

Breakfast Briefing

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Agenda for today



A look at the proposed changes to Non Disclosure Agreements (NDAs)

An update on unfair dismissal as a day one right

Government's new ERB implementation plan

NDAs



Deputy Prime Minister Angela Rayner said:

“We have heard the calls from victims of harassment and discrimination to end the misuse of NDAs.

“It is time we stamped this practice out – and this government is taking action to make that happen.

“The Employment Rights Bill will ban any NDA used for this purpose, so that no one is forced to suffer in silence.”

NDA's



- On 7 July 2025, the ERB was amended to include a new clause (22) to address the use of NDAs
- Provision in an agreement will be void if it prevents the employee from making an allegation of, or disclosure of information relating to, relevant harassment or discrimination
- The restrictions will not apply to an "excepted agreements" – still unclear

NDAAs



- How will this impact employers?
 - NDAAs
 - Settlement agreements
 - Employment contracts
 - COT 3 agreements?
- Awaiting further legislation on what is “excepted”
- More claims reaching a hearing?

Unfair dismissal as a day 1 right



- ERB to remove the 2-year qualifying period from raising an unfair dismissal complaint
- Addition of an ‘initial period of employment’ (IPE) which allows employers to carry out a lighter touch process
- Government will announce consultation on the length of the initial period of employment in Autumn 2025
- Future Regulations will deal with the ‘modified process’ and the length of the IPE
- Implementation plan states 2027 for regime to come into effect

Unfair dismissal as a day 1 right



- House of Lords voted to amend the Bill to reduce the qualifying period from 2 years to 6 months – removing the IPE
 - Less burden on ETs; keeps existing legal framework; extends protection for employees but in a simpler way
- Now back to the House of Commons who will likely reject the amendment
- Scot Eng will continue to monitor and advise on the outcome

Government Implementation Plan



Government have published the [Employment Rights Bill Roadmap](#)



Contains information on when consultations will take place and when changes will come into force

Government Implementation Plan

Royal Assent or soon afterwards



- Repeal of the Strikes (Minimum Service Levels) Act 2023
- Repeal of the great majority of the Trade Union Act 2016
- Removing the 10-year ballot requirement for trade union political funds
- Simplifying industrial action notices and industrial action ballot notices
- Protections against dismissal for taking industrial action

Government Implementation Plan

April 2026



- Doubling the maximum period of the protective award in collective consultation claims (90 to 180 days pay)
- Day 1 paternity leave and unpaid parental leave
- Enhanced whistleblowing protections
- Fair Work Agency body established
- Removal of lower earnings limit and waiting period for SSP
- Simplifying recognition process for TUs

Government Implementation Plan

October 2026



- Changes to the rules surrounding fire and rehire
- Duty to inform workers of their right to join a TU
- Strengthen union's rights of access
- Require employers to take "all reasonable steps" to prevent sexual harassment
- Legal obligation on employers not to permit harassment by 3rd parties
- New rights and protections for TU reps
- Extend employment tribunal time limits
- Extend protection against detriment for taking industrial action

Government Implementation Plan

2027



- Day 1 unfair dismissal rights
- Gender pay gap and menopause action plans for large companies
- Rights for pregnant workers
- Introducing a power to enable regulations to specify steps that are to be regarded as “reasonable”, to determine whether an employer has taken all reasonable steps to prevent sexual harassment
- Blacklisting
- Industrial relations framework
- Regulation of umbrella companies

Government Implementation Plan

2027 cont



- Changes to flexible working legislation
- Statutory bereavement leave

What can you do now?



- Review contractual documents; policies and handbooks to determine what needs changed
- Make a plan of when policies should be updated in line with the implementation plan
- Update policies once relevant Regulations are published and legislation is finalised
- Contribute to consultations to give feedback to the government
- Keep up to date on Scot Eng updates
- Members who take ISA can benefit from assistance with updates to policy and contracts