

Preparing for the Employment Rights Act 2025

A Checklist for Employers

The Employment Rights Act 2025 introduces significant changes for employers over the coming months. This checklist sets out the key actions your business should be taking now, ahead of the October 2026 and January 2027 implementation dates.

Before October 2026

Third Party Harassment

- ☐ Identify all roles where employees regularly interact with third parties, such as customers, clients, or contractors.
- ☐ Conduct a risk assessment for those roles based on the environments in which employees work.
- ☐ Develop an action plan based on the findings of your risk assessment.
- ☐ Establish a clear reporting mechanism so that employees understand the process for raising concerns about third party harassment.
- ☐ Ensure there is a designated person available that employees can approach directly if they experience third party harassment.
- ☐ Ensure relevant managers understand what third party harassment is and how to respond.
- ☐ Consider appropriate physical measures, such as notices in the workplace.
- ☐ Review your harassment policy to ensure it covers third party harassment across all nine protected characteristics.
- ☐ Update risk assessments and policies following instances of third party harassment, to ensure they remain fit for purpose.

Sexual Harassment

- ☐ Review your current sexual harassment policy and update it to reflect the new “all reasonable steps” standard.
- ☐ If you do not already have a separate sexual harassment policy (separate from an Equal Opportunities policy), consider putting one in place.
- ☐ Review the Equality and Human Rights Commission’s eight-step guidance on preventing sexual harassment at work.
- ☐ Carry out training for all staff on sexual harassment prevention.
- ☐ Review existing reporting procedures and ensure employees feel confident using them.
- ☐ Monitor EHRC regulations and statutory guidance as they are published (expected 2027, after the October 2026 implementation date).
- ☐ Take legal advice if you are unsure whether your current procedures meet the new standard.

Employment Tribunal Time Limits

- ☐ Review your document retention policy to account for the extended six-month limitation period.
- ☐ Ensure HR records relating to employment decisions, disciplinary processes, and grievances are kept in sufficient detail.
- ☐ Update your approach to risk assessment for potential disputes to reflect the longer exposure window.

Before January 2027

Unfair Dismissal

- ☐ Review the length of your probationary period in light of the new six-month qualifying period.
- ☐ Review the processes followed during probation, including how performance concerns are documented, reviewed and the timeliness of reviews.
- ☐ Ensure managers are conducting regular probationary reviews and keeping clear, contemporaneous records.
- ☐ Train managers on fair dismissal procedures ahead of the January 2027 changes.
- ☐ Review the financial risk profile of potential unfair dismissal claims, as the compensatory award cap will be removed.

Note: Any employee commencing employment on or after 1 July 2026 will be protected from unfair dismissal when the law changes in January 2027, regardless of their length of service at that date.

Fire and Rehire

- ☐ Review all existing employment contracts for terms that may constitute a “restricted variation” under the Act.
- ☐ Identify any unilateral variation clauses and assess whether they remain appropriate under the new rules.
- ☐ Pay particular attention to: pay provisions, performance-related pay measures, hours of work, shift patterns, pension terms, and time-off entitlements.
- ☐ Ensure any proposed contractual changes are reviewed by an employment solicitor before proceeding.
- ☐ Ensure HR teams and managers understand what “fire and rehire” and “fire and replace” mean under the new rules, and what the restrictions are.

Ongoing Actions

- ☐ Review and update your suite of employment policies, including disciplinary and grievance procedures, your whistleblowing policy, and your harassment policy.
- ☐ Carry out training for managers, HR teams, and business owners on the key changes and their practical implications.
- ☐ Monitor guidance from ACAS and the EHRC as it is published.
- ☐ Take legal advice before making any significant changes to employment contracts.

This checklist is intended as a general guide only and does not constitute legal advice. Employment law is subject to ongoing change and some implementation dates may be subject to revision. If you would like advice specific to your business, please contact our employment law team on **01908 660966** or email **employment@franklins-sols.co.uk**.