights Act 2025 April 2026 changes

This checklist sets out the changes which will come into force on 6 April 2026. These changes will be brought into force by the [First](#), [Second](#) and [Third](#) Commencement Regulations for the Employment Rights Act 2025.

The suggested actions listed below are not exhaustive. They may not all be appropriate for your organisation. Likewise, there may be other steps you need to take depending upon your organisational structure, practices and policies. Please seek specific legal advice if you are unsure how to prepare for the April 2026 changes.

What is the change?	What should employers do?
Statutory sick pay: <ul style="list-style-type: none"> • Payable from Day 1 of employment • Lower earnings limit eligibility removed • SSP to be payable at the lower of the prescribed rate and 80% of normal weekly earnings 	Update sickness absence and other policies or procedures which refer to sick pay to reflect changes. Update processing systems for sick pay as necessary. Check employment contract clauses for references to statutory sick pay. Amend as necessary. Brief line managers.
Paternity leave and unpaid parental leave <ul style="list-style-type: none"> • Become day one rights • Right to take paternity leave after a period of shared parental leave 	Update paternity leave, unpaid parental leave and shared parental leave policies. Update applicable notices and consider impact on/ amendments to any enhanced paternity pay. Update processing systems for family leave to reflect changes and ensure compliance. Brief line managers.
Sexual harassment <ul style="list-style-type: none"> • Codified as a protected whistleblowing disclosure 	Consider whether harassment and whistleblowing policies need to be updated to reflect this change. Consider whether sexual harassment allegations should be investigated under whistleblowing procedures. Brief managers, whistleblowing champions, hotlines etc. and staff.
Collective redundancies <ul style="list-style-type: none"> • Doubling of protective award for failure to inform and consult to 180 days' gross pay per affected employee • This increase will apply where dismissal is on and from 6 April 2026 	Update redundancy policies and any guidance for managers. Factor increased protective award into decisions about collective redundancies when weighing up risks. Government guidance on collective consultation to be published in due course. Familiarise yourselves with the guidance following publication. Brief managers on increased legal risk
Trade union changes <ul style="list-style-type: none"> • Unions only required to have a 	If your organisation has a recognised trade union, you should take particular note of these changes. Brief all staff members who interact with, or have negotiations with, trade unions.

<p>simple majority of those voting for recognition</p> <ul style="list-style-type: none"> • Unions applying for statutory recognition will not need to prove majority in bargaining unit are in favour • Amending the 10% threshold for CAC acceptance of a recognition application (and at other stages) to the “required percentage test.” • Certain changes where CAC decides a new bargaining unit. 	<p>If no union is currently recognised, review your existing representation and communication arrangements, ahead of strengthened rights for union access coming into force in October 2026.</p>
<p>Establishment of Fair Work Agency</p> <ul style="list-style-type: none"> • Enforcement body for National Minimum Wage, Statutory Sick Pay, ET penalties, holiday pay, labour exploitation and modern slavery 	<p>The Fair Work Agency will be established on 7 April 2026. From its establishment, the Fair Work Agency will have the power to begin enforcement activity in relation to employment agencies, penalties for failure to pay ET awards, gangmaster licensing and labour exploitation, fraud, modern slavery, and National Minimum Wage (but not holiday pay and Statutory Sick Pay yet).</p>
<p>Holiday records</p> <ul style="list-style-type: none"> • Employers are required to keep records to show compliance with their obligations to provide: <ul style="list-style-type: none"> - Statutory holiday - Pay for statutory holiday - Payment in lieu of statutory holiday upon termination (including for carried forward holiday) • Applies in respect of irregular hours and part year workers, as well as regular hour workers. • Must be kept for six years from date of creation. • No prescribed format. 	<p>Amend existing procedures if necessary to ensure that taking of all statutory holiday is being recorded centrally via an appropriate system.</p> <p>Liaise with payroll to establish a system for recording payments of holiday pay, if this is not already in place.</p> <p>Amend data destruction procedures as necessary to ensure that holiday records are retained for at least six years from creation.</p> <p>Take separate legal advice if any concerns around thornier issues, such as the calculation of statutory holiday pay or misclassification risk.</p>
<p>Other changes</p> <ul style="list-style-type: none"> • Employers can voluntarily publish action plans on gender equality and menopause support • Menopause guidance published • Repeal of Certification Officer levy (from 1 April 2026) 	<p>Review relevant guidance and consider whether you wish to voluntarily publish gender equality and menopause action plans.</p>

Other developments you may wish to start preparing for:

Bereaved Partner's Paternity Leave

- Subject to meeting the eligibility criteria, employees may be entitled to up to 52 weeks' unpaid leave where the mother or primary adopter/ parental order parent has died within a year of birth or adoption.
- The implementing [Regulations](#) will bring this new right into force on 6 April 2026.
- Employers may wish to amend their family leave policies, or create a standalone policy, to account for this new statutory right. Managers should be briefed on this development.

Unfair dismissal

- The qualifying period of service for unfair dismissal claims will reduce to six months. This change is expected to come into force on 1 January 2027, along with the removal of the statutory cap on unfair dismissal compensation.
- Employees who commence employment on or before 1 July 2026 will be able to bring unfair dismissal claims if they are dismissed from 1 January 2027 (as they will have the required six months' service). Employees starting employment after 1 July 2026 will be able to bring unfair dismissal claims after they obtain six months' service. You should consider this in your recruitment and probation processes.

Increases in statutory rates and limits

Yearly increased to National Minimum Wage, statutory family leave pay and statutory sick pay will take effect from 6 April 2026. Further details can be found [here](#).

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