



HR Business Consultants

# NEWSLETTER

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## The Employment Rights Act Edition



## Welcome from Jane



The Employment Rights Act changes will have a significant impact on how organisations support their people, manage performance, and retain talent.

These updates go beyond compliance—they're about building trust, strengthening engagement, and taking a more proactive, people-focused approach.

In this edition, we focus on what the Employment Rights Act changes mean in practice, bringing together clear, practical guidance on the key areas employers need to understand and act on:

- Employment Rights Act Overview
- Sexual Harassment Changes
- Employment Rights Act Checklist
- Key Milestones to Prepare For
- What the Fair Work Agency Means for Employers

Whether you're reviewing existing policies or preparing for what's ahead, these insights will help you stay compliant, reduce risk and support your people effectively.



# Employment Rights Act: what's now enforced and what's to come

**The first wave of Employment Rights Act laws have come into effect this month, with more to follow throughout the rest of 2026 and 2027.**

To help you to know where you stand, let's look at what's already come into force and what's to follow:

## What's being enforced in April:

- New paternity leave rules
- Strengthened whistleblowing protections
- Updated Statutory Sick Pay
- Bereaved Partner's Paternity Leave
- Menopause and gender equality guidance

Plus, the Fair Work Agency is being established.

## Unfair dismissal qualifying period reducing to six months:

This law is being enforced in January 2027, which means that anyone you employ from 1st July 2026 has the right to claim unfair dismissal after just 6 months of service. This law has the potential to hit you the hardest and you'll need to reconsider your onboarding, probationary and performance strategies.

## What else is happening in 2026:

In October, new duties arrive around:

- Preventing harassment
- Informing employees of their right to join a union
- Supporting union access
- Revised tipping rules
- Changes to recognition processes and protections

These dates will require updates to policies, onboarding and manager guidance.

## What to prepare for in 2027

The most significant shifts take effect next year:

- Unfair dismissal qualifying period reducing to six months (we've already discussed this)
- Uncapped compensatory awards
- Enhanced protections for pregnant women and new parents
- Flexible working changes
- Bereavement leave including pregnancy loss
- Ending exploitative zero hours practices
- Regulation of umbrella companies

These will reshape how you manage probation, early performance issues and different working arrangements.

## How we can help you

As an independent HR consultant, we can help you to understand what these new laws mean for you and help you to prepare.

**Please get in touch for a confidential chat.**



# What you need to do to take ALL reasonable steps to prevent sexual harassment in the workplace

The laws around preventing sexual harassment have changed again.

In 2024, employers were required to take reasonable steps to prevent sexual harassment in the workplace. This involved updating your policies, conducting risk assessments and providing training to your employees.

Fast forward to now...

Under the Employment Rights Act, employers are required to take ALL reasonable steps to prevent sexual harassment in the workplace, which also extends to third parties.

Check out the checklist below to see what you'll now need to do to make sure you're legally compliant:

## Have a clear anti-harassment policy

A written policy explaining what sexual harassment is, that it won't be tolerated, how to report it and that employees won't be treated badly for speaking up. It should also cover harassment by clients or customers.

## Carry out a basic risk assessment

Identify where harassment could realistically happen (e.g., client meetings, lone working, social events, power imbalance). Record the risks and what you're doing to reduce them.

## Provide training to all staff

Employees need to understand what sexual harassment is, how to avoid it and how to report concerns. This should not be a one-off exercise and attendance should be recorded.

## Train managers separately

Managers must know how to handle complaints properly, respond to disclosures and avoid retaliation or mishandling situations.

## Offer clear reporting routes

Staff should have more than one person that they can report concerns to, especially if their manager is involved.

## Investigate complaints properly

Complaints should be handled promptly, fairly and confidentially. Outcomes should be documented.

## Address third-party harassment

If employees deal with customers or clients, there must be a process for challenging inappropriate behaviour and protecting staff.

# Employment Rights Act checklist

Do you know what laws apply to your business?



Do you know how the new laws will impact your business?



Have you worked out how much your payroll has increased?



Have you updated your contracts, policies and handbook?



Are you ready for six-month dismissal rights?



Do your employees understand what has changed?



Have managers had the right training?



**If you can tick everything off then great!**

**If you can't we're here to help, so please feel welcome to get in touch.**



# Employment Rights Act Milestones

Here are the different Employment Rights Act milestones that you need to be aware of.

While some of the new Employment Rights Act laws are being enforced this month, there are still lots of changes to happen throughout 2026 and into 2027.

Here at HR Business Consultants, we've organised the implementation of the new laws via different milestones to help our clients to know when things need to be done.

Below, you'll find the different milestones we're working towards.

## Milestone 1: Laws to be enforced in April 2026

Changes taking effect this month:

- extended collective redundancy protective awards
- Day 1 Paternity Leave and Unpaid Parental Leave
- strengthened whistleblowing protections
- Bereaved Partner's Paternity Leave
- changes to Statutory Sick Pay
- menopause and gender equality guidance
- simplified trade union recognition process
- establishment of the Fair Work Agency

These changes require updated documentation, clearer manager guidance and revised leave and sickness processes.

## Milestone 2: Prepare for 6-month dismissal rights

This law is being enforced in January 2027, which means that anyone you employ from 1st July 2026 has the right to claim unfair dismissal after just 6 months of service.

This law has the potential to hit you the hardest and you'll need to reconsider your onboarding, probationary and performance strategies.

## Milestone 3: Laws to be enforced in October 2026

- sexual harassment prevention duties
- obligation to inform employees of their right to join a union
- stronger trade union access rights
- Fair Pay Agreement body for Adult Social Care
- tighter tipping rules
- further changes to recognition processes and protections

These dates introduce important new duties around fairness, safety and workforce rights.

## Milestone 4: Laws to be enforced in 2027

Major ERA changes expected in 2027

- unfair dismissal qualifying period reducing to 6 months
- uncapped compensatory awards
- enhanced protections for pregnant women and new mothers
- flexible working changes
- bereavement leave including pregnancy loss
- ending exploitative zero hours practices
- regulation of umbrella companies

These changes will significantly affect dismissal processes, workforce planning and employment models.

If you need a hand with anything, please get in touch for a confidential chat.



## What Fair Work Agency Means

You probably haven't heard of the Fair Work Agency yet. That's because it's been slipped in as part of the Employment Rights Act that came into force in April. There is not much information available, but from what we do know, it is going to have a significant impact on your compliance requirements in the future. What we are looking at is not another advisory body. It is an enforcement agency that will expect you to evidence how you comply with employment law, not just trust that everything is fine behind the scenes.

### What the Fair Work Agency is

The Fair Work Agency has been created to bring several enforcement bodies together under one organisation. It sits within the Department for Business and Trade and will oversee a broad range of basic employment rights. In practice, the agency can:

- carry out proactive workplace inspections
- review your records and payroll data
- investigate suspected breaches
- issue penalties and require back payments
- recover enforcement costs
- bring claims on behalf of workers

For the first time, one agency can step in and take action without waiting for a complaint.

### Why the agency has been created

The previous system was fragmented. Different regulators focused on different issues and most problems only surfaced when an employee was unhappy enough to take the business to a tribunal.

That approach leaves non-deliberate gaps that become costly once it reaches a formal stage.

The new agency aims to close those gaps by taking a more proactive approach. It will look for issues before they escalate and create unnecessary risk for your business.

### Why this matters for your business

This increases the level of scrutiny you may face, even if no one has raised concerns internally.

You could now see an inspection without any complaint being made. If issues are identified, the consequences can include:

- financial penalties
- enforced back payments
- recovery of the agency's costs
- claims made on behalf of workers
- being publicly named for serious or repeated breaches
- criminal sanctions in extreme cases

The first thing the agency will look at is pay and leave, because this is where most small businesses make mistakes. It is rarely deliberate, the rules change and the calculations are easy to get wrong.

If your paperwork is messy or hard to pull together, this is where you are most exposed.

### What to do now to stay compliant and protected

#### Get your fundamentals in order

Start with the basics. Make sure you:

- contracts are current
- policies reflect how the business operates
- processes are documented and followed
- records can be produced quickly and confidently

#### Review pay and entitlements

This will be the priority area for checks. Review:

- minimum wage compliance
- holiday pay and sick pay calculations
- the clarity and accuracy of your payroll evidence

A common example is holiday pay for variable hours staff being calculated using outdated methods. Small error, big impact.

#### Improve record keeping

Weak record keeping is one of the quickest ways to create risk. Strengthen your position by:

- keeping detailed records for up to six years
- using a centralised digital system
- storing information consistently

If you cannot evidence compliance, you will struggle to defend your position.

#### Train your people

Many issues start with well-intentioned decisions made by managers or payroll. Make sure that they understand the basics of employment rights and how to avoid common mistakes.

#### Carry out regular checks

Don't wait for an inspection to reveal a problem. Build simple routine checks into your operations so that you stay ahead of any scrutiny.

#### Build a proactive HR plan

Focus on the areas that are most likely to be reviewed first, including pay, leave, working hours, contracts and record keeping. A proactive approach prevents issues from escalating and protects the business from unnecessary cost and disruption.

#### Where an HR consultant can support you

An experienced HR consultant can review your systems, processes and records, identify gaps and help you to get everything inspection ready.

We will keep you protected and reduce the pressure for you and your team.

**Get in touch for a confidential chat and we will talk you through how we can help.**

# Your top HR questions

## Are policies really that important?

Yes. Clear, up-to-date policies set expectations, reduce risk and give you something to rely on if decisions are challenged.

Tribunals look closely at whether policies exist, are reasonable and are applied consistently. Without them, even sensible decisions are harder to defend.

## What's the best way to keep my employees happy?

From a legal perspective, consistency and fairness matter more than perks.

Clear communication, predictable processes and managers who handle issues early and reasonably, do more to reduce disputes, grievances and absence than any formal benefit scheme.

## What training do my employees need with the ERA stuff?

The priority is manager training. Line managers need to understand new rights, processes and risk points so that they don't inadvertently create liability.

Training should focus on day-to-day decisions, not legal theory, and be refreshed as changes are phased in.

## Need a confidential chat?

If you have a problem brewing in your business, you're worried about something or you simply need some expert HR support then please get in touch with us for a confidential chat.

A quick conversation could save you from a very costly mistake and we could give you the clarity you need to decide your next steps with confidence.

Whether you're a new or existing client, we offer a free 30 min chat (without any obligation to buy from us in the future).

**Get in touch to arrange.**

