

Insights

EMPLOYMENT RIGHTS ACT 2025: OCTOBER ROUND UP

Oct 29, 2026

Summary

A trade union access request. A sexual harassment complaint. A tribunal claim that you thought had gone away landing much later than expected. October's Employment Rights Act changes will affect how employers handle all of the above scenarios and many more. Here's a brief summary of what's changing this month and how to prepare your business.

For further details on each of these subjects please click on the relevant links taking you to our previous articles on these.

Key changes this month

[Trade union access](#): Be ready before a request arrives

What's changing

From **October 30 2026**, the ERA gives trade unions a new right to request workplace access from employers with 21 or more workers, even where they have no members. If agreement cannot be reached, the Central Arbitration Committee can order access, and if the employer breaches the order, the penalties are significant.

For employers with little experience of dealing with unions, this could be the most impactful of the ERA reforms. Once a request lands, the clock starts with a very short timetable for employers to meet. There are only 15 working days for an employer to respond, followed by a 25-working day negotiation period.

Actions for employers

- Appoint one response owner and require same-day escalation of every request
- Prepare a template response and negotiation position

- Consider what practical steps may be required to facilitate digital access
- Educate managers to escalate requests immediately rather than responding directly

Harassment: Look beyond your own employees

What's changing

From **October 30 2026**, employers will have to take “all” reasonable steps to prevent workplace harassment, and employers will be liable for third party harassment unless they also took “all” reasonable steps to prevent this. This extends beyond sexual harassment to other forms of harassment.

Actions for employers

- Conduct a proactive harassment risk assessment
- Review and update anti-harassment policies
- Establish clear reporting mechanisms and complaint-handling procedures
- Deliver regular, meaningful training, particularly for managers
- Review your commercial service agreements to ensure that all contractors/service providers are being held to the new legal standards

Tribunal claims: Plan for a longer window

What's changing

From **October 1 2026**, most employment tribunal claims must be brought within six months, up from three months. As a result, employers will now have to endure an even longer period of uncertainty on whether they are likely to be sued by their employees.

The additional delay can weaken trial evidence as memories fade and key witnesses leave, making them harder to contact and prepare.

Actions for employers

- Ensure appropriate records and evidence are preserved for longer periods
- Managers and HR teams should be made aware that claims may still be brought well beyond the previous three-month time limit

- Witness statements should be taken from key potential witnesses at a stage when memories are still strong
 - Where key witnesses are planning or expected to leave the company, consider how the Company might secure their future co-operation in the case e.g. a promise under a settlement agreement.
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Join BCLP's Employment Rights Act webinar series

This November and December, BCLP's Employment team will explore the most talked about reforms arising from the Employment Rights Act: **unfair dismissal, fire and rehire, harassment duties, and trade union access**. In each interactive webinar, our lawyers will explain the latest developments, share practical guidance and answer your questions.

Join one session or the full series to hear the latest thinking and consider what the changes mean for your organisation. Contact your [BCLP Employment lawyer](#) to reserve your place.

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Meet the team



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