

The Employment Rights Act (ERA) 7 Point Checklist

Action required	Effective date	Why is action required?	
<p>Statutory Sick Pay (SSP)</p> <ul style="list-style-type: none"> Update sickness policies and contracts to reflect new entitlements Update payroll systems to accommodate reforms Consider budget impact 	06 April 2026	<ul style="list-style-type: none"> SSP will become payable from day one of sickness absence, removing the current 3 day waiting requirement The lower earnings threshold to become eligible for SSP shall be removed, meaning that all employees will now qualify for SSP, regardless of their income The rate of SSP will be 80% of an employee's weekly earnings or the current weekly rate (which is rising to £123.25), whichever is lower 	<input type="checkbox"/>
<p>Family leave</p> <ul style="list-style-type: none"> Update paternity leave policy Update parental leave policy Update shared parental leave policy 	06 April 2026	<ul style="list-style-type: none"> Paternity leave will become a day one right for eligible employees, removing the previous 26 week service requirement Unpaid parental leave will become a day one right for eligible employees, removing the previous 52 week service requirement Paternity leave will also be able to be taken after a period of shared parental leave 	<input type="checkbox"/>
<p>Whistleblowing protections for sexual harassment</p> <ul style="list-style-type: none"> Update sexual harassment and whistleblowing policies Train managers on how to recognise potential qualifying disclosures Ensure staff understand this change, and that they can raise concerns via the whistleblowing policy 	06 April 2026	<ul style="list-style-type: none"> Sexual harassment will be added to the list of 'qualifying disclosures' under whistleblowing law Workers who raise concerns that sexual harassment has occurred, is occurring, or is likely to occur are likely to have made a protected disclosure for the purposes of whistleblowing law 	<input type="checkbox"/>
<p>Collective redundancies: changes to the protective award</p> <ul style="list-style-type: none"> Train managers on redundancy consultation obligations Review redundancy policies 	06 April 2026	<ul style="list-style-type: none"> The maximum 'protective award' for non-compliance with collective redundancy consultation obligations will double from 90 days pay to 180 days pay 	<input type="checkbox"/>

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<p>Statutory trade union recognition</p> <ul style="list-style-type: none"> ⦿ Review trade union relations ⦿ Train management on how to respond to union approaches ⦿ Consider engagement with employees ⦿ Prepare for more regular collective bargaining 	06 April 2026	<ul style="list-style-type: none"> ⦿ Reform of statutory trade union recognition process will remove the 40% support threshold for recognition ballots and remove the requirement for a union to demonstrate on application to the Central Arbitration Committee (CAC) that they are likely to win a recognition ballot 	<input type="checkbox"/>
<p>Fair Work Agency (FWA)</p> <ul style="list-style-type: none"> ⦿ Review key risk areas for non-compliance, including: <ul style="list-style-type: none"> ⦿ Holiday pay ⦿ National Minimum Wage ⦿ Statutory Sick Pay ⦿ Strengthen record keeping ⦿ Train managers and HR to recognise risk areas 	07 April 2026	<ul style="list-style-type: none"> ⦿ The FWA will be established to bring together existing enforcement functions relating to workers and employees, such as National Minimum Wage compliance ⦿ As yet, there is no indication about when its enforcement powers will come into force 	<input type="checkbox"/>
<p>Equality Action Plans (EAPs)</p> <ul style="list-style-type: none"> ⦿ Audit practices to identify any gaps where further actions can be implemented ⦿ Consider preparing action plans on a voluntary basis, to ensure that at the date of mandatory implementation action plans are aligned with the new requirements 	<p>Voluntary from 06 April 2026</p> <p>Mandatory in Spring 2027</p>	<ul style="list-style-type: none"> ⦿ From 06 April 2026, employers with 250+ employees will be encouraged to publish equality action plans (EAPs) outlining how they are tackling gender inequality, including addressing the gender pay gap and supporting staff experiencing the menopause ⦿ This will be voluntary at first, becoming a mandatory requirement for large employers in spring 2027 	<input type="checkbox"/>

In conjunction with the action steps detailed above, it is strongly advisable to provide training to HR and management on all of the changes being introduced, to ensure that management and HR are handling processes correctly, and are prepared to deal with any incoming employee queries/communicate changes to staff.

If you require any advice ahead of the April 2026 ERA changes, please feel free to contact AfterAthena (part of the Napthens Group) who are able to offer 30 minutes of free advice to QCS members.