



ActifHR

Where people matter...

February 2026 Update

Welcome to this month's update - where we discuss the latest guidance and legislation.

In this Edition we report on:

- The Employment Rights Act:
 - changes from February 2026
 - changes from April 2026
 - changes from October 2026

The Employment Rights Act: changes from February 2026

The Employment Rights Bill was finally approved by Parliament on 18 December 2025 and is now the Employment Rights Act 2025. However, there are still many key areas of detail that in consultation and there will be further regulations before the Act is implemented in full during 2026 to 2027.

The first set of changes:

1. Strike action – simplifying the process

The period for notice of industrial action will reduce from 14 days to 10 days. This is expected to be in force by February 2026.

2. Collective redundancy consultation – increased penalty for breaches from April 2026

The protective award for breaches of consultation requirements in collective redundancy situations will increase from a maximum of 90 days' pay per employee to a maximum of 180 days' pay.

3. Statutory Sick Pay (SSP) – from April 2026

SSP will be payable from day one of sickness at the lower of either the annually fixed flat weekly rate or 80% of weekly earnings. The current rate of SSP is £118.75, which will increase from April 2026 to £123.25 or 80% of the employee's normal weekly earnings, whichever is lower.

4. Paternity and Parental leave rights - from April 2026

Paternity leave and unpaid parental leave will become day one rights. Although, statutory paternity pay will continue to require 26 weeks' service and statutory parental leave will remain unpaid.

5. Fair Work Agency (FWA) created

This Agency will take over existing state enforcement powers in areas such as national minimum wage, holiday pay compliance and statutory sick pay enforcement.

Employers: : make sure you update payroll systems to factor in the SSP and amend policies.

Contact us: we can update policies.

The Employment Rights Act: changes from April 2026

1. Right to join a trade union – duty to inform

Employers will be required to inform workers in writing of their right to join a trade union. We are awaiting clarification on the content, form and frequency of this notification.

2. Fire and rehire

It will be automatically unfair to dismiss an employee for the sole reason that they refused to agree to a "restricted variation" of their employment contract.

This covers key terms of the contract such as pay, holidays and hours in situations where an employer wishes to make changes to an employee's contract. Major changes to terms unless agreed with employees cannot be enforced by employers, unless it is to save the viability of the business.

Tel: 01327 317537

M: 07947567661

E: caroline.robertson@actifhr.co.uk/info@actifhr.co.uk

ActifHR Ltd, Innovation Centre, Silverstone Park. NN12 8GX

3. Duty to prevent sexual harassment

The current duty to take reasonable steps to prevent sexual harassment of employees in the workplace will be “upgraded” to a duty to take **ALL** reasonable steps.

4. Protection from third-party harassment

Employees will gain protection from third-party harassment in regard to protected characteristics under the Equality Act 2010 (except marriage, civil partnership status and pregnancy/maternity, which are dealt with separately).

Employers will become legally responsible where a third party harasses a member of staff in their employment. Employers will have a defence if they are able to show they took **all** reasonable steps to prevent the harassment.

5. Extending time to bring Employment Tribunal claims

Most claims have a time limit of 3 months to bring a claim. This will be extended to six months from October 2026.

Employers: the restriction on changing employees’ terms and conditions will be hard to enforce unless agreement is reached.

Contact us: we can advise on how these new rules affect your business.

The Employment Rights Act: changes from January 2027

1. Unfair dismissal – shorter qualifying period and removal of the compensation cap

Employees will have protection from unfair dismissal after six months’ continuous service, rather than the current two years. This does mean that employees employed from 1 July 2026 will be caught by this new qualifying period.

Currently, unfair dismissal compensation is capped at the lower of a year’s gross pay or £118,223 (increases annually with inflation). This cap on compensation will be removed, likely from January 2027.

2. Protections for zero-hours and agency workers – guaranteed hours and shift notice

Many details of the new right to receive a Guaranteed Hours Offer for zero-hours remain to be confirmed, including eligibility thresholds and reference periods.

Tel: 01327 317537

M: 07947567661

E: caroline.robertson@actifhr.co.uk/info@actifhr.co.uk

ActifHR Ltd, Innovation Centre, Silverstone Park. NN12 8GX

What is clear is that workers will be entitled to minimum notice of shifts, as well as notice of changes or cancellations. These guaranteed hours changes are expected to be implemented following consultation in 2027.

3. Enhanced dismissal protections for pregnant women and new mothers

Existing protections for pregnant employees and new mothers will be further strengthened with consultation ongoing.

4. Bereavement leave – expanded rights

The existing right to parental bereavement leave will be extended to include other relationships and to cases of pregnancy loss.

Bereavement leave relating to a child will be at least two weeks (as currently). In other cases, leave will be at least one week.

5. Flexible working – strengthening rights

Employers will have to justify any decision to refuse a flexible working request.

Employers: tighten up your recruitment, selection and probationary reviews.

Contact us: we can assist your business with structured probationary reviews.



Caroline has a wealth of experience supporting business clients with practical hands on HR and Employment Law advice. Caroline's pragmatic approach helps businesses of all sizes deal with complex HR situations. She qualified as a Solicitor in 1999 and now acts as a specialist Human Resource / employment Law Consultant to business.

Caroline Robertson, Director



You are receiving this e-mail from ActifHR Limited as you are either a client of ActifHR Limited or have consented to receiving these updates, being one of the lawful basis to process under the General Data Protection Regulations. To stop receiving these emails, please send a return email with 'unsubscribe' in the title.

Disclaimer: This newsletter is provided for general information only and does not constitute legal or other professional advice. If you require advice on a specific Human Resource issue please contact caroline.robertson@actifhr.co.uk. ActifHR Limited accepts no responsibility for any loss which may arise from reliance on information contained in this newsletter.
