

A POCKET GUIDE TO

THE EMPLOYMENT RIGHTS ACT 2025

THE BIGGEST UPGRADE TO
WORKERS' RIGHTS IN A GENERATION

Labour  Unions



Labour's Manifesto made a clear promise to voters, with a commitment to "implementing 'Labour's Plan to Make Work Pay: Delivering a New Deal for Working People' in full". This is a promise that needs to be kept.

Drawn up in partnership with Labour's affiliated trade unions, the New Deal is a comprehensive plan to improve the lives of working people by strengthening individual and collective rights – raising wages and improving working conditions. If delivered in full, it will be the biggest uplift in employment rights in a generation.

The Employment Rights Act becoming law marks is a huge leap forward for workers' rights and is the first, big step in delivering the New Deal for Working People.

The Act is set to be implemented over the course of 2026 and 2027, with many of the details as to how these changes will work in practice yet to be decided in secondary legislation. Unions are clear that how the Act is implemented will determine whether or not it works in practice in our workplaces.

THE EMPLOYMENT RIGHTS ACT 2025

Guaranteed hours and ending exploitative Zero Hours Contracts.

This right ends exploitative Zero Hours Contracts by establishing a new right to a guaranteed hours contract. This means workers will have the right to a contract that reflects the number of hours they regularly work.

Reasonable notice of shifts.

The Act provides for minimum notice periods for shifts being allocated, cancelled or changed. It creates a right to payment if shifts are changed, cancelled or curtailed at short notice.

Flexible working.

The Act strengthens flexible working rights, making it harder for employers to refuse requests. The burden of proof shifts to employers who will have to set out why it was reasonable to refuse a flexible working request.

Strengthening Statutory Sick Pay.

The Act ends the three-day waiting period before Statutory Sick Pay is paid, meaning that SSP will be paid for eligible workers from the first full day off sick. It also removes the Lower Earnings Limit, so low earners will now qualify for Statutory Sick Pay.

Fair Tips.

The Act means employers will have to consult unions (or worker reps if there's no union), before drafting or updating their mandatory policy on how tips are allocated to workers.

Day one right to paternity leave and unpaid parental leave.

The Act makes paternity leave and unpaid parental leave a day one right. This comes alongside the Government's major Parental Leave and Pay Review which is yet to report.

Bereavement Leave.

The Act introduces a new right to unpaid bereavement leave, allowing employees to take leave from work to grieve the loss of a loved one.

Pregnancy loss bereavement leave.

The Act also introduces a new right to a period of unpaid bereavement leave for those experiencing pregnancy loss before 24 weeks.

Preventing sexual harassment.

The Act includes stronger protection against sexual harassment at work, with employers required to take 'all

reasonable steps', not just 'reasonable steps', to prevent sexual harassment of their workers.

Protection from third party harassment.

Employers will have to take all reasonable steps to prevent their workers being harassed or abused in the course of employment by third parties (like customers, clients and service users).

Whistleblower protections.

The Act strengthens whistleblower protections, extending them to expressly cover disclosures of sexual harassment. This will mean protection from detriment and unfair dismissal for whistleblowers making a sexual harassment disclosure.

Limiting NDAs.

Non-Disclosure Agreements between an employer and a worker are now void if they seek to prevent the worker from speaking out about harassment or discrimination.

Unfair dismissal qualifying period reduced.

The Act reduces the qualifying period for unfair dismissal from two years to six months, and removes the compensation cap for unfair dismissal claims.

Protections from dismissal during and after a protected period of pregnancy, and during and following family leave.

The Act extends the right not to be dismissed during and after pregnancy, and during and following a period of statutory family leave.

Measures to limit fire and rehire.

The Act introduces new measures to limit the use of fire and rehire, and fire and replace, tactics - including making it unfair to dismiss an employee for refusing to agree to the variation of certain core terms and conditions in their contract (except in certain circumstances where the employer meets at test that they had no alternative for financial reasons).

Stronger collective redundancy rights.

The Act brings in new rights on collective redundancy, closing a loophole so employers will have to consult workers collectively when they are making redundancies across their entire organisation, not only when the redundancies are at a 'single establishment'.

Increasing the protective award.

The Act also doubles the maximum protective award for failure to consult properly on collective

redundancies from 90 to 180 days' pay for each affected employee.

Two tier code.

The Act reinstates the two-tier code in England, Scotland and Wales, to prevent outsourcing driving down pay and conditions.

Equality Action Plans.

The Act requires employers with more than 250 staff to develop and implement action plans to close the gender pay gap and support employees going through menopause.

Inclusion of outsourced workers in gender pay gap reporting.

The Act requires employers to include outsourced workers in their gender pay gap reporting.

Annual Leave Records.

The Act requires employers to keep proper records of Annual Leave entitlements and payments for six years, to help unions ensure workers are being paid properly for their paid leave rights.

School Support Staff Negotiating Body.

The Act reinstates the School Support Staff Negotiating Body in England. This will mean pay scales for these often low paid workers are set nationally. Unions will be able negotiate from a stronger position on behalf of all workers, driving up pay and conditions.

Fair Pay Agreement in Adult Social Care.

The Act establishes the first Fair Pay Agreement, in Adult Social Care in England, and in the social care sectors in Scotland and Wales. This will bring employers and unions together to negotiate and agree pay and conditions across the sector.

Seafarers' Charter.

The Act puts the Seafarers' Charter on a statutory footing, with powers to set higher standards around health and safety and rest breaks, and new protections on job security and pay.

Duty to inform employees of their right to join a trade union.

The Act requires employers to inform their workers that they have the right to join a trade union.

Trade Union right of access.

The Act establishes a new right for unions to be able to access workplaces, to meet, recruit and organise workers. This new right has the potential to be a game-changer, helping unions grow, increasing collective bargaining coverage, and improving wages and conditions for more workers.

Statutory recognition rights.

The Act simplifies the process for unions to gain recognition in a workplace. This includes removing the requirement to show majority support in advance, requiring only a simple majority in a recognition ballot, new powers to lower the membership threshold to trigger the statutory process, strengthening union access rights during the recognition process, and protections to stop union-busting employers using unfair practices or gaming the bargaining units to lock unions out.

Trade union political funds.

The Act removes the requirement to hold an expensive and time-consuming all-member ballot every ten years on whether a union should continue to operate a political fund. It also repeals the requirement to 'opt-in' to the political fund that the Tories established in the 2016 Trade Union Act, intentionally to reduce the political voice of unions. Union members will continue to have the right to opt-out of the political fund.

Check-off in the public sector.

The Act removes restrictions on unions using check-off (allowing members to pay their subs through payroll) in the public sector.

Facilities time.

The Act strengthens rights to facilities and paid time off for trade union reps, and makes it harder for employers to refuse reasonable time off for union duties.

Statutory rights for equality reps.

The Act puts rights for union equalities reps on a statutory footing for the first time, including the right to paid time off to undertake their role.

Blacklisting protections.

The Act updates blacklisting protections to cover blacklists compiled by third parties, not only by employers or agencies. It will allow blacklists compiled by AI to be banned.

Repealing the Trade Union Act.

The Employment Rights Act repeals the overwhelming majority of the Tories' 2016 Trade Union Act. This includes removing the 50% turnout threshold for industrial action ballots, increasing the industrial action ballot mandate from 6 to 12 months, reducing the notice period for industrial action from 14 to 10 days and removing restrictions on pickets.

Electronic and Workplace Balloting.

The Act provides for a change to older legislation which will allow the Government to authorise the use of electronic and workplace ballots by unions.

Simplifying requirements for industrial action notices and notices of ballot.

The Act simplifies the requirements on unions when balloting for and notifying employers of industrial action. This removes requirements brought in by the Tories to deliberately tie unions up in knots when balloting for action.

Protection for workers taking industrial action.

The Act introduces new protections against detriment for workers taking industrial action and strengthens protection from dismissal. It's now automatically unfair for someone to be dismissed for taking industrial action, and the 12-week limit on protection has been removed.

Repealing the Minimum Service Levels Act.

The Employment Rights Act fully repeals the Strikes (Minimum Service Levels) Act 2023 – Tory legislation designed to undermine the right to strike.

Certification Officer.

The Act reduces financial and reporting burdens on unions, and reduces the powers of the Certification Officer to launch investigations into unions where complaints are made by someone who is not a member of the union.

Establishing the Fair Work Agency.

The Act establishes a new joined-up body to enforce many workplace rights: the Fair Work Agency. This will bring together existing enforcement bodies and it will take on enforcing domestic agency rules, the minimum wage, licensing standards for gangmasters and certain aspects of the Modern Slavery Act 2015. In time, it will also take on additional rights such as holiday pay and statutory sick pay.

Time limits for making claims at tribunals.

The Act raises the time limit for making a claim to an employment tribunal to 6 months. It's currently 3 months for most claims.

DELIVERING THE REST OF THE NEW DEAL FOR WORKING PEOPLE

The Employment Rights Act does not cover everything that was promised in Labour's Plan to Make Work Pay.

These are crucial policies that were committed to in the Manifesto.

This includes: introducing a single status of worker, new equal pay rights, rights for self employed workers, consultation and negotiation on the introduction of surveillance technologies in the workplace, Fair Pay Agreements beyond social care, enacting the socio-economic duty, delivering positive outcomes to the parental leave review and health and safety review, a social value test for procurement, banning unpaid internships, the greatest wave of insourcing in a generation, making sure the minimum wage is a real living wage that people can live on, and strengthening TUPE rights.

**CHANGE ONLY HAPPENS WHEN
WORKING PEOPLE VOTE
- AND WHEN THEY ORGANISE.**

Use this guide to show your colleagues, friends and family the difference a Labour government can make when it works hand in hand with the union movement.

Make sure they are all a member of a trade union.

And ask them to register to vote by going to **workingpeople.vote**

