

EMPLOYMENT RIGHTS ACT 2025

»» UPDATE



Changes from April 2026

As of 6 April 2026, the next tranche of rights under the Employment Rights Act 2025 were implemented. These are summarised below.

If you have questions about any of these changes, please contact your Prospect or Bectu full-time official.

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Changes to Statutory Sick Pay (SSP)

Under the ERA, as of 6 April 2026, SSP will be paid from the **first** full day of sickness absence (previously paid from day three).

- All employees will be eligible for SSP regardless of their earnings.
- SSP will be paid at 80% of an employee's average weekly earnings or the updated weekly flat rate of £123.25, whichever is lower.

NOTES FOR REPS

Prospect recommends that reps review existing sick pay and attendance management policies in their workplace to ensure that these changes are reflected.

As SSP is now payable from the first full day of sickness, some employers may undertake more proactive monitoring of sickness absence.

These changes apply in Great Britain and Northern Ireland. Please remember that SSP is only payable to employees.

Changes to family rights

Under the ERA, the below key changes are in force as of 6 April 2026:

- The right to take unpaid parental leave will apply from day 1 of employment
 - Employees are entitled to take 18 weeks' unpaid leave to look after their child, for each child, up to the child's 18th birthday
 - A parent can take up to 4 weeks parental leave per year, which must be taken as whole weeks rather than individual days
 - Employees must give 21 days' notice before the intended leave start date.
- The right to take paternity leave will apply from day 1 of employment (removing the current requirement to have 26 weeks of continuous service)
 - Employees are entitled to take 2 weeks' paid paternity leave. Pay will be at the statutory weekly rate of 90% of average weekly earnings (whichever is the lower), although many employers will have better contractual paternity leave and pay policies
 - Leave cannot start before the birth and it must end within 52 weeks of the baby's birth (or the due date if the baby is early)
 - The employer must be informed of the baby's due date at least 15 weeks before the baby is due.
- The restriction on preventing paternity leave being taken after shared parental leave is removed.

NOTES FOR REPS

Prospect recommends that reps review existing policies in their workplace to ensure that employees are entitled to, at least, the new statutory minimum.

Please remember that these changes only apply to employees.

Changes to collective redundancy consultation

Requirements relating to collective redundancy consultation have also changed under the ERA. These reinforce existing collective redundancy obligations on employers, providing more protection to employees.

- The new legislation has increased the penalty for employers that fail to consult. The protective award for failure to follow the collective redundancy consultation provisions increases from 90 days' pay to 180 days' pay and is in force as of 6 April 2026.
- Other changes to collective consultation provisions under the Act are expected to come into force in 2027.

Updates to whistleblowing laws

Existing whistleblowing laws have been updated to include reporting sexual harassment as a protected disclosure under the ERA and are in force as of 6 April 2026. This adds to the protections which already exist under the victimisation provisions of the Equality Act 2010.

Workers now have increased protection and recourse if they report sexual harassment in the workplace and suffer a detriment as a result.

NOTES FOR REPS

Any disclosure must still meet the rest of the existing statutory criteria to qualify for whistleblowing protection. That is:

- The worker must reasonably believe that their disclosure meets the definition of a qualifying disclosure under the Employment Rights Act 1996
- The worker must reasonably believe that the content of their disclosure is in the public interest
- It must be made to the employer or one of a specific list of regulators

As a result of this change:

- Confidentiality clauses in settlement and non-disclosure agreements that prohibit workers from blowing the whistle on sexual harassment will be void
- If dismissed for disclosing sexual harassment, workers can make an Employment Tribunal claim for interim relief to continue receiving pay pending a final hearing on automatically unfair dismissal.