

Employment Rights Act 2025

FAMILY-FRIENDLY RIGHTS AND EQUALITY

MAY 2026

WHAT'S THE CHANGE?	ANY ADDITIONAL INFORMATION?	WHAT WILL EMPLOYERS HAVE TO DO?	WHEN WILL IT TAKE EFFECT? ¹
Parental leave			
<ul style="list-style-type: none"> Parental leave has become a Day One right. 	<ul style="list-style-type: none"> The previous qualifying period of employment of not less than one year has been removed. In July 2025, the Government launched a full review of the UK's parental leave system (including maternity, paternity and shared parental leave and pay rights). The consultation is expected to run for 18 months. The change to make parental leave a Day One right is separate to this consultation. 	<ul style="list-style-type: none"> Parental leave remains unpaid, so the take-up is likely to remain low. Eligibility requirements under the policy must be updated. 	<ul style="list-style-type: none"> The change to parental leave came into force on 6 April 2026.
Paternity leave			
<ul style="list-style-type: none"> Paternity leave has become a Day One right. Employees can take paternity leave following shared parental leave. 	<ul style="list-style-type: none"> The qualifying period of employment of no less than 26 weeks has been removed. 	<ul style="list-style-type: none"> Eligibility requirements under the policy must be updated. 	<ul style="list-style-type: none"> The changes to paternity leave came into force on 6 April 2026.
Bereavement leave			
<ul style="list-style-type: none"> Bereavement leave will be introduced as a new Day One right. At least one week's unpaid leave will be given. 	<ul style="list-style-type: none"> Further details will be set out in regulations, including the duration of the leave, the definition of "bereaved person", and the period within which leave must be taken. 	<ul style="list-style-type: none"> This new right will need to be included in a policy, and this requirement can be met by updating the existing right to parental bereavement leave. 	<ul style="list-style-type: none"> The Government has consulted on the operational details of bereavement leave, including eligibility (which relationships and types of pregnancy loss should qualify), leave

¹ Dates reflect the Government's revised implementation timetable. These timings are indicative and may change as policy proposals move through consultation and development.

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<ul style="list-style-type: none"> • It will apply following the death of a family member (in addition to the existing entitlement to parental bereavement leave). • Subject to eligibility, where more than one person dies, the employee is entitled to leave in respect of each deceased person. • The Government will extend the right to bereavement leave to include a pregnancy that ends before 24 weeks. 			<p>duration and timing, appropriate length of notice and whether evidence of the loss should be provided</p> <ul style="list-style-type: none"> ◆ Final measures will take effect in 2027. The extension to cover pregnancy loss before 24 weeks is likely to follow a similar timeline.
Bereaved partner's paternity leave			
<ul style="list-style-type: none"> ◆ This type of bereavement leave applies where the primary carer of a child dies (e.g., a mother or adopter) dies within a year or birth or adoption. ◆ It is a Day One right. ◆ Leave must be taken as a single period of up to 52 weeks from the birth or adoption. ◆ Leave is unpaid. 	<ul style="list-style-type: none"> ◆ Ten KIT days are available. ◆ Similar protection to maternity leave is available in relation to detriment, dismissal, redundancy and the right to return to work. 	<ul style="list-style-type: none"> ◆ Consideration should be given to whether this right should be paid. ◆ The details should be included in a policy dealing with the various forms of bereavement leave. 	<ul style="list-style-type: none"> ◆ These provisions are separate to the Employment Rights Act 2025. ◆ The regulations came into force on 6 April 2026.
Dismissal protection following family leave			
<ul style="list-style-type: none"> ◆ Dismissals of employees during or after a protected period of pregnancy or family leave will be unlawful, except in certain circumstances. 	<ul style="list-style-type: none"> ◆ This right applies to maternity leave, adoption leave, shared parental leave, neonatal care leave, and bereaved partner's paternity leave. ◆ Protection from dismissal will likely cover a period of six months following pregnancy or the return from statutory family leave. ◆ Regulations will set out further details on when dismissals are permitted, what notices are to be given, evidence to be produced and other procedures to be followed by employees and employers. 	<ul style="list-style-type: none"> ◆ HR and managers will need training on the protections from dismissal in these circumstances, and any guidance notes or process maps will need updating to reflect the new broader protections. ◆ If policies address the protections afforded to those on family leave, these will need updating. ◆ For employers who offer maternity packs or similar, these will need updating. 	<ul style="list-style-type: none"> ◆ The Government has consulted on the operational details of the protection, including which (if not all) of the five potentially fair reasons for dismissal should continue to apply to pregnant women and new mothers, whether a stricter standard of fairness should apply and when the enhanced protection should start and end. ◆ Final measures on "rights for pregnant workers" will take effect in 2027. We assume this refers to the wider extension of protection during or following certain types of family leave, not just pregnancy.

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Flexible working			
<ul style="list-style-type: none"> ♦ The employer will need to explain the reason for refusing a request (selecting from the existing list of specified grounds) and also why it is reasonable to refuse the request. 	<ul style="list-style-type: none"> ♦ Regulations will set out the steps to comply with the requirement to consult before rejecting an application. 	<ul style="list-style-type: none"> ♦ Most employers already provide an explanation and have discussions with the employee. Procedures and templates may need updating to ensure compliance. 	<ul style="list-style-type: none"> ♦ The Government has consulted on a new “light touch” process when a request cannot be agreed. It aims to address inconsistent approaches that result in reasonable requests being turned down. ♦ Final measures will take effect in 2027.
Equality action plans			
<ul style="list-style-type: none"> ♦ Employers subject to reporting their gender pay gap will be required to publish an “equality action plan”. ♦ This will outline the steps the employer is taking to address its gender pay gap and to support employees going through menopause. 	<ul style="list-style-type: none"> ♦ Regulations will set out details of the contents of the plan, the form and manner of the plan’s publication, how frequently it is to be published, and requirements regarding senior internal approval of the plan before publication. 	<ul style="list-style-type: none"> ♦ For employers subject to gender pay gap reporting, this will be an additional task to be considered at a senior level. ♦ Employers should consider introducing a menopause policy, if not already in place. 	<ul style="list-style-type: none"> ♦ Equality action plan measures will take effect in 2027, but application on a voluntary basis was introduced on 6 April 2026. ♦ On 7 April 2026, the Government published step-by-step guidance on creating an action plan and Acas updated its guidance on menopause at work.
Ethnicity/disability pay gap reporting and related equal pay rights			
<ul style="list-style-type: none"> ♦ The Equality (Race and Disability) Bill, though not part of the 2025 Act, will require large employers to report on ethnicity and disability pay gaps. 	<ul style="list-style-type: none"> ♦ The proposed reporting obligation will apply to employers with 250 or more employees. ♦ The framework will be similar to the current gender pay gap reporting regime, but with some additional disclosures. Reporting would be dependent on workers self-reporting their ethnicity and disability status. 	<ul style="list-style-type: none"> ♦ Employers should start considering appropriate mechanisms for collecting data and producing reports. 	<ul style="list-style-type: none"> ♦ This proposal remains at a formative stage and is not part of the 2025 Act. The Government has consulted on the approach to reporting to shape proposals for the Bill. It has also conducted a call for evidence on the proposal to extend equal pay rights to ethnic minority and disabled workers. However, the King’s Speech on 13 May 2026 did not make reference to the Bill and no implementation date has been confirmed.

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Duty to take steps to prevent sexual harassment			
<ul style="list-style-type: none"> The existing duty to take reasonable steps will be enhanced to require an employer to take “all” reasonable steps, which is a higher bar. 	<ul style="list-style-type: none"> Regulations may specify the steps to be regarded as reasonable, which are extensive and cover: the carrying out of assessments; publishing plans or policies; the steps relating to the reporting of sexual harassment; and the handling of complaints. 	<ul style="list-style-type: none"> Employers will already have been reviewing what steps they should be taking and will have the opportunity to consider how effective these steps are after an initial period of, say, 12 months. These steps may need refining once the content of the regulations is known. Read our guidance and suggested steps here. 	<ul style="list-style-type: none"> The enhanced duty will take effect in October 2026. Regulations to specify steps to be regarded as reasonable will take effect in 2027.
Third-party harassment			
<ul style="list-style-type: none"> Employers will be under a new legal obligation to prevent harassment of employees by third parties. This will cover all protected characteristics. Employers will be liable if they have failed to take all reasonable steps to prevent third-party act(s) of harassment. 	<ul style="list-style-type: none"> A “third party” is defined widely as a person other than the employer or its employees. 	<ul style="list-style-type: none"> This will be a new statutory obligation, but note that the EHRC guidance currently states that the new duty in relation to sexual harassment applies to third parties (although there is currently no legal right to bring a third-party harassment claim). Terms of business and contracts with third parties should be reviewed and appropriate safeguards included. Policies and provisions in relation to sexual harassment by third parties will need to be extended to all protected characteristics. See our guidance above. 	<ul style="list-style-type: none"> This legal obligation will take effect in October 2026.
Whistleblowing protection for sexual harassment			
<ul style="list-style-type: none"> Sexual harassment is expressly recognised as a qualifying disclosure. 	<ul style="list-style-type: none"> An individual reporting sexual harassment must still meet the conditions for a “protected disclosure” to benefit from protection against detriment and unfair dismissal (ie the “public interest” and “reasonable belief” tests must still be met). 	<ul style="list-style-type: none"> An individual reporting sexual harassment would likely have been protected in any event under the existing relevant failures listed in the legislation (subject to meeting the protected disclosure tests), but this make that explicit. Employers should review and update their whistleblowing procedures to reflect the minor technical change. 	<ul style="list-style-type: none"> This change came into force on 6 April 2026.

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Non-disclosure agreements (NDAs)			
<ul style="list-style-type: none"> Any provision in an agreement which prevents a worker from making allegations or disclosures about harassment or discrimination by their employer or another worker, including disclosures about the employer's response to such allegations, will be void. 	<ul style="list-style-type: none"> The ban excludes allegations of harassment made by third parties. There is scope for regulations to define "excepted agreements" and "permitted disclosures" to which the provision will not apply. 	<ul style="list-style-type: none"> Once the regulations' contents are known, employers should audit their current use of NDAs, update settlement agreement templates to include the required carve-outs, and conduct training for those involved in exit negotiations. Commercial confidentiality clauses should also be reviewed. 	<ul style="list-style-type: none"> The Government is consulting on: (i) proposed conditions for "excepted agreements" including independent legal advice, written worker consent and a non-waivable 14-day statutory cooling off period; (ii) proposed "permitted disclosures" including speaking to family, a tax adviser, or a qualified lawyer. The restrictions on NDAs will take effect in 2027 (exact date not yet confirmed).

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