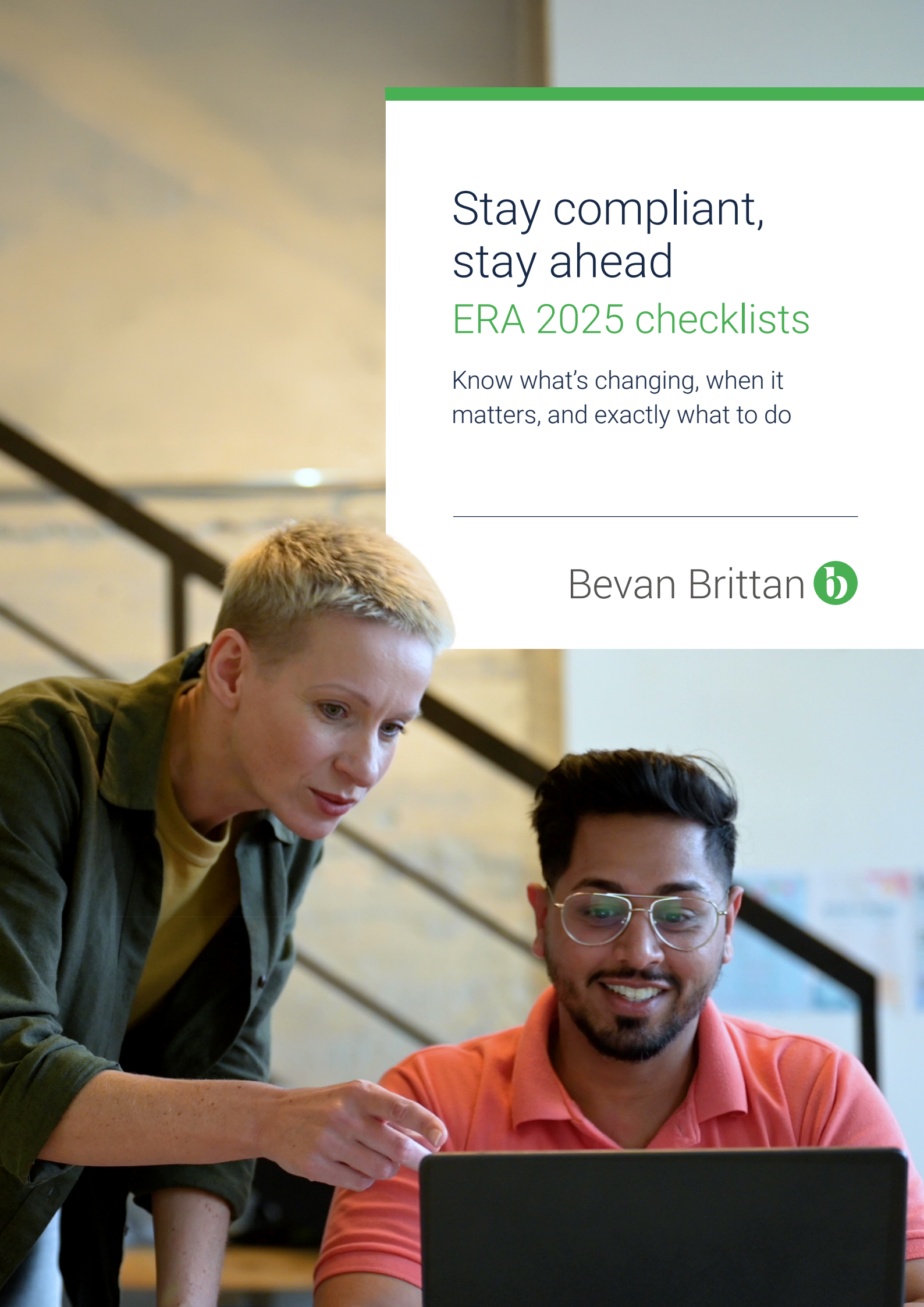




Stay compliant,
stay ahead

ERA 2025 checklists

Know what's changing, when it
matters, and exactly what to do

Bevan Brittan 



Introduction

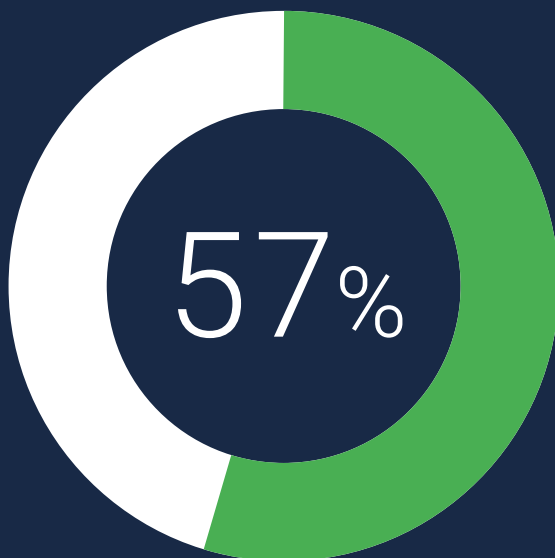
The Employment Rights Act 2025 represents the most significant overhaul of UK employment law in a generation. Spanning everything from unfair dismissal and flexible working to collective redundancy and trade union rights, the reforms will touch every corner of your organisation.

For many employers, the scale of change is daunting, and the evidence suggests most are not yet ready. The checklists in this guide are designed to change that. Each one breaks down what is changing, when it takes effect, and exactly what your organisation needs to do to prepare.

Where you need support, our team of specialist employment lawyers and HR consultants are ready to help, from compliance audits and board briefings to tailored manager training.

Visit our ERA Hub for the latest guidance, tools and updates as the reforms continue to roll out.

[Click here to explore the ERA Hub](#)



Over half of HR leaders say their organisations are not yet adequately prepared for the ERA changes.

[Empowering People Group 2026](#)

Guaranteed hours and shift work

These provisions affect zero-hours and low-hours workers, as well as agency workers. Although not yet in force, early preparation, especially in workforce planning and shift management, will be essential for affected employers.

What is changing?

Employers will be required to proactively offer guaranteed hours to 'qualifying workers' on zero hours or low hours contracts at the end of each reference period (expected to be 12 weeks), reflecting their working pattern over that period. This will be a duty on employers to make an offer when required, rather than merely a right for workers to request guaranteed hours, and will extend to agency workers. Employers must also give reasonable notice for shifts, shift changes and cancellations, with compensation payable for failure to do so.

When?

Expected to come into force in 2027.

Topic	Action
Review Contracts	• Review all zero-hours and low-hours contracts - Identify possible qualifying workers across your workforce • Extend review to agency worker arrangements
Audit Systems & Practices	• Assess how shifts are currently communicated and changed - Consider how last-minute cancellations can be reduced - Track shift patterns
Training	• Train managers and HR teams on the new legal duties and worker rights - Educate staff on guaranteed hours obligations - Create clear protocols for shift notice and change management
Records	• Maintain detailed records of hours worked, shift notices and contract offers - Develop internal dispute resolution procedures
Stay Informed	• Monitor ERA developments via our ERA Hub

How we can help?

- **Manager Training:** Equip your managers to handle guaranteed hours and shift notice obligations confidently.
- **ERA Compliance Audit:** Identify gaps in your zero-hours and agency worker arrangements before 2027.

[Explore support](#)

Learn more about how we can help you prepare and navigate these changes





CHECKLIST 2 OF 11

Flexible working and family leave

Day-one family rights and strengthened flexible working provisions will require immediate policy and procedure updates. The inclusion of pregnancy loss and expanded bereavement leave demands sensitive handling from HR and management alike.

What is changing?

Day-one rights to parental, paternity and bereavement leave, and the right to request flexible working. Bereavement leave now includes pregnancy loss before 24 weeks. Protections for pregnant employees and those on or returning from statutory family leave are strengthened. Employers may still refuse flexible working requests but only on reasonable grounds, following additional procedures.

When?

Bereaved Partners' Paternity Leave and Day 1' Paternity Leave and Unpaid Parental Leave came into force in April 2026.

Flexible working and bereavement leave (including pregnancy loss) expected in 2027.

Topic	Action
Update Policies	• Align leave policies with new day-one entitlements - Update flexible working, parental, paternity and bereavement leave policies - Reflect pregnancy loss and expanded bereavement definitions
Training	• Train HR teams and managers on sensitive leave requests and flexible working obligations • Ensure managers understand the new grounds for refusing flexible working requests
Audit Redundancy Procedures	• Review redundancy procedures to ensure compliance with priority offer obligations for those on family leave
Stay Informed	• Monitor ERA developments via our ERA Hub

How we can help?

- **Manager Training:** Prepare your HR teams and managers to handle sensitive leave requests and flexible working obligations lawfully.
- **ERA Compliance Audit:** Ensure your leave policies and redundancy procedures are fully aligned with the new entitlements.

Explore support

Learn more about how we can help you prepare and navigate these changes



Fire and re-hire

The ERA dramatically restricts the use of fire and re-hire. Dismissals to impose 'restricted variations' to employment terms will be automatically unfair. Employers should act now to review contracts and strengthen consultation processes, even though these changes are expected from January 2027.

What is changing?

Dismissal will be automatically unfair where the reason for the dismissal is that the employee has not agreed to certain contractual changes known as 'restricted variations' (e.g. changes to pay, holiday or hours). This also applies to a dismissal that enables the employer to engage another person on varied terms to carry out substantially the same role. A financial difficulty exception applies. The Statutory Code of Practice will apply to non-restricted variations.

When?

Expected to take effect from 1 January 2027.

Topic	Action
Review Contracts	• Identify clauses that allow unilateral changes to employment terms - Review 'variation clauses' to ensure they will not trigger automatic unfair dismissal
Consultation Processes	• Strengthen consultation frameworks - Ensure genuine dialogue with employees on any proposed changes - Develop internal protocols for managing contract changes fairly and lawfully
Training	• Train managers and HR teams on employer obligations and the Statutory Code of Practice
Risk Assessments	• Avoid using fire and re-hire as a negotiation tactic - Consider mediation and develop internal dispute resolution procedures
Records	• Keep detailed records of all consultations and steps taken
Stay Informed	• Monitor ERA developments via our ERA Hub

How we can help?

- **ERA Compliance Audit:** Review your employment contracts and variation clauses for automatic unfair dismissal risk.
- **Manager Training:** Equip your HR and legal teams to navigate the Statutory Code of Practice and new consultation requirements.
- **Board Briefing:** Ensure leadership understands the strategic risk of fire and re-hire practices under the new regime.

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Learn more about how we can help you prepare and navigate these changes





CHECKLIST 4 OF 11

Unfair dismissal

The removal of the two-year qualifying period is one of the most significant changes in the ERA. From January 2027, employees with just six months' service will be able to bring unfair dismissal claims, and the removal of compensation caps creates substantial financial exposure. Boards and senior leaders should be briefed on this risk now.

What is changing?

The unfair dismissal qualifying period reduces from 24 months to 6 months. The compensatory award cap (currently the lesser of £118,223 or 52 weeks' pay) will be removed entirely, with no upper limit on awards. Any employee with 6 months' service as of 1 January 2027 will be eligible to claim.

When?

1 January 2027.

Topic	Action
Audit Contracts	Update employment contracts to include clear probationary terms and performance expectations
Update Policies	Align disciplinary, grievance, performance and probationary procedures with the new rights
Training	Train managers on fair dismissal practices
Strengthen Onboarding	- Implement structured onboarding and formal probation reviews - Set clear criteria and provide regular feedback - Document all performance issues and warnings meticulously
Tribunal Exposure	- Budget for potential legal costs and increased tribunal exposure - Consider mediation and early conciliation strategies - Maintain detailed records of all meetings and decisions
Board Engagement	Secure leadership buy-in for strategic changes to HR and workforce practices
Stay Informed	Monitor ERA developments via our ERA Hub

How we can help?

- Board Briefing:** The removal of compensation caps is a board-level risk issue. Our Strategic Board Briefing sets out the financial and governance implications.
- Manager Training:** Equip every manager to handle performance, probation and dismissal lawfully under the new regime.
- ERA Compliance Audit:** Review your disciplinary, performance and probationary frameworks against the new six-month qualifying period.

Explore support

Learn more about how we can help you prepare and navigate these changes



Collective redundancy

The doubling of protective awards is already in force. The new entity-wide threshold test, when published, will significantly expand collective consultation obligations for multi-site employers. Preparation should begin now even whilst secondary legislation is awaited.

What is changing?

Collective consultation will be required where 20 or more redundancies are proposed at one establishment, or under a new entity-wide threshold test (to be set out in secondary legislation). Protective awards for failure to consult have increased from 90 to 180 days' pay per employee.

When?

The increase in protective awards came into force on 6 April 2026. New threshold test is expected in 2027.

Topic	Action
Review Policies & Contracts	- Update redundancy policies to reflect new consultation triggers - Identify any terms that could be affected by the new entity-wide threshold
Update Consultation Procedures	- Prepare to consult across multiple sites, not just single locations - Develop a centralised tracking system for redundancy numbers across the business
Training	Train HR teams to recognise when the new thresholds are met
HR1 Compliance	- Strengthen HR1 notification compliance - Include fire and re-hire scenarios in collective consultation planning
Stay Informed	Monitor ERA developments, including secondary legislation on the new threshold via our ERA Hub

How we can help?

- ERA Compliance Audit:** Review your collective consultation procedures and redundancy policies against the in-force and forthcoming changes.
- Board Briefing:** Ensure your board understands the doubled protective award exposure and entity-wide consultation risks.
- Manager Training:** Equip HR teams to navigate the new consultation obligations confidently.

Explore support

Learn more about how we can help you prepare and navigate these changes





Fair Work Agency

The Fair Work Agency has been established. With powers to issue underpayment notices, enter premises, seize documents and bring tribunal proceedings on behalf of workers, employers should treat enforcement risk as a live issue rather than a future concern.

What is changing?

The Fair Work Agency consolidates existing enforcement powers and introduces additional powers, including: notices of underpayment with penalties of up to 200% of arrears (max £20,000 per individual); information notices; power to enter premises and seize documents; and the ability to bring employment tribunal proceedings on behalf of workers.

When?

The Fair Work Agency was established on 7 April 2026. It is already operational.

This change has already taken place. Employers should treat FWA compliance as an immediate priority.

Topic	Action
Compliance Review	• Audit holiday pay, working hours and leave entitlements, early FWA enforcement priorities - Ensure contracts and policies align with statutory minimums
Training	• Ensure managers and HR teams understand the FWA's role and powers - Build internal capacity for early dispute resolution and proactive compliance
Record-Keeping	• Maintain clear documentation of employment terms, pay and leave - Prepare for potential audits or enforcement actions by the FWA
Stay Informed	• Monitor FWA enforcement priorities via our ERA Hub

How we can help?

- **ERA Compliance Audit:** Assess your exposure to FWA enforcement with a review of pay, leave and working time compliance.
- **Manager Training:** Ensure your HR team is equipped to respond appropriately to FWA enquiries and investigations.

[Explore support](#)

Learn more about how we can help you prepare and navigate these changes



Fair Pay Agreement (adult social care)

This checklist is specifically relevant to employers in the adult social care sector in England, Scotland and Wales. The ASC Negotiating Body is not yet established, but providers should begin financial modelling and workforce planning now in anticipation of new minimum standards for pay and conditions.

What is changing?

The Employment Rights Act paves the way for an Adult Social Care (ASC) Negotiating Body in England (with separate bodies for Scotland and Wales) to collectively negotiate the Fair Pay Agreement, setting minimum standards for pay and working conditions in adult social care, backed by a £500 million investment.

When?

ASC Negotiating Body: expected to be established in autumn 2027. First Fair Pay Agreement: expected in April 2028.

Topic	Action
Audit Pay & Conditions	• Compare existing wages, hours and benefits against anticipated FPA benchmarks - Identify compliance gaps and areas requiring improvement
Budget & Planning	• Model the financial impact of wage increases and improved conditions - Assess effects on funding, commissioning and workforce sustainability
Review Contracts & Policies	• Begin reviewing contracts and policies in preparation for new standards
Training	• Train HR teams to implement changes fairly and consistently
Stay Informed	• Monitor FPA developments via our ERA Hub

How we can help?

- **ERA Compliance Audit:** Tailored support for adult social care providers assessing their readiness for Fair Pay Agreement requirements.
- **Board Briefing:** Understand the financial and strategic implications of the FPA for your organisation's leadership.

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CHECKLIST 8 OF 11

Industrial relations and trade union rights

Several key industrial relations reforms have already taken effect, with more to follow in 2026 and 2027. Employers with recognised trade unions, or those at risk of recognition applications, should treat this as an urgent priority. The reforms significantly strengthen union rights across recognition, access, balloting and protections for representatives.

What is changing?

The ERA repeals the Strikes (Minimum Service Levels) Act 2023, simplifies balloting and notice requirements, improves union rep facility time, changes blacklisting rules, extends protections against detrimental treatment for industrial action, and introduces a new framework for workplace access arrangements. The Central Arbitration Committee can enforce access arrangements where agreements cannot be reached.

When?

Several changes already in force (December 2025, February 2026, April 2026). Further changes expected August 2026, October 2026 and 2027.

Key changes have already taken place. See the detailed timeline below, employers should treat several of these as immediate action items.

Topic	Action
Review Recognition	• Audit current union recognition agreements - Prepare for increased recognition requests under the simplified process (already in force from 6 April 2026)
Training	• Ensure HR teams understand new thresholds, legal obligations and facility time rights • Train managers on lawful engagement with unions and striking staff
Consultation & Communication	• Build proactive relationships with recognised unions to avoid disputes - Use joint working groups or forums to address workplace concerns
Industrial Action Protocols	• Update internal procedures for responding to strike ballots and industrial action
Stay Informed	• Monitor ongoing industrial relations reforms via our ERA Hub

How we can help?

- **Board Briefing:** Industrial relations reform is a strategic risk. Our briefings equip boards to oversee governance and response strategies.
- **Manager Training:** Prepare HR and management to engage lawfully with unions and handle industrial action under the new regime.
- **ERA Compliance Audit:** Audit your recognition agreements, facility time arrangements and access protocols for compliance.

Explore support

Learn more about how we can help you prepare and navigate these changes



Equality - Pay gaps, harassment and NDAs

Employers with 250 or more employees face new gender pay gap action plan obligations, whilst all employers will need to take 'all reasonable steps' to prevent sexual harassment. In addition, employers will also be liable for third party harassment unless they have taken all reasonable steps to prevent it happening. NDA restrictions on disclosing harassment are also on the horizon. These changes carry significant reputational as well as legal risk.

What is changing?

Employers (250+ employees) must create and publish gender pay gap action plans. The duty to prevent sexual harassment is upgraded from 'reasonable steps' to 'all reasonable steps', and employers will be liable for third-party harassment. NDAs that prevent workers disclosing details of harassment or discrimination will be void.

When?

Gender pay gap action plans: voluntary from 6 April 2026, compulsory from 2027. Harassment provisions: expected October 2026. NDAs: date not yet confirmed.

Topic	Action
Audit Pay Structures	Identify causes of gender pay gaps. E.g. promotion rates, part-time roles, bonus schemes
Action Plans	- Develop targeted gender pay gap action plans - Include measurable goals, timelines and accountability mechanisms - Collaborate with employee groups for credibility and inclusivity
Harassment: Risk Assessments	Identify high-risk roles, locations and interactions (e.g. lone workers, customer-facing roles)
Update Policies	Ensure harassment policies reflect the new 'all reasonable steps' duty and third-party provisions
Training	Ensure all staff are trained on harassment prevention, reporting and obligations
Reporting Channels	Ensure staff know how to report concerns confidentially and safely
Review NDAs	Remove or revise NDA clauses that could unlawfully restrict disclosures of harassment or discrimination
Monitor Progress	Track equality outcomes using internal dashboards or HR software
Stay Informed	Monitor equality reform developments via our ERA Hub

How we can help?

- Manager Training:** Our training includes dedicated sessions on sexual harassment, third-party harassment, and conducting investigations.
- ERA Compliance Audit:** Review your equality policies, NDA wording and pay structures against the new obligations.
- Board Briefing:** Gender pay gap action plans and harassment obligations carry reputational as well as legal risk, ensure board-level oversight.

[Explore support](#)

Learn more about how we can help you prepare and navigate these changes





Employment tribunal time limits

The doubling of the time limit for most tribunal claims from three to six months will significantly increase employers' exposure. Matters that might once have been outside time will no longer be. Internal processes must be faster, better documented and more consistently followed.

What is changing?

The time limit to bring most employment tribunal claims will increase from 3 to 6 months.

When?

Expected October 2026.

Topic	Action
Audit HR Practices	• Review how grievances, disciplinaries and dismissals are currently handled - Pay close attention to process and the time taken to conclude matters - Ensure internal timelines are consistent and well-documented
Training	• Train managers and HR teams on the new time limits and procedural expectations
Record-Keeping	• Improve record-keeping so that all employment-related decisions are logged and timestamped
Legal & HR Engagement	• Seek legal advice early, especially regarding mediation, settlement or early conciliation
Stay Informed	• Monitor ongoing industrial relations reforms via our ERA Hub

How we can help?

- **Manager Training:** Prepare your HR teams and managers for the practical impact of longer tribunal time limits.
- **ERA Compliance Audit:** Assess your grievance, disciplinary and dismissal processes for tribunal exposure under the new limits.

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Outsourced public sector workers

This checklist is most relevant to public sector bodies and organisations with significant outsourcing arrangements. Contractors and suppliers will also need to be engaged, this is not solely an internal HR matter.

What is changing?

Outsourced public sector workers are to be offered terms broadly equivalent to their in-house public sector counterparts..

When?

Expected October 2026.

Topic	Action
Review Contracts	• Audit all current outsourcing arrangements to identify affected workers - Ensure contracts include provisions for compliance with new rights and reporting duties
Engage Contractors & Suppliers	• Communicate upcoming changes and expectations to contractors and suppliers - Collaborate on updating policies to reflect new equivalence obligations
Training	• Ensure HR and procurement teams understand the changes and compliance risks
Stay Informed	• Monitor ERA developments via our ERA Hub

How we can help?

- **ERA Compliance Audit:** Review your outsourcing contracts and procurement arrangements for compliance with the new equivalence obligations.
- **Manager Training:** Equip procurement and HR teams to manage the transition.

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Learn more about how we can help you prepare and navigate these changes





How can we help?

Expert support at every stage of your ERA journey

Our preparation checklists give you the roadmap, our specialists help you deliver it. Whether you need a health-check on your current position, training for your people, or strategic guidance for your board, we are here to help.



Strategic board briefings

Equip your board and senior leaders with the clarity to act decisively on ERA risk and governance.

[Click here](#)



Manager and HR training

Modular, practical training for HR teams, managers and senior leaders delivered virtually or on-site.

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ERA compliance audit

A comprehensive review of your contracts, policies and procedures with a risk-rated gap analysis and prioritised action plan.

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ERA Hub - Stay informed

Visit our dedicated Employment Rights Act 2025 Hub for tools, guidance, and updates as the changes continue to roll out.

[Click here](#)

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