

# Employment Rights Act 2025

## Other 2027 Changes

Change	Detail
<b>Family-friendly rights and flexible working</b>	<ul style="list-style-type: none"><li>• Enhanced dismissal protection for pregnant women and new mothers within 6 months of their return as their dismissal becomes unlawful except in specific circumstances. Similar protections may also apply to other forms of family leave</li><li>• Statutory 1 week bereavement leave to be introduced for the loss of a close family member (to be defined). This includes pregnancy loss in the first 24 weeks</li><li>• Strengthened right to request flexible working with the aim to make flexible working the default unless there is a statutory business reason which can be objectively justified for any refusal. Employers will be required to consult before refusing a request and to set out their reasons in writing for any refusal</li><li>• Mandatory reporting: Employers with 250+ employees will be required to publish action plans on gender equality and how they support employees through the menopause (voluntary from April 26). After the first publication, it will not be required to publish information more frequently than every 12 months. Details of enforcement yet to be released.</li></ul>
<b>Collective consultation</b>	<p>Threshold number of employees for collective consultation to be set (but must not be lower than 20). The obligation to collectively consult over redundancies will be triggered where an employer is proposing to dismiss as redundant within a period of 90 days or less:</p> <ul style="list-style-type: none"><li>• 20 or more employees at one establishment or</li><li>• At least the threshold number of employees, as yet to be defined.</li></ul> <p>The intention being that where employees are being made redundant at more than one establishment, the trigger for collective consultation, and notification of the secretary of state, can be set at a number higher than 20. However, the Government is yet to indicate what the trigger may be where redundancies are calculated across a business.</p>
<b>Trade union protections enhanced</b>	<p>Strengthened protection against blacklisting along with an industrial relations framework (more information awaited). Electronic and workplace balloting for recognition and derecognition ballots will also be implemented.</p>
<b>Umbrella companies</b>	<p>An amended definition of umbrella company. Regulation in a similar manner to employment businesses by the Conduct Regulations and enforcement will increase.</p>

Change	Detail
<p><b>Zero-hours overhaul</b></p>	<p>Expands the definition and regulation of employment businesses to cover a wider range of supply arrangements. This will bring more types of agency and supply arrangements under statutory regulation.</p> <p><b>Current position:</b> Zero-hours (or low hours) contracts (also known as “casual contracts”) are legal, allowing employers to offer work on an ad-hoc basis where the workers can choose whether to accept or decline each shift. There is a ban on exclusivity clauses.</p> <p><b>Changes:</b> to curb allegedly “exploitative” practices by introducing:</p> <ul style="list-style-type: none"> <li>• A new right to guaranteed hours: workers who consistently work beyond a minimum threshold during a reference period (likely 12 weeks) will have the right to request and receive a contract reflecting their regular hours</li> <li>• A new right to “reasonable notice” of shifts and any changes to those shifts, including cancellation of a shift, and right to compensation where a shift is cancelled in certain circumstances. Protection against detriment relating to the right to guaranteed hours</li> <li>• Inclusion of agency workers: same rights to apply to agency workers provided that they are a “worker” and responsibility for communicating changes falling to the employment agency and end-hirer</li> <li>• Strengthening the ban on exclusivity clauses in zero hours contracts that do not guarantee income above the Lower Earnings Limit.</li> </ul>
<p><b>Banning NDAs in discrimination and harassment cases</b></p>	<p>Any agreement (likely to include settlement agreements) which prevents a worker from making allegations or disclosures about harassment or discrimination, including disclosures about the employer’s response, will be void. This currently only covers harassment and discrimination by the employer or colleagues but excludes third party harassment. Interestingly, the current wording does not cover failure to make reasonable adjustments or victimisation.</p> <p>Significant further detail is awaited, and the implementation date is unknown. However, the government has confirmed that changes will not apply retrospectively and will only apply to agreements entered into after the measure, and associated legislation, has come into force.</p>

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