Checklist for October 2026

Below we set out a reminder of the key ERA 2025 changes that will be happening in October 2026, the dates on which they will come into force and the practical steps that employers should have taken (or be taking now) to prepare for them.

Coming into force	Topic	Change	Key steps employers should take to prepare
1 October 2026	Extension of employment tribunal time limits	The time limit to bring most claims in the employment tribunal will increase from three to six months. The new time limits will apply where the "relevant date" is on or after 1 October, e.g., an employee who is dismissed on or after 1 October will have to present any unfair dismissal claim before the end of the period of six months beginning with the effective date of termination. Tribunals will retain their existing power to extend time limits in certain circumstances and the Advisory, Conciliation and Arbitration Service (Acas) early conciliation "stop the clock" provisions will also still apply.	This is more "need to know" rather than requiring any specific action on the part of employers. Employers should prepare themselves for the fact there will be an even greater time lag between, for example, a dismissal taking place and a claim form landing. If we couple these changes with the recent extension of the Acas early conciliation period from six to 12 weeks, this means that claimants will soon have almost 10 months to bring a claim. Delays with the Employment Tribunal system may mean that an employer is unaware that a claim has been brought against it for up to a year after the event. These changes will make it even more important that employers have appropriate documentation in place recording employment decisions in case any claims are brought, and that this and other potentially relevant evidence is retained long enough to cater for this possible delay.

Coming into force	Topic	Change	Key steps employers should take to prepare
30 October 2026	New obligation on employers in relation to sexual harassment in the workplace and harassment by third parties	The current mandatory duty on employers to take reasonable steps to prevent sexual harassment in the workplace will be amended to require employers to take "all" reasonable steps, a much more onerous duty. The government has provided very little indication of what employers will be expected to do to comply with the new expanded duty. While the power for the government to make regulations specifying the steps that employers will need to take is expected to come into force in October 2026, it is not anticipated that the regulations themselves will come into force until 2027/2028 (likely following consultation), i.e. at least a year later. A new statutory obligation on employers to prevent the harassment of employees (whether sexual or related to any other protected characteristics) by third parties will also be introduced. An employer will be liable if a third-party harasses the employee in the course of their employment and the employer failed to take "all reasonable steps" to prevent the third-party from doing so.	**Sexual harassment** As a first step, we recommend that employers review the steps they are taking to comply with the current mandatory duty to take reasonable steps to prevent sexual harassment and consider whether there are any other things they could be doing, or be doing better or more often that may further reduce the risk of sexual harassment in the workplace. We stress "may", as there is no obligation to take only those steps that can be guaranteed to make any difference. If the measure might conceivably influence a would-be harasser's behaviour, almost however marginally, it should probably be taken. **Harassment by third parties** To the extent they are not doing so (and employers should already be factoring into any sexual harassment risk assessment the types of third parties that staff might come into contact with), employers should consider any steps they could be taking to prevent harassment by third parties. Risk assessments will be key. We recommend employers look at any risks that may arise for their staff due to interactions of any kind with third parties (e.g. customers, clients and suppliers, etc.). See our recent "Relatively Informal Guide on the New Duty for Employers to Take all Reasonable Steps to Prevent Harassment at Work", which provides further guidance for employers on how to prepare for these new obligations. Further restrictions on the use of nondisclosure agreements in relation to harassment and discrimination allegations will also be introduced in 2027. The government issued a consultation seeking views on its proposals. The consultation closed on 8 July 2026.

Coming into force	Topic	Change	Key steps employers should take to prepare
30 October 2026	The right of trade unions to access the workplace	Trade union officials will have a new statutory right to physically access workplaces or communicate with workers (or both) under "access agreements" entered between employers and "qualifying trade unions", namely those with a certificate of independence. Such agreements will give them rights to meet, support, represent, recruit or organise workers (whether they are members of a trade union or not), and to facilitate collective bargaining. These new rights will not cover organising industrial action.	• Employers currently in non-unionised workplaces should consider reviewing their current employee voice arrangements/ practices, e.g. employee forums, etc. How effective are these? Do employees genuinely feel that they have a voice in the business? If your workforce is happy with your current employee engagement mechanisms, they are less likely to be interested in trade unions representing them. • Employers should consider entering a voluntary arrangement with the relevant trade union(s) to avoid requests being triggered under the statutory framework. • Employers should put in place a process/protocol for handling such requests to ensure they comply with the relevant timelines, and that managers and other relevant individuals in the business are aware of this new statutory right. • In light of this new right and the new obligation on employers to inform workers of their right to join a trade union (see above), employers may need to update any existing policies governing dealings with trade unions or consider introducing such policies. See our updated FAQs, which set out the typical questions employers may have about this new right, and our outline answers.
30 October 2026	Additional trade union changes	There will be new rights and protections for certain trade union representatives, as well as new protection against detriment for taking industrial action. Changes in relation to unfair practices in the trade union recognition process.	• No immediate action required – employers should however ensure that relevant managers are aware of these new rights and protections so as not to breach them. • Employers should also ensure they are familiar with the updated Acas Code of Practice on Time Off for Trade Union Duties and Activities and the revised Code of Practice on Access and Unfair Practices During the Recognition and Derecognition Process, once they have been published.

* Changes to tipping laws were due to come into force in October 2026, but the government has since indicated that these measures will be delayed and will now take effect "by the end of 2026". The changes will introduce new requirements for employers to consult with workers when developing or reviewing their tipping policies. The government has recently reissued for consultation the revised statutory code of practice on the fair and transparent distribution of tips. The consultation closes on 29 September 2026.

* The new obligation on employers to inform workers of their right to join a trade union was due to come into force in October 2026, but the government has indicated that this change will now take place in January 2027. According to the response to its consultation, employers will be obliged to issue a standardised statement (provided by the government), which they will not be permitted to amend except to add specific workplace information. The statement will provide information on the right to join a trade union. It will also include a brief explanation of union functions, a list of and information on recognised trade unions and/or statutory access agreements and a summary of statutory rights.

Extension of right to work checks – Not an ERA 2025 development, but another important item for employers to be aware of is the significant changes to the UK's rules on carrying out right to work (RTW) checks, which are due to come into force on 1 October 2026. Most notably, the changes expand both (i) the range of working arrangements in which RTW checks must be conducted to obtain a statutory excuse against a civil penalty; and (ii) the parties who may be liable for non-compliance. As a result, organisations that have not historically regarded themselves as the "employer" for RTW purposes in certain working arrangements may fall within scope from 1 October. This brings with it both new compliance obligations and increased exposure to civil penalties. See our Insight and also a link to our recent webinar on this topic.