



IN TUNE WITH YOUR BUSINESS NEEDS

CLIENT BRIEFING • OCTOBER 2026

Employment law changes this month: what you need to do

The Employment Rights Act 2025 is being brought in stage by stage. The April changes (day-one sick pay and family leave, holiday record-keeping) should now be bedded in. October brings the next wave, with changes landing on 1 October and 30 October. This briefing explains each one in plain English and tells you what, if anything, you need to do.

At a glance

Date	What changes	What it means for you
1 October	Tribunal time limits double from three to six months	Keep records longer; issues you thought were closed can resurface
1 October	Right-to-work checks extend into labour supply chains	Only if you supply workers or services onwards
30 October	Duty to take "all reasonable steps" to prevent sexual harassment	A policy in a drawer is no longer enough
30 October	Liability for harassment by customers, suppliers and the public	Front-of-house and lone workers need protecting
30 October	New trade union access and information rights	Mainly businesses with more than 20 employees

From 1 October 2026

Tribunal time limits double: three months becomes six

For most employment tribunal claims (unfair dismissal, discrimination, unlawful deductions and so on), the deadline for an employee to start a claim has doubled from three months to six months. The new limit applies where the events complained of happen on or after 1 October 2026. Acas early conciliation still has to happen first, and still pauses the clock in the usual way.

Why it matters

An issue you resolved in October could still turn into a claim in April. Memories fade, managers leave and paperwork goes missing. The businesses that lose at tribunal are usually the ones that cannot show what was done and why, not the ones that did the wrong thing.

What to do

- Keep clear, dated notes of meetings, decisions, performance concerns, grievances, disciplinary action, reasonable adjustments and contract changes.
- Do not delete or shred records for at least seven months after someone leaves or a dispute is resolved. If you use HR software, check its retention settings.
- When a grievance, complaint or threatened claim appears, preserve everything relevant straight away, including emails and messages.
- Make sure the people who were involved in a decision have written down their reasons at the time, not from memory later.

Right-to-work checks reach further

From 1 October, right-to-work checking duties extend to some labour supply chains: subcontracting arrangements, online matching platforms and contracts that allow a worker to send a substitute. If your business supplies workers or services onwards to someone else, you may now be responsible for checking the right to work of the person actually doing the work, even if you do not employ them. Civil penalties can reach £60,000 per illegal worker.

If you simply buy in services for your own business and do not pass them on, this generally does not affect you.

What to do

- If you use subcontractors, agency workers or self-employed people who can send a substitute, map who does the work and who is checking their right to work.
- Agree in writing with your suppliers who carries out and evidences the checks.
- Keep copies of the checks you do rely on.

From 30 October 2026

Sexual harassment: the duty rises to "all reasonable steps"

Since October 2024, every employer has had a legal duty to take reasonable steps to prevent sexual harassment at work. From 30 October 2026 the bar rises: you must take all reasonable steps. If a claim succeeds and you cannot show you did, compensation can be increased by up to 25 per cent, and the Equality and Human Rights Commission can take enforcement action in its own right.

"All reasonable" does not mean every conceivable step. It is judged against your size, resources, sector and the risks in your workplace. But it does mean that a policy sitting in the handbook, on its own, will not be enough. You need to be able to show that preventing harassment is something you actively manage.

What a small business is expected to have

What to do

- A written sexual harassment and harassment policy that covers conduct by colleagues and by third parties, explains how to raise a concern, and sets out what happens next.
- A short, written risk assessment: where could your people be exposed, and what are you doing about it? Think customers, suppliers, lone working, evening work, events and alcohol.
- More than one way to report a concern, including a route that avoids the line manager.
- Training for all staff, with a separate session for managers on recognising and dealing with concerns. Keep a record of who attended and when, and include it in induction.
- Prompt, fair handling of any complaint, following the Acas Code where it becomes formal, and protection for anyone who raises a concern in good faith.
- A review date. Check whether what you have put in place is working, using one-to-ones, surveys, exit interviews and incident records.

Harassment by customers, suppliers and the public

Also from 30 October, you become liable if a third party, such as a customer, client, supplier, contractor or member of the public, harasses one of your workers and you failed to take all reasonable steps to prevent it. This applies to all forms of harassment related to a protected characteristic, not only sexual harassment.

This is the change most likely to catch front-line businesses: salons, hospitality, retail, trade counters, care and anyone with staff who visit customers' premises or work alone.

What to do

- Set clear standards for customers and visitors: signage, terms of business, booking confirmations or a line on your website stating that abuse of staff will not be tolerated.
- Give managers a protocol for stepping in, and give staff explicit permission to step away, refuse service or end a call when they feel at risk.
- Review lone-working and home-visit arrangements.
- Encourage staff to report near misses, not just incidents, and log them.

Trade union rights

Three trade union changes take effect on 30 October. For most small businesses the practical impact is limited, but two points apply more widely.

- **A duty to tell workers of their right to join a trade union.** You will need a short written statement, given to new starters and existing staff, confirming they have the right to join a union. The exact timing and wording are set by regulations; HRmonie will provide a compliant template when it is finalised.
- **New rights of access.** Independent unions can request physical or digital access to a workplace with more than 20 employees to talk to workers. You have 15 days to respond and cannot simply refuse; the framework sets out how requests and disputes are handled, and penalties for breaching an access agreement can reach £500,000.

- **Stronger protection for union representatives and for workers taking part in lawful industrial action**, and new rules against unfair practices during recognition ballots.

What to do

- Decide who in the business would handle a union access request, and brief managers to pass anything union-related to that person rather than respond themselves.
- Be ready to add the right-to-join statement to offer packs and the handbook once the wording is confirmed.
- If you already recognise a union, review arrangements for facilities and paid time off for representatives.

Not happening in October (despite earlier announcements)

- Fire and rehire restrictions have been pushed back from October 2026. Guidance currently points to early 2027. Do not rely on being able to dismiss and re-engage on worse terms; plan contractual changes with proper consultation now.
- Tipping law changes (consultation with staff on tipping policies) have been delayed and returned to consultation. If you handle tips, review your policy anyway, as a version of this is still expected.
- The revised Acas Code on disciplinary and grievance procedures is still in draft. Follow the current Code until a new one is in force.
- Changes to unfair dismissal qualifying periods are expected in 2027, not this month. We will brief you separately.

Your October checklist

- Update record-keeping and retention so nothing is destroyed within seven months of a dispute or a leaver.
- Review your harassment and sexual harassment policy to cover third parties and multiple reporting routes.
- Complete a harassment risk assessment and turn it into an action plan with named owners.
- Train all staff and managers before 30 October, and keep the attendance record.
- Put customer and visitor standards in writing where staff face the public.
- Nominate a contact for trade union requests and prepare for the right-to-join statement.
- If you supply workers or services onwards, map right-to-work responsibilities across the chain.

How HRmonie can help

We can review and update your policies, carry out the harassment risk assessment with you, deliver staff and manager training, and check your record-keeping before the 30 October deadline. Retained clients: these updates are included. Pay-as-you-go clients: get in touch for a fixed quote.

Michelle • 07711 881857 • hrmoniem@outlook.com • hrmonie.co.uk

This briefing is a general summary of employment law changes in England, Scotland and Wales as at 1 October 2026 and is provided for information only. It is not legal advice and does not take account of your particular circumstances. Some measures depend on final regulations and codes of practice that may change. Please contact HRmonie before acting on anything in this document.