

Equality and the Employment Rights Act 2025

Commencement Date: 18th December 2025

The Employment Rights Act (ERA) 2025¹, the government's centrepiece plan to 'Make Work Pay'², received Royal Assent on Thursday, 18 December 2025. The Act has been introduced as part of the government's initiative to address low pay, poor working conditions and job security by enhancing protections for workers, improving employment opportunities, and updating rights around pay, leave and workplace fairness. The first change enacted was the **Repeal of the Strikes (Minimum Service Levels) Act 2023**, introduced by the previous government to impose minimum service levels during strikes in sectors such as health, education, transport, and fire services.

The Employment Rights Act 2025 applies to England, Scotland and Wales. Employment Rights in Northern Ireland is governed by the Employment Rights (Northern Ireland) Order 1996³.

Provisions of the Act will not be implemented in one go, with much of the detail subject to consultation. However, implementation of various provisions will come into place over a phased two-year period, with most scheduled for 2026 and 2027. This approach ensures that employees and employers have time to plan and prepare. The following provides an overview of the implementation timetable for the Act's equality aspects – further updates will be issued as they are announced.

Commencement Date: 18th February 2026

Paternal Leave and Ordinary Parental Leave notice

Newly eligible employees can give notice (from 18 February 2026) that they intend to take leave. In addition, there will be a full review of the parental leave system in the future.

- Ordinary parental leave, or unpaid parental leave, will become a day one right from 6 April 2026. Currently, someone must have worked for their employer for 1 year to be eligible. (s. 16 ERA 2025).

Note: The restriction on taking paternity leave after shared parental leave will be removed. (s. 17 ERA 2025).

Commencement Date: 6th April 2026

Parental Leave

A day one right is simply a protection or employment entitlement that covers employees from the very first day of employment. The Act provides workers the right to paternity leave and ordinary parental leave (or unpaid parental leave), which will become a 'day one right' from 6 April 2026.

- Parental leave will become a 'day one right', allowing someone to give notice of leave from the first day of employment (s.15 ERA 2025).

Paternity Leave

- Right to take paternity leave will apply from day 1 (s. 16 ERA 2025).
- The restriction on taking paternity leave after shared parental leave will be removed (s. 17 ERA 2025).

Whistleblowing Protections for Sexual Harassment

- Sexual harassment will explicitly become a 'qualifying disclosure' under whistleblowing law. This will mean protection from detriment and unfair dismissal for whistleblowers who disclose sexual harassment. (s. 23 ERA 2025 amending s.43B of the ERA 1996).
- There will no longer be a need to try to 'fit' it into other categories, such as health and safety, anymore. Dismissal for whistleblowing is an automatic unfair dismissal, and the previous legal uncertainty about whether whistleblowing about sexual harassment constituted a 'qualifying disclosure' has been removed, improving potential legal rights.
- There is still a requirement that the disclosure be in the public interest
- NDAs and confidentiality clauses that try to stop someone from reporting sexual harassment will be void.

For information, the definition of sexual harassment: "unwanted conduct of a sexual nature has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment." (s. 26 (2) EqA 2010)

Gender Pay Gap and Menopause Action Plans

The Act will require large employers (those with over 250 employees) to develop action plans to address gender pay gaps. These will be voluntary from 6 April 2026 and are expected to be mandatory from April 2027. Separate legislation is planned to require reporting on pay gaps by ethnicity and disability.

- Employers will need to create action plans around menopause and gender pay gaps (s. 33 ERA 2025 amending s.78 EqA 2010).

Sick Pay

The Act strengthens sick pay provisions and ensures that every worker has access to sick pay from the first day of illness. At present, statutory sick pay is not paid until the fourth day of absence and is not available to workers earning below a certain threshold.

- Statutory Sick Pay (SSP) will be paid from the first day of illness, instead of the fourth day (s.10 ERA 2025).
- SSP to be calculated at the standard rate (currently £118.75) or 80% of average weekly earnings, whichever is lower.

- Removal of the Lower Earnings Limit (currently £125), and the three-day waiting period for SSP will be removed (s. 11 ERA 2025). Currently, workers must earn a minimum amount to be eligible for statutory sick pay.

All low earners will receive sick pay, but a worker with average weekly earnings of £125 would receive £100, which is less than they currently receive. The transitional provisions will protect those off sick at the time the amendments come into force on 6 April 2026.

Commencement date: 7 April 2026

Effective April 7, 2026, the Fair Work Agency (FWA), a single-state enforcement agency, will be established. They will be responsible for enforcing “relevant labour market legislation”. (Part 5 and Schedule 7 of the ERA 2025. Whilst the FWA will be established on 7 April 2026, its full powers will be rolled out gradually over the next couple of years.

Duties include:

- Issue a notice of underpayment within 28 days
- Bring ET proceedings on behalf of a worker
- Provide legal assistance for employment-related proceedings
- Recover its enforcement costs

Relevant Labour Market Legislation

- Employment Agencies Act 1973 and Conduct of Employment Agencies & Employment Businesses Regs 2003
- Employers' liability to pay SSP
- To pay a financial penalty under the Employment Tribunals Act 1996
- Payment of the National Minimum Wage and certain requirements of the NWA 1998
- Payment of holiday pay and rolled-up holiday pay under the Working Time Regulations 1998
- Certain provisions of the Gangmasters (Licensing) Act 2004.
- Certain offences under section 1 of the Fraud Act 2006
- Provisions in the Modern Slavery Act 2015
- Payment for social care workers to be paid in accordance with ratified agreements with Social Care Negotiating Bodies
- Labour market enforcement (LME) undertakings and other offences under Part 5 of the ERA (e.g. Powers to obtain documents or information and to enter premises)

Wider commitments of the government's 'Make Work Pay' initiative, not included in the ERA, include a review to modernise legislation and guidance, looking at neurodiversity awareness in the workplace, how to modernise health and safety guidance with reference to extreme temperatures, and whether existing regulations and guidance are adequate to support and protect those experiencing the symptoms of long COVID.

Commencement Date: October 2026 (expected)

Protection from Harassment

The Act increases employers' responsibilities to protect workers from harassment by third parties (e.g., patients, students, customers, or members of the public encountered in the course of work). This will apply to all types of harassment.

"All reasonable steps" in the context of the Act refers to the employer's duty to take all necessary actions to prevent harassment by third parties.

Duty to Prevent Sexual Harassment

- Employers will need to take 'all reasonable steps' to prevent sexual harassment. (s. 20 ERA 2025 amending s. 40A(1) EqA 2010).

Protection from Third-Party Harassment

- Employers will be liable where, for example, a third-party harassment occurs in the course of employment, or where the employer fails to take all reasonable steps to prevent the third party from harassing the employee. (s. 21 ERA 2025 amends s. 40 of the EqA 2010).

Note: A change to the law around non-disclosure agreements (NDAs) is also expected. This will void clauses that would prevent workers from alleging or disclosing work-related harassment or discrimination. The date of this change is not known yet.

Enhanced Rights for Trade Union Representatives

- Significant changes to the rights of equality reps in the workplace will see employers now required to allow equality reps to take time off during working hours for activities to promote equality in the workplace, including arranging learning or training on equality issues, providing information and support to members and consulting with employers on equality-related issues. (s. 65 ERA 2025).

Commencement Date: 2027

Enhanced Pregnancy and Maternity Rights

The Act will strengthen protections for pregnant workers, ensuring they are protected from redundancy from the moment they inform their employer of their pregnancy until six months after returning to work. Currently, these protections only last until the end of maternity leave.

- The Act will strengthen protections against dismissal for pregnant workers and those returning from maternity leave. (s. 26 ERA 2025 amending Part 5B ERA 1996).

Bereavement Leave, including Pregnancy Loss

- There will be a new right to statutory bereavement leave. It's not yet known whether this will be paid or unpaid leave. (s18 ERA 2025).

Stronger Rights to Flexible Working

Employers must state and explain to the employee the grounds for any refusal and why their refusal is considered reasonable (s. 9 ERA 2025). The Acas Code of Practice on requests for flexible working⁴ should be followed until the change in the law takes effect and the Code of Practice has been reviewed.

The Act says that a refusal of a flexible working request must be “reasonable”, although the eight business reasons outlined in the Employment Rights Act 1996, below:

1. The burden of additional costs
2. An inability to reorganise work amongst existing staff
3. An inability to recruit additional staff
4. A detrimental impact on quality
5. A detrimental impact on performance
6. A detrimental effect on the ability to meet customer demand
7. Insufficient work available for the periods the employee proposes to work
8. Planned structural changes to the employer’s business

Sexual Harassment: Power to make provisions about “reasonable steps”

- The law will specify what 'reasonable steps' mean when preventing sexual harassment, following earlier changes in October 2026. (s. 22 ERA 2025).

Mandatory Gender Pay Gap and Menopause Action Plans

- **Gender equality:** Action plans around menopause and gender pay gaps will **become mandatory** for employers with 250 employees or more to publish an equality action plan showing the steps that they are taking in relation to gender equality. To be introduced voluntarily in April 2026 and mandatory from 2027. (s. 33 ERA 2025 amending s.78 EqA 2010).

Note: There is a proposal to introduce mandatory disability and ethnicity pay gap reporting and to extend equal pay rights, set out in the draft Equality (Race and Disability) Bill, which has not yet been published.

Bereavement Leave

There is an existing right to two weeks' parental bereavement leave for a child under 18 or pregnancy loss after 24 weeks.

- Eligible fathers and partners will be able to take up to 52 weeks of unpaid bereaved partner's paternity leave if the mother or primary adopter dies – they must take this leave within 52 weeks of the child's birth (including surrogacy), adoption placement, or entry to Great Britain for overseas adoptions. (s.18 ERA 2025).

Note: Details of [The Bereaved Partner's Paternity Leave Regulations 2026](#) can be found here.

Preparation Checklist

As the Act is fairly new and will be implemented in stages, there will be a series of consultations to ensure that the changes work for both employer and employee - you can view [the full list of the consultation documents](#) at this link. Many of these changes will be accompanied by amended or new Codes of Practice.

Policies

Institutional policies and procedures will drive fairness and transparency in the workplace for members. It is the first point of call, as it provides guidelines and helps employers and employees understand their roles and responsibilities, and, in this case, ensures that the legislation is being followed to avoid discrimination, victimisation, or harassment.

With the introduction of the Employment Rights Act 2025, branches can begin to prepare by reviewing their policies and procedures; we suggest reviewing the following areas – names of policies might differ from institution to institution. Feel free to add to this list.

- Attendance management
- Bereavement
- Bullying and Harassment
- Disciplinary
- Dismissal
- Equality / Equality and Diversity
- Flexible Working
- Grievance
- Health and Safety
- Maternity
- Menopause
- Non-Disclosure
- Parental Leave
- Paternity Leave
- Pregnancy and Maternity
- Recruitment and Selection
- Sexual Harassment
- Sickness Absence (Disability Leave)
- Training and Development
- TU Facility Time
- Whistleblowing

Raise the ERA 2025 with employers to ensure that policies and procedures are updated and match the statutory minimum.

Sexual Harassment and Whistleblowing

Action should be taken to review existing policies, in particular employment contracts for confidentiality clauses. Employers should be questioned about the purpose of including the clause in contracts, and efforts should be made to seek its removal, especially in settlement agreements.

43J Employment Rights Act 1996

Contractual duties of confidentiality:

1. Any provision in an agreement to which this section applies is void insofar as it purports to preclude the worker from making a protected disclosure.
2. This section applies to any agreement between a worker and his employer (whether a worker's contract or not), including an agreement to refrain from instituting or continuing any proceedings under this Act or any proceedings for breach of contract.

Communication and Consultation

These changes must be relayed to all staff to inform them of the policy and procedure changes outlined in the Act and how they are to be implemented. This would include new staff who must be informed and consulted on their rights when they start and throughout their employment. Information should also be fully accessible to all staff via various methods, e.g., hard copies, notice boards, and the Intranet.

Equality Action Plans

Employers will be required to develop, publish, and plan the steps they are taking regarding prescribed matters related to gender equality. **These action plans are currently voluntary and will become mandatory in 2027; therefore, early action is advisable.** They include:

- Addressing the gender pay gap
- Supporting employees going through the menopause

Employers will be required to:

- Identify at least 1 action to address the gender pay gap
- Choose at least 1 action to address the menopause
- Consider the employee's characteristics
- Actions should lead to meaningful change
- Discuss the unions and other stakeholder groups
- Publish on the gender pay gap service⁵ anytime during 2026

Training

The application of the Act will need to be relayed to all staff, line managers, and employers through training to reduce or prevent the mishandling of the legislation and ensure fairness.

UCU's education programme offers its network of Reps and activists a wide range of courses, run on a regional basis, enabling participants to meet and work alongside UCU members from branches in their region. For further information on UCU's training or CPD programmes, please email our training department at training@ucu.org.uk or Glen Pickard at gpickard@ucu.org.uk.

Organising and Recruiting New Members

Encouraging greater activity and recruitment for new members by explaining their new rights. You can find out more about recruiting new members via our dedicated [UCU - Build the Union: UCU's national recruitment campaign](#) webpage.

Recruitment of Equality Reps

Branches should look to elect new equality reps and advise them to undertake equality reps training. This is the first time that equality reps would **have statutory rights in the workplace, along with facility time.**

This should help branches take the pressure off other workplace representatives, such as Health and Safety Reps, who very often take on equality issues. Having this new statutory right will help branches share out the responsibility.

Resources

Public Sector Equality Duty: [UCU - Public Sector Equality Duty](#)

Challenging sexual harassment: [Challenging sexual harassment UCU 2025 .pdf](#)

Supporting menopausal women at work: [Supporting menopausal women at work.pdf](#)

Gender pay reporting: [UCU - Gender pay reporting](#)

Equality Impact Assessment Pro-forma: https://www.ucu.org.uk/media/2222/Pro-forma-for-conducting-equality-impact-assessments/doc/ucu_iaproforma.doc

Government guidance on producing and publishing voluntary action plans:
<https://www.gov.uk/government/publications/creating-an-action-plan-guidance-for-employers/overview>

Acas Codes of Practice – various: Please note that some Codes of Practice will change in accordance with the Act: [Acas Codes of Practice | Acas](#)

AoC guidance on Equality Impact Assessment: [equality_impact_assessments_-_guidance_for_colleges_-_june_2013_30565.pdf](#)

Thompsons Solicitors Employment Rights Act 2025 Hub: [Employment Rights Act 2025 | New Employment Rights Act](#)

References

¹ [Next Steps to Make Work Pay](#)

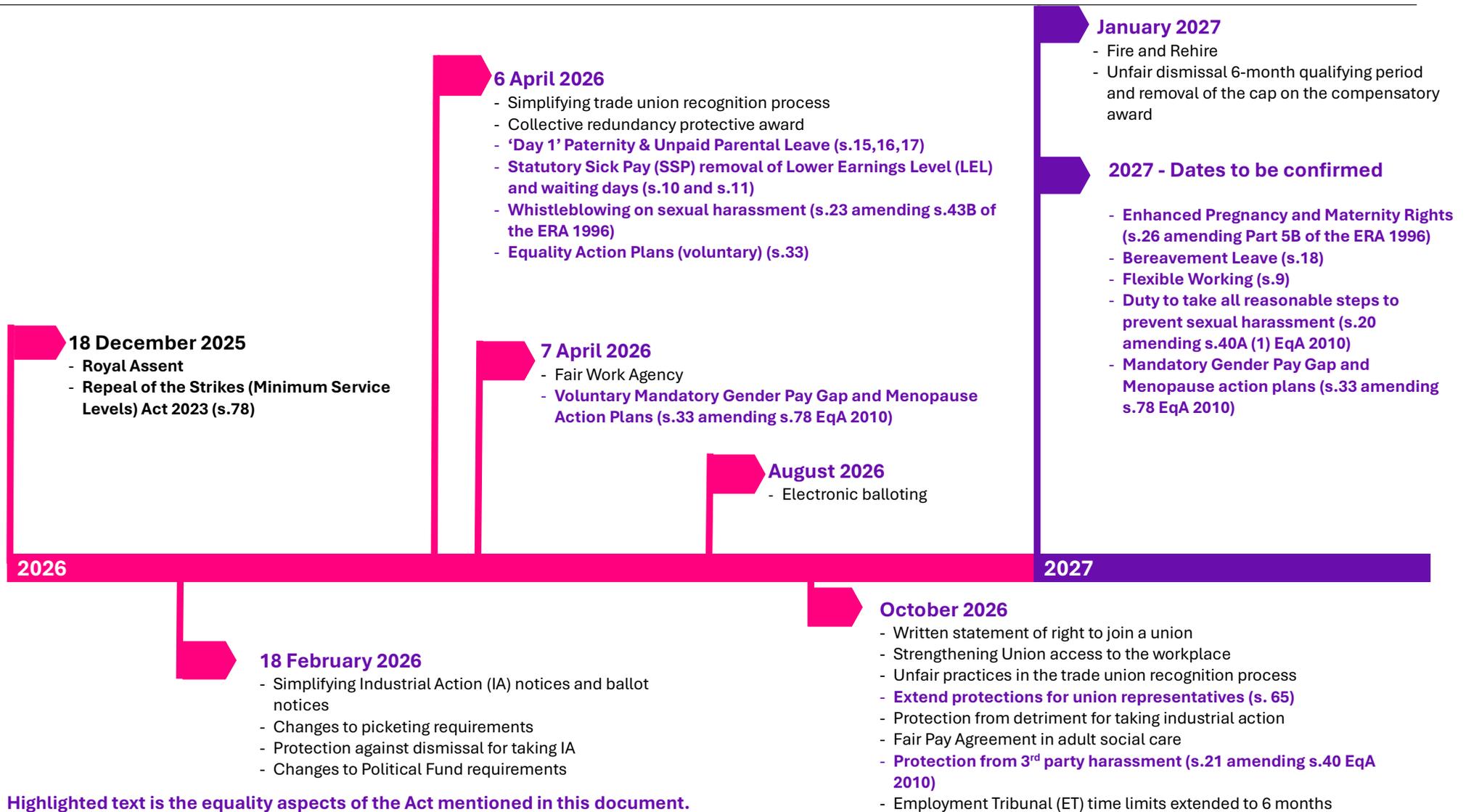
² [Employment Rights Act 2025](#)

³ [The Employment Rights \(Northern Ireland\) Order 1996](#)

⁴ [Acas Code of Practice on requests for flexible working | Acas](#)

⁵ [Search and compare gender pay gap data - Gender pay gap service - GOV.UK](#)

Employment Rights Act 2025 Timeline



Highlighted text is the equality aspects of the Act mentioned in this document.

