

No. 046/26

13th February 2026

To: All Branches

Dear Colleagues,

TIMETABLE FOR IMPLEMENTATION OF THE EMPLOYMENT RIGHTS ACT

As branches will be aware, the Employment Rights Act received Royal assent on the 18th December and has now become law. As reported in LTB 276/25, there will be a staggered implementation of different aspects of the legislation.

Attached to this LTB is a timetable for this process which sets out when the provisions of the Act will be introduced. This is based on the government's timeline¹ and includes some additional detail in relation to the Certification Officer, political funds, and the simplification of industrial action ballot papers and notices to the employer.

As the timetable shows, many of the new trade union rights will take effect from 18th February 2026, including:

- Repealing many parts of the restrictive Trade Union Act 2016
- Removal of the 12-week limit on industrial action dismissal protection
- The simplification of industrial action and ballot notices
- Ending the requirement for unions to appoint a picket supervisor
- Removal of the 10-year ballot requirement for trade union political funds
- New members automatically 'opted in' to political fund contributions.

Several further trade union rights are due to be implemented between April and October 2026, including:

- Measures to simplify the trade union recognition process
- Establishment of the Fair Work Agency to enforce employment standards.
- Electronic and workplace balloting for statutory ballots

¹ Plan to Make Work Pay and Employment Rights Act: timeline update

Published 3 February 2026 [Plan to Make Work Pay and Employment Rights Act: timeline update - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/100000/plan-to-make-work-pay-and-employment-rights-act-timeline-update.pdf)

- New rules on rights for trade unions to access workplaces
- A new duty on employers to inform workers of their right to join a trade union
- Measures governing unfair practices in the trade union recognition process
- New rights and protections for trade union representatives
- Extending protections against detriments for taking industrial action.

Together with trade union rights, there are also many individual rights being introduced under the Employment Rights Act, including for example:

- Rights to Statutory Sick Pay from day one of sickness and for workers earning below the current Lower Earnings Limit (April 2026)
- Requiring employers to take 'all reasonable steps' to prevent sexual harassment of their employees (October 2026)
- Enhanced dismissal protections for pregnant women and new mothers (2027)
- Bereavement leave including pregnancy loss (2027)
- Ending the exploitative use of zero hours contracts (2027)

This legislation represents a substantial improvement in UK employment rights and a major reversal of anti-trade union law that was introduced by successive Conservative governments. It has been hard won by unions after nearly a decade of campaigning and the CWU can be extremely proud of the role we have played in securing these important changes through our New Deal for Workers campaign.

We will continue to campaign for the swift and effective implementation of the policies set out in this timetable. We will also continue to push for the measures that were part of our New Deal campaign, which are not included in the Act but which the government is considering as part of the Make Work Pay manifesto commitments. This includes taking further action on the gig economy, introducing further sectoral collective bargaining measures, protecting workers from surveillance at work and creating a single status of worker.

We will keep branches updated with the progress of these other initiatives as developments occur.

If you have any questions, please contact the General Secretary's department at dlynch@cwu.org.

Yours sincerely

Dave Ward.

Dave Ward
General Secretary



Timetable%20for%20
Implementation%20

4th February 2026

Timetable for implementation of the Employment Rights Act

Introduction

The following document sets out the government's timetable for the reforms within the Plan to Make Work Pay, including reforms introduced through the Employment Rights Act 2025. The government says that these will be delivered in phases so that employers, businesses and workers have time to plan and prepare. This document reflects the revisions to the timetable that were published by government on 3rd February 2026.¹

Measures that took effect at Royal Assent, December 2025:

- Repeal of the Strikes (Minimum Service Levels) Act 2023.

Measures that will take effect on 18th February 2026:

- Repeal of the great majority of the Trade Union Act 2016 (some provisions will be repealed via commencement order at a later date).
- Notice of industrial action drops from 14 days to 10;
- The removal of the 12-week limit on industrial action dismissal protection.
- Unions no longer required to appoint a picket supervisor.
- **Certification Officer**
 - Unions no longer required to include political fund expenditure over £2000 and industrial action ballot data in annual returns to the Certification Officer.
 - Various powers of the Certification Officer in certain circumstances are being repealed:
 - Power to undertake investigations on the Certification Officer's own initiative.
 - Power to require the production of documents and appoint inspectors to investigate.
 - Power to impose financial penalties.

¹ Plan to Make Work Pay and Employment Rights Act: timeline update
Published 3 February 2026 [Plan to Make Work Pay and Employment Rights Act: timeline update - GOV.UK](#)

- **Political Funds**
 - New members joining a union will be automatically “opted in” to political fund contributions.
 - The requirement to vote on trade union political funds every 10 years will be removed;
 - Not fully reverting to pre-2016 arrangements:
 - New members to be informed of their right to opt-out on application forms to join a union.
 - Allow members to opt-out via email or online forms – rather than only by post.
 - Unions must give effect to opt-out notices on 1 January or earlier date as specified in the union’s rules.
 - All members must receive an opt-out reminder every 10 years (at each 10-year anniversary of the establishment of the political fund)

- **Simplification of industrial action ballot papers and notices to employer**
 - **Notice of ballot:** unions no longer required to specify the total number of employees in each of the categories of employees being balloted; the number of employees concerned at each workplace; or an explanation of how these figures were arrived at.
 - **Sample voting paper:** unions no longer required to include on ballot voting paper a summary of the matter(s) in issue in the trade dispute; specify the type of industrial action short of a strike; or indicate the period(s) in which the action is expected to take place.
 - **Result of ballot:** unions no longer required to report on the 40% threshold.
 - **Notice of industrial action:** unions no longer required to list the number of affected employees in each category.

- Employees that are newly eligible for ‘Day 1’ Paternity Leave and Unpaid Parental Leave can give notice.

Measures that will take effect on 6th April 2026:

- The maximum protective award for failure to consult over collective redundancies doubles from 90 to 180 days;
- Day one rights to paternity leave and unpaid parental leave;
- Whistleblowing – strengthening protections for workers who ‘blow the whistle’ on sexual harassment;

- Bereaved Partners' Paternity Leave – (non-MWP measure) will enable bereaved fathers and partners to take up to 52 weeks of paternity leave if the mother or primary adopter dies within the first year of the child's life;
- Statutory Sick Pay will be paid from day one of sickness and to workers earning below the current Lower Earnings Limit;
- Action plans on gender equality and supporting employees through the menopause (voluntary);
- Menopause guidance;
- Simplified trade union recognition process.

Measures that will take effect on 7th April 2026:

- The Fair Work Agency will be established.

Measures that will take effect "No earlier than August 2026"

- Electronic and workplace balloting for statutory ballots.

NB: It is not clear at present when the government will **repeal the 50% turnout threshold for industrial action ballots**. This will mean that there will no longer be a requirement for 50% of all eligible members to vote in an industrial action ballot. This is to be commenced via regulations, and will become clearer in the next few weeks/months. The Department for Business & Trade are saying that they may delay this until after the electronic and workplace balloting changes are introduced.

Measures that will take effect in October 2026:

- Bringing forward regulation to establish the Fair Pay Agreement Adult Social Care Negotiating Body;
- Procurement – two-tier code (provisions to avoid a "two-tier workforce" with ex-public sector employees and private sector employees being employed on different terms and conditions);
- Strengthened law on tipping for hospitality workers and codes of practice;
- New trade union right of access;
- duty to inform workers of their right to join a trade union;
- Requiring employers to take 'all reasonable steps' to prevent sexual harassment of their employees;
- Introducing an obligation on employers not to permit the harassment of their employees by third parties;

- Introducing a power to enable regulations to specify steps that are to be regarded as 'reasonable', to determine whether an employer has taken all reasonable steps to prevent sexual harassment;
- Measures governing unfair practices in the trade union recognition process;
- New rights and protections for trade union representatives
- Extending protections against detriments for taking industrial action.

Measures that will take effect "No earlier than October 2026":

- Extension of employment tribunal time limits from three to six months.

Measures that will take effect in December 2026:

- Commencement of the Mandatory Seafarers' Charter.

Measures that will take effect in January 2027:

- Reduction of unfair dismissal qualifying period to 6 months, for dismissals from 1 January 2027, and uncapping compensatory awards;
- Fire and rehire protections.

Measures that will take effect in 2027:

- Gender pay gap and menopause action plans;
- Enhanced dismissal protections for pregnant women and new mothers;
- Specifying steps that are to be regarded as 'reasonable', to determine whether an employer has taken all reasonable steps to prevent sexual harassment;
- Increased blacklisting regulation;
- Industrial relations framework;
- Regulation of umbrella companies;
- The additional threshold test for collective redundancies;
- Flexible working;
- Bereavement leave including pregnancy loss;
- Ending the exploitative use of zero hours contracts;
- Electronic and workplace balloting for recognition and derecognition ballots.

For further information, see: *Policy paper Plan to Make Work Pay and Employment Rights Act: timeline update* Published 3 February 2026 at: [Plan to Make Work Pay and Employment Rights Act: timeline update - GOV.UK](#)

And: *'Implementing the Employment Rights Bill, Our Roadmap for Delivering Change, July 2025, UK Government*, available at: [Implementing the Employment Rights Bill - Our roadmap for delivering change](#)