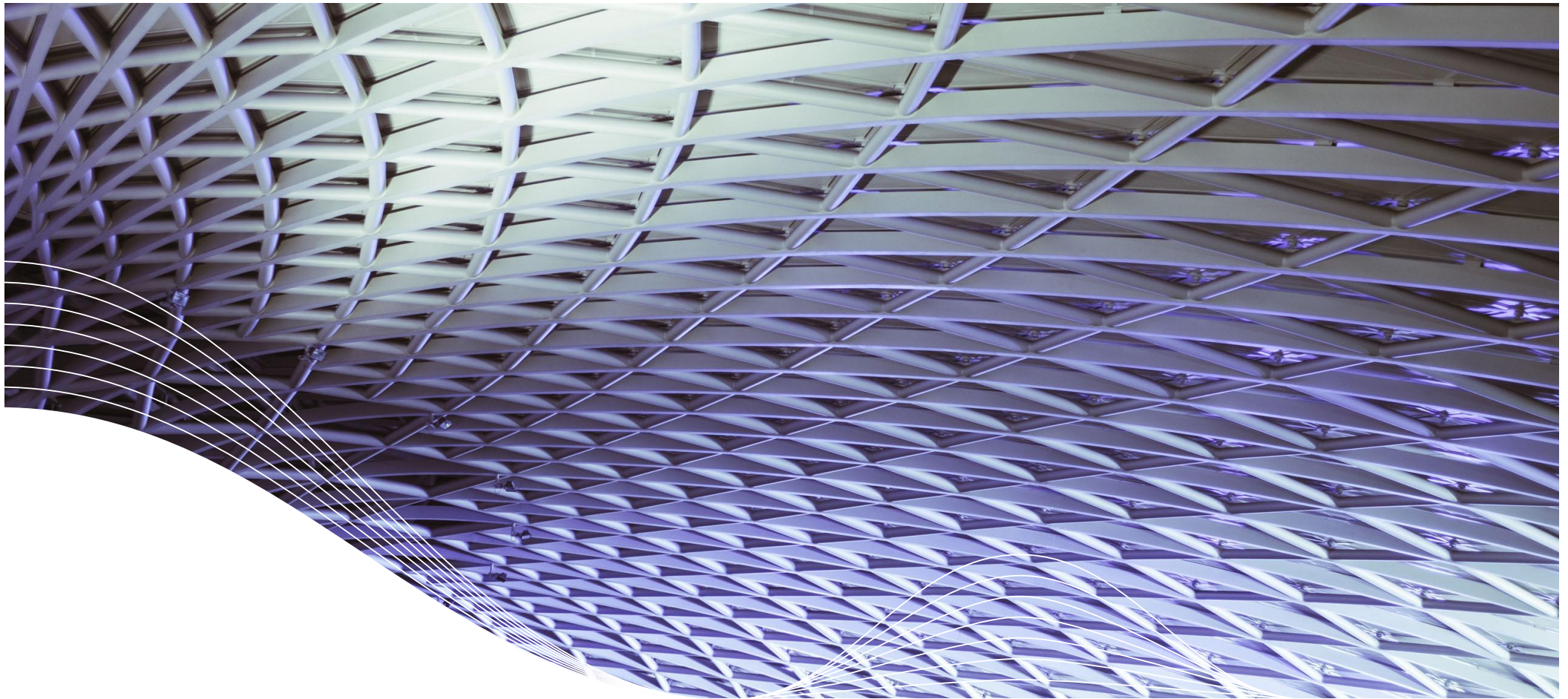




# On the horizon

Last updated 23 September 2026



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# Contents

- NATIONAL MINIMUM WAGE..... 1
- DISMISSAL AND RE-ENGAGEMENT .....2
- SEXUAL HARASSMENT AND NON-DISCLOSURE AGREEMENTS (NDAS) .....4
- REFORM OF NON-COMPETE CLAUSES .....5
- INCREASED DISMISSAL PROTECTION FOR WOMEN AND NEW PARENTS.....6
- WORKER STATUS ..... 7
- FAMILY-FRIENDLY LEAVE .....9
- FLEXIBLE WORKING ..... 13
- COLLECTIVE RIGHTS ..... 15
- STATUTORY SICK PAY ..... 16
- REDUNDANCY ..... 17
- RIGHT TO SWITCH OFF ..... 18
- PAY TRANSPARENCY ..... 18

|  |                                                              |
|--|--------------------------------------------------------------|
|  | Details awaited                                              |
|  | Open consultation; imminent implementation; ongoing activity |
|  | In force                                                     |

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|  | <b>National Minimum Wage</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|  | <p><b>Current status</b></p> <p>From 1 April 2026 the NMW rates are as follows:</p> <ul style="list-style-type: none"> <li>• National Living Wage (21 and over): £12.71</li> <li>• 18–20-year-old rate: £10.85</li> <li>• 16–17-year-old rate: £8.00</li> <li>• Apprentice rate: £8.00</li> <li>• Accommodation offset: £11.10 per day</li> </ul> <p><b>Background</b></p> <p>In Labour's 'Plan to Make Work Pay' the government committed to making sure the minimum wage is a real living wage that people can live on. To achieve this, the government has changed the Low Pay Commission's remit so that alongside median wages and economic conditions, the minimum wage will for the first time reflect the need for pay to take into account the cost of living. The government intends in future to remove the age bands.</p> |
|  | <p><b>Key publications</b></p> <p><a href="#">Plan to make work pay</a></p> <p><a href="#">Next steps to make work pay</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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|  | <h2>Dismissal and re-engagement</h2>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|  | <p><b>Current status</b></p> <p>The Code of Practice on Dismissal and Re-engagement came into force on 18 July 2024.</p> <p>The Employment Rights Act 2025 (<b>ERA</b>) also addresses the practice of ‘fire and rehire’.</p> <p><b>Background</b></p> <p>Following widespread public controversy regarding the practice of fire and rehire in recent years, a new statutory code of practice on dismissal and re-engagement <a href="https://assets.publishing.service.gov.uk/media/65d35c10423931826ab7b8a0/draft-statutory-code-of-practice-on-dismissal-and-re-engagement.pdf">https://assets.publishing.service.gov.uk/media/65d35c10423931826ab7b8a0/draft-statutory-code-of-practice-on-dismissal-and-re-engagement.pdf</a> (<b>Code</b>) was promised by the then Conservative government. During the parliamentary wash-up period, an order was made bringing the new Code into force on Thursday 18 July 2024, meaning it is now in force (although the provisions of the Code do not apply where the prospect of dismissal and re-engagement was raised by the employer with either the employee and/or their representatives on or before 17 July 2024).</p> <p>A failure to follow the Code does not make a person or organisation liable to proceedings. The Code is admissible in evidence in proceedings before a court, employment tribunal or the Central Arbitration Committee, and any provision of the Code which is relevant to those proceedings must be taken into account by the court, tribunal or committee.</p> <p>If an employee brings one of the employment tribunal claims listed in Schedule A2 to the 1992 Act, and the claim concerns a matter to which the Code applies, then the tribunal can:</p> <ul style="list-style-type: none"> <li>• increase any award it makes by up to 25%, if the employer has unreasonably failed to comply with the Code, or</li> <li>• reduce any award by up to 25%, where it is the employee who has unreasonably failed to comply.</li> </ul> <p>Before the election Labour's Plan To Make Work Pay stated:</p> <p><i>Labour will end the scourges of ‘fire and rehire’ and ‘fire and replace’ that leave working people at the mercy of bullying threats. We will reform the law to provide effective remedies against abuse and replace the inadequate statutory code brought in by the Government, with a strengthened code of practice.</i></p> |

The ERA addresses the practice of 'fire and rehire'. The circumstances in which the ERA permits contract changes to be made through dismissal and reengagement are limited.

The ERA will amend the law on unfair dismissal so that where an employee is (1) dismissed for failing to agree to a change in their contract of employment; or (2) dismissed and then re-engaged on varied contract terms or replaced with someone on varied terms, the dismissal will be treated as automatically unfair where the change is a restricted variation. Restricted variations are reductions in an employee's pay or time off, changes to the number of hours an employee is required to work and changes to pensions

As an exception, an employer can avoid a finding of automatically unfair dismissal if it shows:

- evidence of financial difficulties affecting the employer's ability to carry on the business as a going concern;
- that the changes were to eliminate, prevent, or significantly reduce or mitigate the effects of the financial difficulties; and
- that the need to make the change in contractual terms was unavoidable.

Even where the business's situation fits within this strict exception, the employment tribunal will still assess if dismissal was fair in the circumstances. Relevant factors will be whether the business consulted with the employee, trade union or other employee representatives, and whether the employee was offered anything in return for agreeing to the variation.

Where the change is not a restricted variation, ordinary unfair dismissal rules will apply.

The Next Steps document published alongside the ERA says:

*As key remedies to end this practice, we are committed to consult on lifting the cap of the protective award if an employer is found to not have properly followed the collective redundancy process as well as what role interim relief could play in protecting workers in these situations.*

A statutory instrument giving ETs the power to uplift a protective award by up to 25% for failure to follow the code of practice came into force on 20 January 2025. Pending the provisions of the ERA on 'fire and rehire' coming into effect, this change to the protective award regime slightly increases the financial risk for employers making changes to terms and conditions.

### **Key publications**

[Employment Rights Act 2025](#)

[Statutory Instrument giving ETs power to uplift protective award](#)

[Implementing the Employment Rights Act: Timeline update](#)

[Plan to make work pay](#)

[Next steps to make work pay](#)

[Code of Practice on Dismissal and Re-engagement](#)

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|  | <b>Sexual harassment and non-disclosure agreements (NDAs)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|  | <p><b>Current status</b></p> <p>The <a href="#">Worker Protection (Amendment of Equality Act 2010) Act 2023</a> came into force on 26 October 2024. Further changes will be brought into force under the Employment Rights Act 2025 (ERA).</p> <p><b>Background</b></p> <p>Throughout the course of 2018 and 2019 there were a series of reports and consultation papers relating to the strengthening of protection against workplace sexual harassment, and the tighter regulation of NDAs.</p> <p>In July 2021, the government published its response to consultation on sexual harassment in the workplace and stated that the government would introduce a duty requiring employers to take ‘all reasonable steps’ to prevent sexual harassment. This came into force 26 October 2024.</p> <p>Under the ERA the duty to take reasonable steps to prevent sexual harassment in the workplace will become a duty to take <b>all</b> reasonable steps to prevent sexual harassment in the workplace. The ERA says that Regulations may set out steps that are to be regarded as ‘reasonable’ (such as carrying out assessments, publishing plans or policies and implementing steps relating to the reporting of sexual harassment and the handling of complaints) and the Explanatory Notes make clear that employers will need to take all those steps, plus any other steps which are reasonable in the circumstances. The remedy for non-compliance will not change.</p> <p>The ERA will also reintroduce protection against third party harassment (all harassment, not just sexual harassment). The new protection against third party harassment will be is a standalone claim which employees can bring in the tribunal in its own right.</p> <p>The change to the sexual harassment duty and reintroduction of third-party harassment will come into force in October 2026.</p> <p>The ERA also includes a provision which make a disclosure that "<i>sexual harassment has occurred, is occurring, or is likely to occur</i>", a qualifying disclosure for the purposes of whistleblowing protection.</p> <p>Under the ERA any provision in an agreement between an employer and a worker will be void where it attempts to prevent the worker from making an allegation or disclosure relating to work-related harassment or discrimination. There will be exceptions for an ‘excepted agreement’ which meets conditions to be specified in regulations. The government is consulting on the conditions.</p> <p><b>Key publications</b></p> <p><a href="#">Employment Rights Act 2025</a></p> <p><a href="#">Implementing the Employment Rights Act: Timeline update</a></p> <p><a href="#">Worker Protection (Amendment of Equality Act 2010) Act 2023</a></p> <p><a href="#">Consultation on regulations to prevent the misuse of NDAs in cases of workplace harassment or discrimination</a></p> <p><a href="#">Consultation on sexual harassment in the workplace: Government response</a></p> <p><a href="#">Non-disclosure agreements: ACAS guidance</a></p> |

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|  | <p><a href="#">GEO: Consultation on sexual harassment in the workplace</a></p> <p><a href="#">BEIS: Confidentiality clauses: Government response to consultation on measures to prevent misuse in situations of workplace harassment or discrimination</a></p> <p><a href="#">Women and Equalities Committee report: The use of non-disclosure agreements in discrimination cases</a></p> <p><a href="#">BEIS: Confidentiality clauses – Consultation on measures to prevent misuse in situations of workplace harassment or discrimination</a></p> <p><a href="#">WEC's report on sexual harassment in the workplace</a></p> <p><a href="#">Government response to sexual harassment in the workplace report</a></p> <p><a href="#">Women and Equalities Committee report: Sexual harassment in the workplace</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|  | <p><b>Reform of non-compete clauses</b></p> <p><b>Current status</b></p> <p>On 26 November the government published a working paper on options for reform of non-compete clauses in employment contracts. The options considered are:</p> <ul style="list-style-type: none"> <li>• Statutory limit on length (for example, 3 months, possibly varying by company size).</li> <li>• Complete ban on non-compete clauses.</li> <li>• Ban below a salary threshold (protecting lower-paid workers).</li> <li>• Combination of salary threshold ban and a statutory time limit for those who earn above the threshold.</li> </ul> <p>The government is also seeking views on:</p> <ul style="list-style-type: none"> <li>• Whether restrictions should be limited to non-compete clauses only or should also apply to other restrictive covenants.</li> <li>• How the government can ensure that other restrictive covenants, for example non-dealing clauses, are not used in a way that would have a similar effect as a non-compete clause, if restrictions were limited to non-compete clauses only.</li> <li>• Whether restrictions on non-compete clauses should be limited to employment contracts or whether the government should consider applying them to wider workplace contracts</li> <li>• Whether the threat of high legal costs presents an obstacle to bringing claims on restrictive covenants, including non-compete clauses.</li> </ul> <p>The working paper closed for responses on 18 February 2026.</p> <p><b>Background</b></p> |

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|  | <p>Extensive research and consultation on the use of non-compete clauses in employment contracts was undertaken by the previous government. On 10 May 2023, the previous government announced that it would introduce a statutory limit on the length of non-compete clauses of 3 months. However, no action was taken.</p> <p><b>Key publications</b></p> <p><a href="#">Working paper on options for reform of non-compete clauses in employment contracts</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|  | <p><b>Increased dismissal protection for women and new parents</b></p> <p><b>Current status</b></p> <p><a href="#">The Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024</a> came into force on 6 April 2024.</p> <p><b>Background</b></p> <p>The 2017 Taylor Review of Modern Working Practices recommended consolidation of the protections for pregnant women and new parents to make it easier for businesses and individuals to understand their rights. In early 2019 the government consulted on proposals to extend redundancy protection and, in July 2019, committed to:</p> <ul style="list-style-type: none"> <li>• Ensuring that the period during which pregnant women benefit from redundancy protection applies from the point the employee informs the employer that she is pregnant;</li> <li>• Extending the redundancy protection period for six months once a new mother has returned to work from maternity leave;</li> <li>• Extending redundancy protection for a six-month period following return to work for those taking adoption leave; and</li> <li>• Extending redundancy protection into a period following return to work for those taking shared parental leave, proportionate to the leave taken and the threat of discrimination.</li> </ul> <p>In May 2021, the government indicated in its response to a Women and Equalities Committee report that it would bring these proposals into effect 'when parliamentary time allows'. However, the government then confirmed that it would instead back a Private Members' Bill seeking to implement these reforms. This Bill completed its journey through the legislative process and received Royal Assent on 24 May 2023. The government has now published secondary legislation to implement the new entitlements, and this came into force on 6 April 2024.</p> <p>The legislation extends the enhanced protection against redundancy to the period of the pregnancy once the employer is notified of the pregnancy, and for a further 18 months after the end of statutory maternity leave (for pregnancy) and for 18 months after the child is placed for adoption (with corresponding periods for shared parental leave).</p> <p>Under the ERA protection against dismissal will be strengthened further. The ERA will enable regulations to be made to ban dismissals of women who are pregnant, on maternity leave, and during a six-month return-to-work period except in specific circumstances. It will also expand existing powers in relation to adoption leave, shared parental leave, neonatal leave and bereaved partner's paternity leave to enable regulation of dismissal in the period after a person returns to work after taking one of these forms of leave.</p> |

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|  | <p>A consultation paper published on 23 October asked for views on the situations in which employers should still be permitted to fairly dismiss individuals in the protected group.</p> <p>The options considered are:</p> <ul style="list-style-type: none"> <li>• A new general test for fairness. The existing potentially fair reasons for dismissal would apply, but employers would be required to meet a stricter standard when relying on those reasons.</li> <li>• Limiting the potentially fair reasons for dismissal eg removing capability or some other substantial reason or narrowing the scope of conduct.</li> <li>• Whether the protections should be a day one right.</li> <li>• When the protected period should start and when it should end, including for those not entitled to maternity leave.</li> <li>• Whether the enhanced dismissal protections should also cover other parents.</li> </ul> <p>The consultation also seeks views more widely on the extent of unfair treatment of pregnant women and new mothers. The consultation closed on 15 January 2026.</p> <p><b>Key publications</b></p> <p><a href="#">Consultation paper on enhanced dismissal rights for pregnant women and new mothers</a></p> <p><a href="#">Employment Rights Act 2025</a></p> <p><a href="#">Implementing the Employment Rights Act: Timeline update</a></p> <p><a href="#">Plan to make work pay (May 2024)</a></p> <p><a href="#">Next steps to make work pay (October 2024)</a></p> <p><a href="#">The Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024</a></p> <p><a href="#">Protection from Redundancy (Pregnancy and Family Leave) Act 2023</a></p> <p><a href="#">Unequal impact? Coronavirus and the gendered economic impact: Government response</a></p> <p><a href="#">Unequal impact? Coronavirus and the gendered economic impact (WEC report)</a></p> <p><a href="#">Good Work Plan: Pregnancy and maternity discrimination consultation: Government response</a></p> <p><a href="#">Pregnancy and maternity discrimination: Consultation on extending redundancy protection for women and new parents</a></p> <p><a href="#">Taylor report</a> (July 2017)</p> |
|  | <p><b>Worker status</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

### **Current status**

The [Workers \(Predictable Terms and Conditions\) Act 2023](#) (**WPTCA**) did not come into force in autumn 2024 and was repealed by the Employment Rights Act (**ERA**).

The ERA will instead introduce rights to guaranteed hours for zero and low hours workers (including agency workers).

### **Background**

The Conservative government had planned to make changes to:

- Align the employment status frameworks for the purposes of employment rights and tax.
- Improve the clarity of the employment status test and improve guidance and online tool.
- Introduce a right to request a more stable contract.
- Increase the time required to break a period of continuous service.
- Currently a gap of one week in employment with the same employer can break what counts towards continuous service, making it difficult for some employees to accrue employment rights. The government proposed to allow a break of up to four weeks before continuity is affected.

In July 2022, the government confirmed that it would not introduce legislation to reform employment status. Instead, it issued new guidance which purports to bring together employment status case law into one place for businesses and individuals to access. The aim is that the guidance will support workers by improving their understanding of what rights they are entitled to at work, enabling them to have informed discussions with their employer and take steps to claim or enforce them where necessary.

In February 2023, the government confirmed that it was backing the Private Members' Workers (Predictable Terms and Conditions) Bill. The Bill received Royal Assent on 18 September 2023 becoming the Workers (Predictable Terms and Conditions) Act (**WPTCA**). The new legislation sought to ensure that all employees, including agency workers, are able to request a more predictable working pattern. It provides that if an employee's existing working pattern lacks certainty in terms of the hours they work, the times they work, or if it is a fixed term contract for less than 12 months, they may make a formal application to change their working pattern to make it more predictable. Employers must consider the request reasonably but are able to rely on one of a number of statutory grounds for refusal to turn the request down. The new rules were expected to come into force in autumn 2024. However, the new Labour government announced that it would be repealing the WPTCA. Instead, the ERA will introduce new rights for zero and low hours workers to a guaranteed hours contract which reflects the hours actually worked over a reference period. The ERA also introduces rights to reasonable notice of shifts and compensation for cancelled shifts. These provisions will not come into force until 2027. A consultation on guaranteed hours contracts, reasonable notice of shifts and cancellation of shifts was published on 2 June 2026.

### **Key publications**

[Employment Rights Act 2025](#)

[Implementing the Employment Rights Act: Timeline update](#)

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|  | <a href="#">Plan to make work pay</a><br><a href="#">Next steps to make work pay (October 2024)</a><br><a href="#">Workers (Predictable Terms and Conditions) Act 2023</a><br><a href="#">Employment status and rights: Support for individuals</a><br><a href="#">Employment status consultation</a><br><a href="#">Good work: A response to the Taylor Review of Modern Working Practices</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|  | <b>Family-friendly leave</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|  | <p><b>Current status</b></p> <p>The <a href="#">Neonatal Care (Leave and Pay) Act 2023</a> came into effect on 6 April 2025.</p> <p><a href="#">The Paternity Leave (Amendment) Regulations 2024</a> apply to employees whose EWC was on or after 6 April 2024.</p> <p><a href="#">The Carer's Leave Regulations 2024</a> took effect from 6 April 2024.</p> <p>A <a href="#">Call for Evidence</a> on parental leave and pay closed on 25 August 2025.</p> <p>A <a href="#">consultation paper on enhanced dismissal rights for pregnant women and new mothers</a> was published on 23 October 2025 and closed on 15 January 2026.</p> <p><b>Background</b></p> <p>In July 2019, a consultation was launched on changes to parental leave entitlements as the government said it wanted these to 'better reflect our modern society and the desire to share childcare more equally'. The consultation:</p> <ul style="list-style-type: none"> <li>• Questions whether statutory paternity leave for fathers and same sex partners should be changed.</li> <li>• Seeks suggestions on ways in which shared parental leave (introduced in 2015) could be improved.</li> <li>• Proposes a new Neonatal Care Leave and Pay entitlement for parents of premature and sick babies who need to spend a prolonged period in neonatal care following birth.</li> </ul> <p>Proposes that employers should publish their pay and flexible working policies and questions whether there should be a requirement for employers to consider advertising jobs as flexible.</p> <p>In March 2020, the government published a response to its consultation proposals on <b>neonatal care leave and pay</b>, confirming that it will introduce neonatal leave and statutory pay for parents of babies in neonatal care. The relevant provisions were intended to be included in a new</p> |

Employment Bill; however, instead, the government chose to support a Private Members' Bill seeking to bring these provisions into force. This Bill completed the legislative process and received Royal Assent on 24 May 2023, with the entitlements due to take effect in April 2025.

The Regulations implementing Neonatal Care Leave and Pay have now been laid before Parliament and came into force on 6 April 2025, in respect of children born on or after that date.

A response on **unpaid carer's leave** was published in September 2021. This indicated the following:

- One working week of unpaid carer's leave (per employee, per year) will be available as a day one right for employees managing caring responsibilities for those with long-term care needs alongside work.
- Eligibility in terms of who the employee is caring for will be broadly defined (following the definition of dependant used in the right to time off for dependants).
- The long-term care need person of the being cared for will be defined by reference to disability or issues related to old age, with limited exemptions.
- Leave will be available to be used for providing, or making arrangement for, the provision of care.
- The leave will be available to take flexibly (from half day blocks to a whole week).
- The administrative process to ensure legitimacy of requests to take carer's leave will be light touch.
- The leave will be subject to a minimum notice period of twice the length of time being taken, plus one day (in line with annual leave notice periods).

The government originally indicated that this new carer's leave entitlement would be introduced 'when parliamentary time allows'. However, the government then confirmed that it would support a Private Members' Bill seeking to introduce this new entitlement to leave. This Bill received Royal Assent on 24 May 2023. Regulations to implement the provisions of the statute were published in December 2023 and came into force on 6 April 2024.

On 29 June 2023, the government published its response to proposed reforms for **paternity leave, unpaid parental leave and shared parental leave**. It confirmed that there will be no changes at this time to unpaid parental leave and shared parental leave.

In relation to **paternity leave**, the government confirmed it would:

- Allow fathers and partners to take their two-week paternity leave entitlement in two separate blocks of one week (instead of the previous requirement to take either one week or two consecutive weeks);
- Allow fathers and partners the ability to take paternity leave at any time in the first year of the child's birth, rather than in just the eight weeks (56 days) following birth; and
- Change the notice requirements for paternity leave to make them more proportionate to the amount of time the father or partner plans to take off work. This changed the current requirement (to give notice of leave dates 15 weeks before the EWC) to a new requirement to give notice of entitlement 15 weeks before birth and notice of the dates intending to be taken 28 days before each period of leave.

This now applies to employees whose expected week of childbirth was on or after 6 April 2024.

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|  | <p>The government launched a review of the parental leave regimes in July 2025.</p> <p>Under the Employment Rights Act (<b>ERA</b>) parental leave and paternity leave will become a day one right and bereavement leave will be extended. A response to consultation paper on the extension of bereavement leave was published on 22 September 2026.</p> <p>The Employment Rights Act 2025 (ERA) will introduce a statutory, day-one right to unpaid bereavement leave, establishing a protected period during which employees can take time away from work following a loss. It is intended that the new right will come into force in April 2027.</p> <p>The government will legislate so that the following relationships will be eligible for leave for the loss of loved ones:</p> <ul style="list-style-type: none"> <li>• Immediate family members (biological, adopted, step, and half-relations), including spouses, civil partners and partners in a committed long-term relationship (cohabiting or non-cohabiting), parents, adult children, and siblings.</li> <li>• Equivalent parental relationships for employees who were raised in kinship and foster care arrangements are also eligible.</li> </ul> <p>The following relationships will be able to access bereavement leave for pregnancy loss:</p> <ul style="list-style-type: none"> <li>• The person who was pregnant.</li> <li>• A spouse, civil partner, the other parent, or partner (who is in a committed long-term relationship) with the person who physically experienced the pregnancy loss.</li> <li>• An intended co-parent.</li> <li>• Intended parents in a surrogacy arrangement.</li> </ul> <p>Pregnancy loss includes:</p> <ul style="list-style-type: none"> <li>• All types of miscarriage before 24 weeks including molar pregnancies, ectopic pregnancies and chemical pregnancies (non-exhaustive).</li> <li>• All terminations.</li> <li>• IVF embryo transfer loss, meaning the unsuccessful outcome of transferring a fertilised embryo into the uterus during IVF treatment. This does not include IVF embryo loss pre-transfer.</li> </ul> <p>The government will legislate to provide up to two weeks of leave, prorated to the employee's usual working pattern for all types of bereavement including the death of a loved one and pregnancy loss.</p> <p>Leave can start on the date of knowledge of the death or pregnancy loss, or the date of death or pregnancy loss. Bereavement leave can be taken discontinuously, in units of one day, within 56 weeks of the death, or knowledge of the death.</p> <p>Notice should be provided before the employee is due to start work on the day they intend to take leave, or as soon as is reasonably possible thereafter for the first eight weeks of bereavement, and one week before the requested date of leave, for leave taken beyond eight weeks of the bereavement. Employees should not have to provide evidence of a bereavement to their employer to be able to access leave.</p> <p>The government will publish guidance alongside the implementation of bereavement leave to ensure that both employers and employees are fully aware of their rights and responsibilities.</p> |
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Under the ERA it will be unlawful to dismiss pregnant women, women on maternity leave and mothers who return to work for at least a six-month period after they return to work except in specific circumstances. The consultation paper published on 23 October asks for views on the situations in which employers should still be permitted to fairly dismiss individuals in the protected group.

The options considered are:

- A new general test for fairness. The existing potentially fair reasons for dismissal would apply, but employers would be required to meet a stricter standard when relying on those reasons.
- Limiting the potentially fair reasons for dismissal eg removing capability or some other substantial reason or narrowing the scope of conduct.
- Whether the protections should be a day one right.
- When the protected period should start and when it should end, including for those not entitled to maternity leave.
- Whether the enhanced dismissal protections should also cover other parents.

The consultation also seeks views more widely on the extent of unfair treatment of pregnant women and new mothers.

#### **Key publications**

[Response to consultation on bereavement leave](#)

[Consultation on bereavement leave](#)

[Consultation on enhanced rights for pregnant women and new mothers](#)

[Implementing the Employment Rights Bill Roadmap](#)

[Call for evidence](#)

[Neonatal Care Leave and Miscellaneous Amendments Regulations 2025](#)

[Employment Rights Act 2025](#)

[Implementing the Employment Rights Act: Timeline update](#)

[Plan to make work pay](#)

[Next steps to make work pay](#)

[The Paternity Leave \(Amendment\) Regulations 2024](#)

[The Carer's Leave Regulations 2024](#)

[Parental leave and pay: Good Work Plan – Proposals to support families](#)

[Neonatal Care \(Leave and Pay\) Act 2023](#)

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|  | <a href="#">Carer's Leave Act 2023</a><br><a href="#">Carer's leave consultation: Government response</a><br><a href="#">Unequal impact? Coronavirus and the gendered economic impact: Government response</a><br><a href="#">Unequal impact? Coronavirus and the gendered economic impact (WEC report)</a><br><a href="#">Neonatal leave and pay: Good Work Plan – proposals to support families</a><br><a href="#">Good Work Plan: Proposals to support families</a> |
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|  | <b>Flexible working</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|  | <p><b>Current status</b></p> <p>Changes to the flexible working regime are due to be brought into force in 2027.</p> <p><b>Background</b></p> <p>The government implemented reforms to flexible working through a Private Members' Bill which received Royal Assent on 20 July 2023. Secondary legislation, which fleshes out the details of the new regime, was published in December 2023 and came into force on 6 April 2024. In the meantime, the government published a Call for Evidence in relation to non-statutory flexible working. This closed in November 2023 but responses have not yet been published. ACAS also issued a consultation paper on changes to its Code of Practice for handling flexible working requests and published the revised Code of Practice in January 2024.</p> <p>The Employment Rights Act (<b>ERA</b>) will make it more difficult for employers to reject requests for flexible working. The ERA will amend the current right to request flexible working to provide that employers can only refuse the request on one of the existing statutory grounds and where it is reasonable to do so. Any refusal must explain why the employer considers that it is reasonable to refuse the application on that ground or grounds.</p> <p>On 15 September the government published a response to consultation on improving access to flexible working. The new procedural requirements to be set out in regulations are as follows:</p> <p><b>Objective of the meeting</b></p> <ul style="list-style-type: none"> <li>• Employers must hold a meeting before rejecting a flexible working request to: 1) Consider the feasibility of the requested arrangement and address challenges where possible and 2) If the requested arrangement is not feasible, explore any suitable alternative arrangements.</li> <li>• The meeting should be undertaken by the employer with the view to reaching an agreement with the employee.</li> </ul> <p><b>Setting up the meeting</b></p> <ul style="list-style-type: none"> <li>• The meeting must take place within the two-month period for making a decision.</li> <li>• The employer must give the employee fair and reasonable notice before the meeting (but no time frame will be set).</li> </ul> |

- The employee must be informed about the purpose of the meeting in advance.
- During the meeting
- The employer must clearly communicate any challenges they identify with the original request and consider potential solutions or mitigations with the employee.
- If the original request cannot be accommodated, the employer and employee must consider whether there are feasible alternative arrangement(s).

### **After the meeting**

Employers will be required to provide written notification of:

- The outcome of the meeting.
- A summary of conclusions or next steps agreed during the meeting, or confirmation if an arrangement has been agreed.
- The outcome of the request; the final decision made by the employer about the flexible working request, stating whether the request was approved, rejected, or if an alternative arrangement was formally agreed.

Non-statutory guidance on flexible working will continue to encourage employers to allow employees to be accompanied at flexible working meetings, but this will not be included in the regulations.

The measures represent a considerable dilution of the original stated intention to make flexible working the default but do potentially shift the dial slightly towards more constructive consideration of how to make flexibility work. The existing statutory grounds for removal will remain, although the employer may only refuse the request if it is reasonable to do so.

### **Key publications**

[Employment Rights Act 2025](#)

[Implementing the Employment Rights Act: Timeline update](#)

[Plan to make work pay](#)

[Next steps to make work pay](#)

[ACAS Code of Practice on requests for flexible working](#)

[The Flexible Working \(Amendment\) Regulations 2024](#)

[Employee Relations \(Flexible Working\) Act 2023](#)

[ACAS consultation on the draft Code of Practice on handling requests for flexible working](#)

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|  | <a href="#">Call for evidence: Non statutory flexible working</a><br><a href="#">Consultation on making flexible working the default: Government response</a><br><a href="#">Making flexible working the default</a><br><a href="#">Response to consultation on improving access to flexible working</a> |
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|  | <b>Collective rights</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|  | <p><b>Current status</b></p> <p>The Labour government will make sweeping changes to collective rights at work through measures in the Employment Rights Act (<b>ERA</b>) and beyond. The majority of the changes in respect of industrial action came into force on 18 February 2026, with more planned in 2026/7.</p> <p><b>Background</b></p> <p>Labour's Plan to make work pay stated that "<i>Labour will update trade union legislation, so it is fit for a modern economy, removing unnecessary restrictions on trade union activity and ensuring industrial relations are based around good faith negotiation and bargaining. This will end the Conservatives' scorched-earth approach to industrial relations, ushering in a new partnership of cooperation between trade unions, employers and government and putting us in line with high-growth economies that benefit from more cooperation and less disruption</i>".</p> <p>Under the ERA:</p> <ul style="list-style-type: none"> <li>• Employers will be required to give all workers a written statement that the worker has the right to join a trade union at the same time as the section 1 statement.</li> <li>• The ERA will also bring in a new right of access – with a transparent framework and clear rules designed in consultation with unions and business – for union officials to meet, represent, recruit and organise members and will simplify the statutory trade union recognition process, reducing the required percentage of union support within the proposed bargaining unit.</li> <li>• Union equality representatives will gain the right to reasonable time off to carry out their duties or undertake training during working hours.</li> <li>• The balloting requirements for industrial action will be simplified so that the union will only need the support of a simple majority of those voting in the ballot, rather than a percentage of those eligible to vote.</li> <li>• Employees will gain protection from being subjected to a detriment for taking protected industrial action.</li> <li>• The Strikes (Minimum Service Levels) Act 2023 has been repealed.</li> <li>• The ERA will update blacklisting legislation to protect a wider range of people from blacklisting due to trade union membership or activity.</li> </ul> <p>Some changes (mainly those relating to industrial action) came into force on 18 February 2026, others are scheduled to come into force in October 2026.</p> <p>The government will seek views on how to strengthen provisions to prevent unfair practices during the trade union recognition process.</p> |

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|  | <p><b>Key publications</b></p> <p><a href="#">Response to consultation on right of trade unions to access workplaces.</a></p> <p><a href="#">Consultation on right of trade unions to access workplaces.</a></p> <p><a href="#">Consultation on duty to inform workers of the right to join a union</a></p> <p><a href="#">Employment Rights Act 2025</a></p> <p><a href="#">Implementing the Employment Rights Act: Timeline update</a></p> <p><a href="#">Plan to make work pay</a></p> <p><a href="#">Next steps to make work pay</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|  | <p><b>Statutory sick pay</b></p> <p><b>Current status</b></p> <p>The Employment Rights Act (<b>ERA</b>) removed the Lower Earnings Limit to make Statutory Sick Pay (<b>SSP</b>) available to all workers and remove the three-day waiting period. This came into effect on 6 April 2026.</p> <p><b>Background</b></p> <p>Previously, to qualify for SSP, an employee must:</p> <ul style="list-style-type: none"> <li>• Have been classed as an employee and have done some work under their contract.</li> <li>• Have been ill for 4 or more days in a row (a 'period of incapacity for work'), including non-working days.</li> <li>• Earned an average of at least the Lower Earnings Limit (£125 per week for the 2025/2026 tax year).</li> <li>• Give their employer notice and proof of illness when required (usually a doctor's 'fit note' after 7 days of sickness).</li> </ul> <p>The ERA removed the Lower Earnings Limit to make Statutory Sick Pay available to all workers and removed the three-day waiting period. Lower paid employees who previously did not qualify for SSP will be entitled to SSP at the lower of 80% of their average weekly pay, or the standard rate of SSP (currently £123.25). The SSP measures in the ERA widen eligibility to the up to 1.3 million employees who are currently not entitled.</p> <p><b>Key publications</b></p> <p><a href="#">Employment Rights Act 2025</a></p> <p><a href="#">Implementing the Employment Rights Act: Timeline update</a></p> <p><a href="#">Response to consultation: Strengthening statutory sick pay</a></p> <p><a href="#">Plan to make work pay</a></p> <p><a href="#">Next steps to make work pay</a></p> |

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|  | <b>Redundancy</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|  | <p><b>Current status</b></p> <p>The Employment Rights Act will introduce an additional new threshold for collective consultancy. In a case where employees are being made redundant at more than one establishment, regulations may prescribe a higher number than 20 of those employees for the purposes of determining when the collective consultation obligations apply. The number may be determined by reference to criteria set out in the regulations (for example, by reference to a particular percentage of total employees). On 26 February the government published a consultation paper on how the new threshold should be calculated.</p> <p><b>Background</b></p> <p>Another commitment made in the Plan to make work pay is to strengthen redundancy consultation rights and this is also addressed in the Employment Rights Bill (<b>ERA</b>).</p> <p>Although redundancy dismissals will continue to be possible, these changes will make managing the associated consultation process more cumbersome and potentially lengthier. To be able to identify when their statutory obligations are triggered, multi-site or multi-entity employers will require a constant overview of the aggregate numbers of redundancies across their business. This is likely to be a challenge for many organisations.</p> <p><b>Key publications</b></p> <p><a href="#">Consultation paper on threshold for triggering collective redundancy consultation</a></p> <p><a href="#">Consultation paper on strengthening remedies against abuse of rules on collective redundancy and fire and rehire</a></p> <p><a href="#">Employment Rights Act 2025</a></p> <p><a href="#">Implementing the Employment Rights Act: Timeline update</a></p> <p><a href="#">Plan to make work pay</a></p> <p><a href="#">Next steps to make work pay</a></p> |

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|  | <b>Right to switch off</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|  | <p><b>Current status</b></p> <p>In its Next Steps To Make Work Pay document the government said that it would be taking forward the right to switch off through a statutory Code of Practice.</p> <p><b>Background</b></p> <p>In its Plan To Make Work Pay the government announced that it will bring in the 'right to switch off' following similar models to those that are already in place in Ireland or Belgium, giving workers and employers the opportunity to have constructive conversations and work together on bespoke workplace policies or contractual terms that benefit both parties.</p> <p><b>Key publications</b></p> <p><a href="#">Plan to make work pay</a></p> <p><a href="#">Next steps to make work pay</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|  | <b>Pay transparency</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|  | <p><b>Current status</b></p> <p>The government will make it mandatory for large employers to report their ethnicity and disability pay gaps.</p> <p><b>Background</b></p> <p>One year on from the publication of a consultation on a requirement for large employers to report ethnicity and disability pay gaps, the government has now confirmed that it will take this proposal forward. These new obligations come on top of the existing annual requirement for large employers to report gender pay gap data.</p> <p>The government's response provides as follows:</p> <p>Employers in scope</p> <ul style="list-style-type: none"> <li>• The reporting threshold for mandatory ethnicity and disability pay gap reporting will be large employers with 250 or more employees.</li> <li>• The government intends to provide advice for organisations just over the reporting threshold (250 to 500 employees) who are concerned about implementing reporting effectively, including the potential costs of compliance.</li> <li>• Employers with fewer than 250 employees will be encouraged to report voluntarily, where possible.</li> </ul> <p>Reporting framework</p> |

- The reporting metrics and reporting processes for ethnicity and disability pay gap reporting will be aligned with the existing gender pay gap reporting regime.
- Employers will, therefore, report the same six measures for ethnicity and disability pay gap reporting as are currently used for gender pay gap reporting:
  - Mean differences in average hourly pay.
  - Median differences in average hourly pay.
  - Pay quarters: The percentage of employees in 4 equally-sized groups, ranked from highest to lowest hourly pay.
  - Mean differences in bonus pay.
  - Median differences in bonus pay.
  - The percentage of employees receiving bonus pay.
- Mandatory ethnicity and disability pay gap reporting will also include workforce reporting requirements. This means that employers will have to report the breakdown of their workforce by ethnicity and disability status. They will also have to declare the proportion of employees who did not share their ethnicity or disability status.
- Mandatory ethnicity and disability pay gap reporting will have the same reporting dates as gender pay gap reporting and use the same online service for the publication of data. This means that employers (in the private sector) will have a pay data 'snapshot date' of 5 April each year. They will then have to report their pay gap data within 12 months ie by 4 April the following year.

#### Ethnicity data

- Employers will be required to collect ethnicity data using the same set of questions used in the Government Statistical Service's [ethnicity harmonised standard](#).
- Aggregation of individual ethnic groups will need to be in line with ONS guidance as follows:
  - White.
  - Asian or Asian British.
  - Black, Black British, Caribbean or African.
  - Mixed or multiple ethnic groups.
  - Other ethnic groups.
- Where numbers permit, employers will have to report comparisons between the five ethnic groups. However, as a minimum, employers will be required to report a binary comparison. A binary comparison means comparing the White ethnic group with all other ethnic groups combined. However, this will not apply if an employer does not meet the set threshold for either the White group or all other ethnic groups combined.

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|  | <ul style="list-style-type: none"> <li>The government will set a threshold for employees for each ethnic group to protect anonymity. This threshold has not yet been decided and is still under consideration by the government. For example, if the threshold is set at ten, an employer would need to have at least ten employees in each of the five broad ethnic groups in order to report the data.</li> </ul> <p>Disability data</p> <ul style="list-style-type: none"> <li>Disability pay gap reporting will require employers to report a binary comparison (disabled or non-disabled), using the Equality Act 2010 (EqA) definition of disability. The EqA defines a disabled person as someone who has a '<i>physical or mental impairment</i>' which has '<i>a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities</i>'. However, the government is going to consider how it can also encourage organisations with sufficient data to disaggregate their data further on a voluntary basis.</li> <li>Again, there will be a threshold for employees for each group to protect anonymity, but consideration is still ongoing as to the most appropriate threshold. For example, if the minimum threshold is set at ten employees, reporting will only be required if there are least ten employees in each of the salary quarters, rather than ten overall in the workforce.</li> <li>The government is also aiming to 'future-proof' the legislation to allow for more granular disability reporting in due course, if this becomes appropriate.</li> </ul> <p>Action plans</p> <ul style="list-style-type: none"> <li>The government will require large employers to take actions to tackle ethnicity and disability pay gaps. This will be aligned with the new requirements (mandatory from 2027) for large employers to produce an action plan covering steps to reduce the gender pay gap and support employees going through the menopause. This means that employers will be able to produce one single action plan.</li> </ul> <p>Guidance and tools</p> <ul style="list-style-type: none"> <li>The government says that it will develop guidance and practical tools to support employers with the proposed new reporting requirements. This will include: <ul style="list-style-type: none"> <li>Guidance on how employers can improve employee declaration rates on ethnicity and disability.</li> <li>Detailed step-by-step guidance on how to make the calculations.</li> <li>Advice on actions to address ethnicity and disability pay gaps.</li> </ul> </li> </ul> <p>Enforcement</p> <p>Enforcement for ethnicity and disability pay gap reporting will mirror enforcement for gender pay gap reporting. As it stands, the Equality and Human Rights Commission (EHRC) is responsible for enforcing reporting annually. It has also previously investigated statistically improbable data to ensure employers are reporting accurately. The government intends to discuss enforcement further with the EHRC as it continues to develop the legislation and detailed reporting requirements.</p> <p>Implementing legislation</p> <ul style="list-style-type: none"> <li>The government will draft new primary legislation to give effect to the new obligations, together with supporting regulations that will set out the detail of the reporting requirements.</li> </ul> |
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|  | <ul style="list-style-type: none"><li>It appears from the government's 2024 <a href="#">Next Steps to Make Work Pay</a> document that the new primary legislation will be an Equality (Race and Disability) Bill. As yet, the government has published very little information about this bill. However, in the response to consultation, the government has set out some <a href="#">proposed draft wording</a> for the relevant clauses.</li></ul> |
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**Key publications**

[Response to consultation on mandatory ethnicity and disability pay gap reporting](#)

[Plan to make work pay](#)

[Next steps to make work pay](#)

