# UK Employment Rights Act 2025

## UK Employment Rights Act 2025 – October 2026 Changes: Are You Ready?

The Employment Rights Act 2025 (the "**Act**") became law in December 2025 and is being implemented in phases. This client alert considers the next significant batch of changes, which will take effect this month.

### Is your organisation ready?

**_All_ Reasonable Steps Must be Taken to Prevent Sexual Harassment**

Since October 2024, employers have been under a duty to take "reasonable steps" to prevent the sexual harassment of their employees and workers in the course of their employment. From 30 October 2026, the duty will be enhanced, such that employers will be under a duty to take *all* reasonable steps to prevent this.

The change is significant. Taking *all* reasonable steps is a much higher bar and means employers can no longer use the defence of implementing some, but not all, of the reasonable steps available to them. For further information on this change and some guidance as to what constitutes "all reasonable steps", see our recent client alert.

**Trade Unions Are Back**

Most UK employers have very little contact with trade unions and do not have unionised workforces. The Act aims to change that. Several significant changes being introduced in October will require the vast majority of employers to make their workplaces much more union-friendly than they are currently.

The change that is most likely to grab an employer's attention is that, from 30 October 2026, trade unions will be able to access the workplaces of businesses that have 21 or more workers simply by making an access request. To some degree, employers will be able to negotiate the regularity and nature of these prospective workplace visits in an "access agreement" but, in some cases, trade unions could seek to negotiate *weekly meetings* with the workforce.

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Employers will be subject to fines if they fail to respond to an access request, with these being up to £500,000 for repeat breaches.

It is also going to become easier for trade unions to ultimately be recognised in the workplace. Where a union seeks statutory recognition, it is currently necessary for 10% or more of the workers in a proposed bargaining unit to be members of that union. This threshold will reduce (perhaps to as low as 2%), with the final amount to be set out in secondary legislation soon. Unions will no longer be required to show that there is likely to be majority support for recognition.

A final note: all UK employers will be required to give workers a written statement on their right to join a trade union at the same time as the statement of written particulars of employment (i.e., by their first day at work) and at specified intervals thereafter – but this change has now been pushed back to January 2027.

For more information on all of these changes, as well as subsequent developments in trade union legislation, see our recent client alert.

**New Liability for Harassment of Employees by *Third Parties***

From 30 October 2026, employers will be directly liable for the harassment of their employees by third parties in the course of their employment, unless the employer has taken *all reasonable steps* to prevent this from happening. This covers all kinds of harassment (not just sexual) by a broad range of individuals, including contractors, guests, customers, clients, and members of the public. This will be challenging for employers as the risk will often be particularly acute in situations or environments over which they are unable to exercise significant control (for example, offsite Christmas parties or contractor site visits).

More information on the scope of this upcoming responsibility is set out in our recent client alert.

**Doubling the Limitation Period for Employment Tribunal Claims**

Currently, employees in England and Wales have three months (minus one day) to bring an employment claim following the relevant complained-of act (subject to adjustments triggered by Acas conciliation). From 1 October 2026, the limitation period will double to *six months (minus one day)*.

Employees will have more time to secure meaningful employment advice, which may result in better articulated claims that are more challenging (and therefore expensive) to respond to. It will also make data subject access requests more impactful, since employees (or ex-employees) will more easily be able to force employers to disclose relevant documents *prior* to the employee having to submit a claim in the employment tribunal, for example.

This is not always the case currently, since employers generally have up to three months to respond to "complex" requests. Another consequence of this change is that employers won't know if a potential dispute has gone away or not, which could encourage some employers to settle matters early so as to avoid the prospect of a potential claim hanging over them for the same period.

If you have questions about these changes, the Act or any other employment matters, please reach out to someone in the team.