

Employment Rights Act 2025: Strengthening protections for whistleblowers

What changes has the Act made to the law?

The Employment Rights Act 2025 amends the Employment Rights Act 1996 to make clear that workers who ‘blow the whistle’ on sexual harassment can benefit from whistleblowing protections against detriment (adverse treatment) and unfair dismissal.

It does this by adding sexual harassment to the list of wrongdoings under section 43B of the Employment Rights Act 1996 that can form the subject-matter of a whistleblowing disclosure (legally known as a ‘protected disclosure’). This will provide welcome clarity for workers and employers. It may also encourage more workers to speak up about sexual harassment in the public interest by using whistleblowing routes.

The measure will commence on **6 April 2026**.

How is this different from the previous legislation?

Previously, a worker would have to claim that their disclosure about sexual harassment fell under one of the existing categories of wrongdoing, such as a danger to health and safety. The Employment Rights Act 1996 will now be explicit that a disclosure about sexual harassment can be a protected whistleblowing disclosure.

Common questions

What is whistleblowing?

- Whistleblowing is when a worker raises a concern about wrongdoing in the public interest.
- A worker who blows the whistle, by making a protected disclosure that meets certain conditions (found in the Employment Rights Act 1996), has the right not to suffer detriment and (if they are an employee) not be unfairly dismissed, as a result.
- To be protected, a worker must reasonably believe their disclosure is about one or more categories of wrongdoing listed in the Employment Rights Act 1996, such as a criminal offence or a danger to health and safety, and that their disclosure is in the public interest. From 6 April 2026, sexual harassment will be added to the list.

What does “in the public interest” mean?

- A worker must reasonably believe that reporting the wrongdoing is “in the public interest”.
- Generally, this means the wrongdoing will impact others, not just the worker. For example, other colleagues or the public.
- But this will not always be the case. An employment tribunal or a court may consider other factors, such as the nature and impact of the wrongdoing and the identity of the wrongdoer.

Does it matter when the incident of sexual harassment took place?

- No. The whistleblowing disclosure could cover sexual harassment that has occurred, is occurring or is likely to occur.