

EMPLOYMENT RIGHTS ACT UPDATE: WHAT SME EMPLOYERS NEED TO DO NEXT

	TOPIC	YOU WILL LEARN
	Unfair dismissal	How the qualifying period for unfair dismissal is changing from two years to six months, and how the change applies to existing staff and new hires.
	Probation & performance	How to make the first six months of probation an active, documented process.
	Cost of getting it wrong	How compensation awards are changing and the implications of removing the compensation cap.
	Tribunal time limits	How tribunal time limits are changing from three months to six months.
	Statutory sick pay	How day-one SSP, the removal of the earnings floor, and the 80% calculation could affect your business and how to manage absence effectively.
	Family friendly rights	What the new day-one rights mean for employers, including changes to paternity leave, unpaid parental leave, bereaved partner parental leave, and pregnancy protections.
	Fair Work Agency	What the Fair Work Agency does, what it can enforce, and lessons from recent cases.
	Sexual harassment	What 'all reasonable steps' means in practice, the new liability relating to customers and clients, and the implications for employers.
	Data protection complaints	How to handle and evidence data protection complaints internally under the new requirements.
	Trade union rights	What access and notice duties apply to employers with 21 or more employees.

PART 2 — YOUR ACTION CHECKLIST

DOCUMENTS

- ☐ Offer letters, contracts, and probation policy reviewed
- ☐ Handbooks/policies updated
- ☐ Sickness absence policy and payroll systems updated
- ☐ Anti-harassment policy refreshed and risk assessment documented, resulting actions completed
- ☐ Data protection complaints procedure and tracker in place

PEOPLE

- ☐ Managers briefed on the new rules
- ☐ Managers trained to document decisions and rationale at the time

RECORDS

- ☐ Pay, holiday, and absence records accurate and accessible
- ☐ Potential tribunal exposure diarised at six months minimum

PART 3 — KEY DATES

DATE	CHANGE
6 April 2026	SSP from day one, lower earnings limit removed, family friendly day-one rights
7 April 2026	Fair Work Agency established
19 June 2026	Data protection complaint handling duty
October 2026	'All reasonable steps' on harassment, third-party liability, tribunal time limits extended, trade union measures
1 January 2027	Unfair dismissal qualifying period drops to six months, compensation cap removed



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