

KEY MEASURES TAKE EFFECT UNDER UK EMPLOYMENT RIGHTS ACT: PRACTICAL STEPS FOR EMPLOYERS TO TAKE NOW

Insights
Mar 12, 2026

Key Measures Take Effect Under UK Employment Rights Act: Practical Steps for Employers to Take Now

Employers should be prepared to comply with a new law that overhauls workplace rights in the United Kingdom. The first provisions took effect when the act received Royal Assent in December, and additional requirements are being phased-in over a two-year period. Here's an overview of key provisions that just rolled out in February, as well as a few slated for April this year – plus the top compliance steps employers should consider taking now.

Measures in Effect Prior to 2026

Repeal of the Strikes (Minimum Service Levels) Act 2023

The act removes the ability of employers in six key sectors (including emergency services, education, and transport) to require minimum staffing levels during strikes. This essentially means employers in those sectors can no longer mandate a baseline level of service during lawful strike action.

Measures That Just Took Effect on February 18, 2026

Expanded Protection Against Dismissal for Strike Participation

The act removes the prior 12-week limit on protection from dismissal for employees participating in lawful strike action

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(which is referred to as “industrial action” in the UK). Regardless of how long a strike lasts, any dismissal connected to an employee’s participation in lawful strike activity will be automatically considered an unfair practice under UK law.

Service Focus

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What Employers Should Do Now

- Review disciplinary and termination policies to ensure they do not create exposure to automatic unfair dismissal claims in connection with strike activity.
- Train HR and management teams on the expanded protections and heightened litigation risks.
- Reassess strike contingency planning to ensure response measures remain compliant.

Expanded Trade Union Rights and Strike Procedure Reforms

The act significantly revises the UK’s primary labor relations statute, the Trade Union and Labour Relations (Consolidation) Act 1992. Key changes include:

- A requirement to notify workers in writing of their legal right to join a trade union.
- A reduction in the required industrial action notice period from 14 days to 10 days.
- Removal of the requirement to appoint a formal strike supervisor for picketing activities.
- Extension of the timeframe in which a union may initiate industrial action after a successful member vote from six months to 12 months.
- Introduction of statutory “access agreements,” allowing union representatives to enter workplaces to meet with employees, organize members, and support collective bargaining.

What Employers Should Do Now

- Update onboarding materials and employee communications to reflect written notice requirements

regarding union rights.

- Review strike response timelines in light of shorter notice periods.
- Develop clear protocols on union representative access to facilities, addressing health, safety, and security considerations.
- Train site leaders and managers on lawful engagement with union officials.

Measures Taking Effect on April 6, 2026

Increased Financial Penalties for Failure to Consult in Mass Layoffs

In situations involving collective redundancies (mass layoffs affecting 20 or more employees at one establishment within 90 days), the maximum financial penalty for failing to properly consult with employee representatives will double from 90 days' pay per affected employee to 180 days' pay.

This payment is known in the UK as a "protective award" and serves as a financial remedy for failure to comply with mandatory consultation obligations.

What Employers Should Do Now

- Reassess workforce restructuring and layoff consultation procedures to ensure strict compliance.
- Involve employment counsel early in restructuring discussions that may trigger collective consultation requirements.
- Update internal approval and escalation processes to reflect the increased financial exposure.

Day-One Eligibility for Paternity Leave and Unpaid Parental Leave

The act will remove the prior service requirement for paternity leave. Employees will be entitled to paternity leave from the first day of employment.

What Employers Should Do Now

- Update family leave policies and template employment contracts.
- Review payroll and leave administration systems to ensure eligibility is triggered from day one.
- Communicate changes clearly to HR teams and hiring managers.

Expanded Whistleblower Protections

Protections against dismissal and other workplace detriments are extended to workers who disclose that sexual harassment has occurred or is likely to occur. This means individuals who raise concerns about potential harassment will receive protection under UK whistleblowing laws.

What Employers Should Do Now

- Review and update whistleblowing policies to reflect the expanded scope of protected disclosures.
- Ensure reporting channels are clear, confidential, and accessible.
- Train managers on how to respond appropriately and lawfully to protected disclosures.

Establishment of the Fair Work Agency

The Fair Work Agency is a single enforcement body responsible for overseeing compliance with UK employment laws. The agency will have robust investigative authority and enforcement powers.

What Employers Should Do Now

- Conduct an internal compliance audit focusing on wage, working time, and employment status obligations.
- Ensure recordkeeping practices are accurate, organized, and audit-ready.
- Designate a staff member to engage with the Fair Work Agency and monitor for future guidance.

Sick Pay Reforms

The act will expand Statutory Sick Pay so that it will:

- Be payable from the first day of illness (removing the prior waiting period); and
- Apply to lower-earning employees who were previously excluded due to minimum earnings thresholds.

What Employers Should Do Now

- Update sickness absence and sick pay policies.
- Review payroll systems to ensure sick pay is applied correctly from day one.
- Amend template contracts and employee handbooks to reflect the new eligibility rules.

Simplification of Trade Union Recognition and Balloting

The requirement for a 50% turnout threshold in industrial action ballots will be removed. Electronic and workplace balloting will be permitted. Additionally, formal recognition of a union will require only a simple majority of those voting, rather than a majority of all employees in the proposed bargaining unit.

What Employers Should Do Now

- Revisit labor relations strategies and anticipate increased union activity.
- Train HR and leadership teams on lawful engagement during union recognition campaigns.
- Monitor forthcoming guidance on electronic and workplace balloting procedures.

What's Next?

The phased rollout of the UK Employment Rights Act means there are still more sweeping reforms to come. While the measures effective as of April 2026 relate primarily to unionized workers, other provisions set to take effect

through 2026 and 2027 will impact a broader class of businesses.

We will continue to monitor legal changes, so make sure you are subscribed to [Fisher Phillips' Insight System](#) to receive the latest updates directly to your inbox. If you have any questions, contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in our [International Practice Group](#).