Employment Rights Act 2025

Unfair dismissal protection – reps' checklist

Here's how you can help your members and colleagues make the most of the new unfair dismissal protection.

1. Explain unfair dismissal protection to members

- ☐ Check your understanding of what unfair dismissal is – the Acas guide is a good start.
- ☐ Tell members that the qualifying period for ordinary unfair dismissal is reduced to 6 months.
- ☐ Explain that the cap on unfair dismissal compensation awards is removed.
- ☐ Make sure new starters know they are protected from six months.
- ☐ Explain how unfair dismissal sits alongside existing day-one rights (for example discrimination, whistleblowing, health and safety, union activity).
- ☐ Add or update a short unfair dismissal explainer in your branch newsletters, meetings or inductions.

2. Check your employer's policies are updated

- ☐ Ask your employer to review and update disciplinary, capability, redundancy and dismissal procedures to reflect the 6-month qualifying period and the removal of the awards cap.
- ☐ Check that probation policies are clear about expectations, reviews and support.
- ☐ Make sure managers are expected to give clear, documented feedback before dismissing anyone near the 6-month point.
- ☐ Urge your employer to carry out equality impact assessments for the updated policies and procedures.
- ☐ Check that staff guidance, contracts and handbooks are updated so they match the new law.

3. Look out for dodgy dismissals

- ☐ Watch for an increase in dismissals as colleagues approach 6 months' service.

- ☐ Challenge any pattern of "letting people go" just before they qualify for protection.
- ☐ Encourage newer members to raise problems early, not wait until they are close to 6 months in post.
- ☐ Use data to identify if there is a common pattern where workers with protected characteristics are disproportionally impacted.
- ☐ Scrutinise procedures for newer staff: investigations, hearings, the right to be accompanied and appeals should all be followed properly.
- ☐ Keep notes on any worrying cases in case you need them for future negotiations or campaigns.

4. Use the changes to negotiate

- ☐ Use the increased risk of unfair dismissal claims as leverage to negotiate more supportive management practices – for example, clear reviews, support and training during probation periods.
- ☐ Press for more supportive performance and capability processes, not "hire and fire" approaches.
- ☐ Ask for clearer probation policies, with regular reviews and real support for staff.
- ☐ Raise unfair dismissal changes in your next round of bargaining or joint consultative meetings.

5. Stay up to date

- ☐ Keep an eye out for new regulations and tribunal decisions on unfair dismissal.
- ☐ Check for updated guidance from Acas.
- ☐ Read updates from your union or the TUC and build key points into local training and briefings.
- ☐ Review this checklist every few months and update it as the law and case law develops.