EMPLOYMENT RIGHTS ACT FOR PUBLIC SECTOR

Public sector employers (local authorities, NHS trusts, government agencies) face distinctive pressures under the Employment Rights Act 2025. Very high union density, large workforces, and public scrutiny of employment practices mean three areas demand particular attention.

THE CHANGE	WHAT IT MEANS FOR YOU	WHAT YOU NEED TO DO
Trade union access rights	The public sector is the most heavily unionised part of the economy. With effect from October 2026, the ERA will expand workplace and digital access rights and strengthens protections for union activities. Multi-union environments with overlapping recognition create additional complexity. Existing facility time agreements may need renegotiation.	Review all recognition, access, and facility time agreements against the new statutory requirements. Brief managers across all departments on expanded rights. Prepare for digital access requirements. In multi-union settings, ensure consistent application.
Reduced unfair dismissal qualifying period	With effect from 1 January 2027, the qualifying period for unfair dismissal is being reduced from two years to six months. Public sector employers recruit large numbers of staff annually. The shorter qualifying period means probationary processes must be robust across every department and location. The public sector is already a high-volume target for employment tribunal claims; uncapped awards (which also apply from January 2027) increase the financial exposure.	Review probationary procedures across all departments and roles. Ensure consistency of application and that a defensible record is produced within the first six months. Train line managers on fair dismissal procedures. Update disciplinary, capability, and absence management procedures.
Statutory sick pay (day-one, no waiting days)	Public sector organisations typically manage above-average absence rates. TThe removal of waiting days and the lower earnings limit from April 2026 will have increased the cost of short-term absence across very large workforces. Policies referencing the old rules need updating across all entities and departments.	Update sickness absence policies across every entity and department. Remove waiting-day references. Brief managers and HR teams. Model the financial impact of day-one SSP across your workforce.

THE COST OF INACTION

A local authority with 2,000 employees, multiple recognised unions, and inconsistent probationary practices across departments faces overlapping exposure. With the qualifying period reduced to six months, far more staff can bring unfair dismissal claims - and awards are uncapped. Combined with expanded union access and increased SSP costs, the compliance programme cannot be deferred.

NEXT STEPS

We advise public sector employers on ERA compliance with an understanding of the multi-union and political context. A 20-minute initial call is enough to scope priorities. No charge for that first conversation.

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