

Employment Rights Act: Employer Checklist



Are you meeting the standard?

The Employment Rights Act 2025 introduces a strengthened framework for managing workplace risk, with a clear emphasis on **proactive prevention and demonstrable compliance**.

The legislation is being implemented in phases, with key developments expected from:

- April 2026
- October 2026
- 2027 onwards

For employers, this means compliance is no longer limited to having appropriate policies in place. Organisations are expected to identify risks in advance, implement effective controls, and maintain evidence of how those controls operate in practice.

This checklist is designed to help employers assess whether they can:

- Demonstrate that risks have been identified and understood
- Show that proportionate preventative measures are in place
- Evidence how decisions are made and reviewed over time
- Support managers to act consistently and appropriately

The list below outlines all considerations for ERA 2025, the practical implementation and verifiable actions employers need to take to comply with this legislation. This reflects on how compliance is likely to be assessed in real-world scenarios. Use this to assess whether your organisation can demonstrate compliance in practice, not just in policy.

This checklist should be used alongside internal policies, training, and governance processes to support ongoing readiness as the legislation comes into force.



Prevention is the legal starting point

Practical implementation

- Prevention must be **planned, evidenced, and continuously reviewed**
- Generic policies or one-off training are unlikely to be sufficient on their own
- Employers must demonstrate **risk awareness specific to their operations**
- Failure to take proactive steps may itself create liability
- Risk assessments must evolve as workplace risks change

Key actions for employers:

Conduct **detailed, role-specific harassment risk assessments**

Ensure controls are **tailored, proportionate, and regularly updated**

Document existing steps and build toward the “**all reasonable steps**” standard

Move from awareness to **evidence-based compliance**

Maintain records demonstrating how preventative measures are reviewed and improved

Empower managers to act on low-level concerns before they escalate into formal grievances.



Harassment is a systems risk

Practical implementation

- Risk exists **beyond formal workplaces and standard hours**
- Responsibility extends across **HR, operations, and compliance**
- Employers must focus on **patterns, environments, and structural risks**
- Passive acknowledgement of risk is insufficient; **active management is required**

Key actions for employers:

Map harassment risk across **real working environments**

Identify and document higher-risk scenarios and environments (e.g. travel, events, remote work, and digital/social platforms)

Implement **environment-specific controls and safeguards**

Ensure cross-functional ownership of risk (HR, compliance, operations)

Regularly review whether controls remain effective



Third-party harassment and extended liability for employers

Practical implementation

- Third-party behaviour must be treated as a **core people risk**
- Commercial relationships do not override the duty to protect workers
- Failing to act on known risks may create liability
- Managers need to be able to **intervene, escalate, and challenge behaviour**

Key actions for employers:

Include third-party conduct in **harassment risk assessments**

Define **clear behavioural expectations and boundaries**

Train managers on **when and how to intervene or escalate**

Establish clear **escalation and reporting routes**

Reflect third-party risks in **role design and operational planning**



The overlap between harassment and whistleblowing

Practical implementation

- Early handling decisions carry **heightened legal consequences**
- Managers are a critical control point, but may lack awareness
- Mishandling (even unintentionally) can escalate risk quickly
- Harassment and whistleblowing processes must operate as **one system**

Key actions for employers:

Update policies to clearly

- Recognise **sexual harassment as a protected disclosure**
- Confirm protection from detriment

Provide **multiple, accessible reporting routes**

- HR
- Line manager
- Confidential channels

Train managers to

- Identify protected disclosures immediately
- Handle concerns sensitively and appropriately

Align training with

- Investigation protocols
- Record-keeping requirements





Silence, speak-up and confidentiality

Practical implementation

- Encouraging speak-up is insufficient without **safe and trusted follow-through**
- Fear of retaliation is treated as a **governance failure**
- Cultural effectiveness is judged by **outcomes, not messaging**
- Silence, delay, or suppression can create liability

Key actions for employers:

Audit NDAs and templates to

- Remove or amend restrictive or unclear wording
- Ensure protected disclosures are not limited

Ensure settlement communications clearly state

- Workers retain the right to whistleblow

Strengthen speak-up frameworks

- Multiple reporting channels
- Clear protections from detriment

Ensure concerns are handled with

- Timeliness
- Transparency
- Consistency





Evidence and demonstrable governance

Practical implementation

- The absence of records may itself create liability
- Organisations need to show **continuous prevention and improvement**
- Culture must be evidenced through:
 - Data
 - Risk assessments
 - Actions and outcomes
- Employment tribunals will expect:
 - Detailed documentation
 - Tailored and proportionate measures
 - Regular review and updating

Key actions for employers:

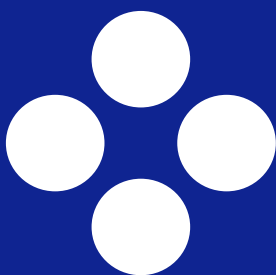
Maintain clear, auditable records of

- Risk assessments
- Training attendance
- Reported concerns and actions taken
- Reviews of preventative measures

Document

- Decision-making rationale
- Follow-up actions
- Outcomes and improvements

Ensure governance frameworks produce **traceable evidence over time**



"Compliance is no longer about what policies say; it is about what organisations can prove they have done."

For context on how these requirements reflect broader changes in employer responsibility, see our [Employment Rights Act UK: Employer Guide](#) in the ERA Content Centre.

Our ERA package

The Employment Rights Act (ERA) introduces some of the most significant reforms to UK employment law in a generation and employers need to act now. From day one rights and uncapped unfair dismissal compensation to extended third-party harassment liability and new whistleblowing protections, the ERA places greater responsibility on organisations to demonstrate proactive compliance.

Our ERA training package equips both employees and managers with the knowledge they need to understand their obligations under the new legislation.

Includes in-depth, refresher, and microlearning courses covering key topics such as preventing sexual harassment, whistleblowing, and the ERA's specific implications for managers. Delivered via the Skillcast Portal or any SCORM-compliant LMS, courses are regularly updated to reflect legislative changes and sit alongside platform tools including policy attestations, incident registers, and anonymous reporting channels.

Start your trial

Explore our ERA package

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