

**Insights**

## **EMPLOYMENT RIGHTS ACT 2025: CONSULTATIONS, NDAS AND TUPE IN FOCUS**

Apr 30, 2026

### **SUMMARY**

Following on (mostly) from the Employment Rights Act 2025 (**ERA**), the government has this month introduced consultations, calls for evidence and guidelines.

### **CONSULTATION ON THE USE OF NDAS IN HARASSMENT AND DISCRIMINATION CASES**

In relation to NDAs, the government has commenced a consultation on regulations to prevent the misuse of NDAs in cases of workplace harassment or discrimination. The consultation ends on 8 July 2026.

The government's overall aim is to make NDAs void where they seek to prevent employees from disclosing details of matters which involve a breach of the Equality Act 2010. This would impact on settlement agreements and COT3s in particular.

The aim of the consultation is to make the regulations workable and to identify what an "excepted agreement" might be, which is an agreement where an otherwise forbidden NDA might be permitted. The government's suggestions for discussion include:

- before entering into an excepted agreement, the employee must receive independent written legal advice on the terms and effect of the NDA;
- where an employee expresses a preference for an NDA, it must be in writing and made after the employee has received legal advice. Steps should be taken to avoid any kind of coercion; and
- there should be a "cooling off period" of 14 days in which the employee can withdraw from the NDA.

There are other areas of suggested discussion, but most relate to the protection of employees who agree to an otherwise prohibited NDA. We will see what July brings.

## **GENDER EQUALITY ACTION PLANS: NEW GUIDANCE FOR LARGE EMPLOYERS**

In other developments this month, the government has released a six-step guidance for “large” employers (those with 250+ employees) on creating a gender equality action plan under the ERA. These are voluntary from 6 April 2026, but the requirement is due to become mandatory in Spring 2027.

## **TUPE: CALL FOR EVIDENCE LAUNCHED**

The government has also launched a call to evidence for TUPE, covering all aspects of the regime, including contractual variations and the numerous protections TUPE provides to employees. Although it is still early days, this could lead to significant changes to TUPE, and employers might see the protective award increased, in line with the increase of the protective award in collective redundancies.

## **WHAT'S NEXT?**

As mentioned in previous editions, there are several ongoing consultations relating to the ERA, but we will keep readers up to date with developments.

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*If you are looking for advice on the ERA, please connect with our [UK Employment experts](#).*

## **RELATED CAPABILITIES**

- Employment & Labor

## MEET THE TEAM



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