



EMPLOYMENT RIGHTS ACT 2025 – WORKING WITH OUR TRADE UNION COLLEAGUES

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BACKGROUND

- Introduced to Parliament on 10th October 2024
- Royal Assent 18th December 2025
- Employment Rights Act 2025
- Phase one of the Government's "Plan to Make Work Pay"
- Aims – grow the economy, raise living standards and create opportunities for all
- Lots of changes under one Act – but with a phased timeline

KEY CHANGES

- Already changed
- ✓ Minimum service levels for strikes – removed 18th December 2025
- ✓ Dismissal for taking part in industrial action – automatically unfair from 18th February 2026 – plus other trade union changes below from the same date
- ✓ the time needed to give notice of industrial action reduced to 10 days, instead of 14 days
- ✓ picket supervisors are no longer required
- ✓ industrial action mandates last for 12 months, instead of 6 months
- ✓ industrial action and ballot notices were simplified
- ✓ political fund rules changed

KEY CHANGES

- Also from 18th February 2026:
 - ✓ the support threshold rule has been removed – this rule required at least 40% of the total eligible votes to support action. It applied to **important public services**. Public and private sector ballots now follow the same requirement – they only need more votes in favour of industrial action than against
 - ✓ the turnout threshold rules for industrial action ballots will remain until at least August 2026 – they require at least a 50% turnout for industrial action ballots

KEY CHANGES

- From 6 April 2026:
 - ✓ paternity leave became a 'day one right', allowing someone to give notice of leave from the first day of employment – from 18 February 2026, newly eligible employees have been able to give notice that they intend to take leave
 - ✓ ordinary parental leave/unpaid parental leave, became a day one right – previously someone must have worked for their employer for 1 year to be eligible
 - ✓ the restriction on taking paternity leave after shared parental leave has been removed



KEY CHANGES

- From 6 April 2026:
 - ✓ statutory sick pay (SSP) is paid from the first day of illness, instead of the fourth day
 - ✓ the lower earnings limit has been removed – previously, workers needed to earn a minimum amount to be eligible for statutory sick pay

- ✓ the maximum 'protective award' for failure to consult in collective redundancy is 180 days' pay. Before, it was 90 days' pay.

KEY CHANGES

- These changes will happen on 1 January 2027:
 - ✓ protection from unfair dismissal will become a right after 6 months of being in a job – currently, someone must have worked for their employer for 2 years before claiming unfair dismissal
 - ✓ the limit on the compensatory award for unfair dismissal will be removed
 - ✓ NB – employees joining on 1st July 2026 onwards!

ARRIVAL AT THE CASTLE – SETTING THE SCENE

- Labour Government – move of employment law to protect employees
- Changes to trade union law
- Move to a more collaborative way of working with recognised trade unions
- **Why?**
- Joint working – benefits both parties
- Trust/sharing information
- Backed by the legislation
- Challenges of LGR
- From suspicion to alliance – navigating the changes together



TRAITOR'S TURRET – MYTHS, FEARS AND MISCONCEPTIONS

- HR only protects the business
- Trade unions always block change
- The ERA 2025 limits flexibility completely



THE FAITHFUL – BUILDING TRUST

- Playing it straight – honesty
- Building trust – shared objectives but different roles – align trade union priorities and organisational aims without losing the boundaries
- Early involvement beats late consultation – reducing risk, conflict and potential cost
- Deliberate behaviours to support the collaborative working relationship



THE ROUND TABLE – JOINT WORKING IN PRACTICE

- Decisions are made openly
- Moving beyond legal compliance towards meaningful partnership
- Setting clear principles for information sharing, influence and decision making
- Managing disagreements without undermining the relationship or the workforce



WHAT DOES SUCCESS LOOK LIKE?

- High trust, low drama relationships – indicates you are working well with trade unions
- From “Us & Them” to “We” – impact on employee engagement, change delivery and organisational reputation
- “Playing the long game” – sustaining strong relationships beyond the implementation of the Act – (beneficial for LGR)
- There are no winners in betrayal – only in collaboration – partnership not point scoring



Check-off in the public sector

Section 63 of the Employment Rights Act 2025 ends the prohibition on relevant public sector employers from making (check-off) deductions from wages in respect of trade union subscriptions unless:

- the workers can pay those subscriptions by other means and
- arrangements have been made for the union to make reasonable payments to the employer that covers the costs of making of the deductions

A saving provision in paragraph 5 of Schedule 2 states that the **coming into force of section 63 does not affect any right or obligation arising in connection with anything done, or any omission made, before the coming into force of section 63, or the enforcement of any such right or obligation, or the commencement or continuation of any legal proceedings in relation to any such right or obligation.**

The Trade Union (Deduction of Union Subscriptions from Wages in the Public Sector) Regulations 2024 were also automatically revoked on 18 February 2026. Deemed prohibitions in employment contracts and collective agreements, as referred to in the Regulations, also ended with their revocation.

Illustrative examples:

A relevant public sector employer made deductions from wages in respect of trade union subscriptions on 17 February 2026. Arrangements must be in place for the relevant union to reimburse the employer for the cost of administering that check-off process.

A union had arranged to make a payment to a relevant public sector employer to cover the cost of the employer making check-off deductions during the period 9 May 2024 (the date the check-off regulations came into force) and 18 February 2026 (the date section 63 of the Employment Rights Act 2025 came into force) but the union had not made that payment by 18 February 2026. The employer is able to recover the payment.

A relevant public sector employer made deductions from wages in respect of trade union subscriptions on 18 February 2026. Unless some other agreement for reimbursement has been reached outside the statutory requirements, the union does not need to reimburse the employer for the cost of administering any check-off process agreed between the union and the employer.

Generally permissible to proceed with the agreement

[Once the consultation process for a collective agreement has concluded, it is generally permissible to proceed with the agreement. However, it is crucial to ensure that all legal requirements and obligations are met, including compliance with the Employment Rights Act 2025. Employers should consult with legal experts or professionals to ensure that the agreement is compliant with the latest legislation and to understand the implications for their organization.](#)

The link above takes you into further information on this from Eversheds Sutherland.