



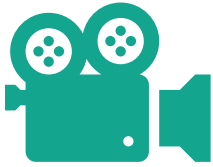
EMPLOYMENT CLUB

The latest developments in employment law

Thursday 5 February 2026



HOUSEKEEPING



Recording

You will receive the recording and a copy of the slides



Q&A

Please put your questions in the Q&A



Polls

Get involved in our polls



AGENDA

The Employment Rights Act 2025: what you need to know now

Important recent cases

Q&A

A POINT OF VIEW
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THE EMPLOYMENT RIGHTS ACT 2025: WHAT YOU NEED TO KNOW NOW

A BRIEF HISTORY OF THE ACT

Introduced in the House of Commons on 10 October 2024

Finally agreed by the House of Lords on 16 December 2025

Given Royal Assent on 18 December 2025, when it became an Act

Will come into force in stages over a two-year period

80+ statutory instruments

14+ consultations



18 DECEMBER 2025



- Repeal of the Strikes (Minimum Service Levels) Act 2023



Various industrial
action measures



Paternity and unpaid
parental leave –
notice and evidence



6/7 APRIL 2026

Day one rights to
paternity leave
and unpaid
parental leave

Statutory sick pay
changes

Whistleblowing
protections

Fair Work Agency
to be established

Doubling the
collective
redundancy
protective award

Simplifying trade
union recognition



NO EARLIER THAN AUGUST 2026

- Electronic and workplace balloting for statutory trade union ballots

1 OCTOBER 2026

New duty to take “all reasonable steps” to prevent harassment, and prevent third party harassment

Sexual harassment: steps that are “reasonable” for an employer to take

Tightening tipping law

1 OCTOBER 2026 (CONTINUED)



DUTY TO INFORM WORKERS
OF RIGHT TO JOIN TRADE
UNION



PACKAGE OF FURTHER
TRADE UNION MEASURES



EXTEND TIME LIMITS FOR
MOST ET CLAIMS TO SIX
MONTHS



OUTSOURCING PUBLIC
SECTOR CONTRACTS

Unfair dismissal changes:

6 month qualifying period to claim unfair dismissal and request written reasons

6 month qualifying period to request written reasons for dismissal

Removal of the cap on the compensatory award

No qualifying period to claim unfair dismissal for reason of spent convictions

Fire and rehire protections



2027

- Zero hours contracts/guaranteed hours provisions
- Changes to flexible working
- Changes to collective redundancy consultation threshold
- Regulation of umbrella companies
- Electronic and workplace balloting for recognition and derecognition ballots

2027 (CONTINUED)

Gender pay gap and
menopause action
plans

Enhanced dismissal
protection for
pregnant women
and new mothers

Specifying
reasonable steps to
prevent sexual
harassment

Bereavement leave

CLOSING THOUGHTS



Watch out for Government consultations



Keep an eye on developments and implementation dates – see our timeline:
[Employment law timeline | Womble Bond Dickinson](#)



Put together an action plan for your organisation



Implement some changes early?

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IMPORTANT RECENT CASES



DAVIDSON V NATIONAL EXPRESS LTD (EAT)

Had the employment tribunal erred in finding that the claimant's entitlement to unfair dismissal compensation for future loss should end on her 65th birthday?

TOM JAMES UK LTD V POTTER (HIGH COURT)

Was a 12 month non-competition clause enforceable?



MICRO FOCUS LTD V MILDENHALL (EAT)

Should the ET have looked backwards as well as forwards across a 90-day period when deciding whether the collective consultation obligations had been triggered? Should it have included redundancies at different group companies?



Q&A



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