



LONDON CARE AND SUPPORT FORUM

social care, personal support and health services across the Capital

The Employment Right Bill (ERB) Update

Timescale

Some changes are expected to occur in 2025.

Most changes will occur in 2026 and 2027.

The Bill is currently going through parliament.

It may have further changes added before becoming law.

When it becomes law, the Bill will introduce additions and amendments to existing legislation, including the **Employment Rights Act 1996**.

When the Bill becomes law, sometime in the Autumn of 2025, what will happen?

Removing minimum service level rules for strikes

It is expected that rules around 'minimum service levels' for strikes will be removed. Change expected as soon as the Bill becomes law. Increased dismissal protection for industrial action.

Dismissal for taking part in industrial action is expected to become 'automatically unfair'. This will remove the current 12-week limit for claiming unfair dismissal. Change expected 2 months after the Bill becomes law.

Trade union activity - These changes are expected 2 months after the Bill becomes law:

- the time needed to give notice of industrial action will reduce to 10 days, instead of 14 days

- unions will need a simple majority to vote for industrial action

- picket supervisors will no longer be required

- industrial action mandates will last for 12 months, instead of 6 months

- industrial action and ballot notices will be simplified

- political fund rules will change

April 2026 changes

Paternity leave and unpaid parental leave

Paternity leave and ordinary parental leave are expected to become 'day one rights' – allowing someone to give notice to take leave from their first day in a new job
the restriction on taking paternity leave after shared parental leave is likely to be removed

Sick pay

Statutory sick pay (SSP) will be paid from the first day of illness, instead of the fourth day
the lower earnings limit will be removed – currently, workers must earn a minimum amount to be eligible for statutory sick pay

Collective redundancy protective award

The maximum 'protective award' for failure to consult in collective redundancy is expected to double from 90 days' pay to 180 days' pay.

Whistleblowing protections for sexual harassment

Sexual harassment is expected to become a 'qualifying disclosure' under whistleblowing law. This will mean protection from detriment and unfair dismissal for whistleblowers making a sexual harassment disclosure. Change expected in April 2026.

Gender pay gap and menopause action plans

It's expected that employers will need to create action plans around menopause and gender pay gaps. These are likely to be voluntary from April 2026. Although they're not expected to become mandatory until 2027.

More trade union changes

Simplifying how a trade union can gain recognition in a workplace. Allowing trade union members to vote electronically.

Fair Work Agency

It's expected that the Fair Work Agency will be established in April 2026, to:
bring together existing enforcement bodies
take on enforcement of other employment rights, such as holiday pay and statutory sick pay

Employment Rights Bill: factsheets

Further details on the measures included within the Employment Rights Bill.

<https://www.gov.uk/government/publications/employment-rights-bill-factsheets>

Open consultation

Make Work Pay: trade union right of access

<https://www.gov.uk/government/consultations/make-work-pay-trade-union-right-of-access>

Open consultation

Make Work Pay: enhanced dismissal protections for pregnant women and new mothers

<https://www.gov.uk/government/consultations/make-work-pay-enhanced-dismissal-protections-for-pregnant-women-and-new-mothers>

Open consultation

Make Work Pay: leave for bereavement including pregnancy loss

<https://www.gov.uk/government/consultations/make-work-pay-leave-for-bereavement-including-pregnancy-loss>

Open consultation

Make Work Pay: duty to inform workers of right to join a union

<https://www.gov.uk/government/consultations/make-work-pay-duty-to-inform-workers-of-right-to-join-a-union>

SSP is changing –April 2026

From April 2026, significant changes to Statutory Sick Pay (SSP) will take effect in the UK under the Employment Rights Bill.

These include eliminating the three "waiting days," so SSP will be paid from the first day of illness, and removing the Lower Earnings Limit, meaning a minimum income will no longer be required to qualify for SSP.

For those who were previously ineligible, their SSP will be calculated as the lower of 80% of their average weekly earnings or the standard SSP rate.

Day one entitlement: SSP to now be available from the first day of absence, eliminating the three unpaid waiting days as in the current system, which helps alleviate financial pressure.

Pay based on earnings: Statutory sick pay will be calculated as a percentage of your employees' usual income (80% of your weekly earnings) if this is less than the flat weekly amount. This ensures that SSP remains affordable for employers, while providing more meaningful income protection for lower earners.

Removal of the lower earnings limit: Currently, employees must earn above the lower earnings limit (LEL) to qualify for SSP. In 2026, this will be removed, meaning that all employees are entitled to SSP.

What does the SSP reform mean for employers?

- Reviewing any sickness and absence policies you currently have in place and updating where necessary,
- updating employment contracts where SSP eligibility or waiting days is referenced,
- making sure your payroll and HR systems are ready for the new rules and,
- budgeting for increased sick pay costs, especially for lower-income or part-time workers.