

The Rt Hon Liam Byrne MP
Chair, Business and Trade Committee
House of Commons
London
SW1A 0AA

15 April 2026

Implementing the Employment Rights Act 2025: Non-Disclosure Agreements Consultation

Dear Liam,

We are delivering our Plan for Change by ensuring employment rights are fit for a modern economy, empowering working people and contributing to economic growth. Our Plan to Make Work Pay will extend the employment protections already given by the best British companies to millions more workers across the country.

The Government is making tangible progress in implementing this generational change in employment rights, whilst ensuring impact on businesses is minimised. Already this April we have: expanded Statutory Sick Pay to up to 1.3million of the lowest paid employees in society and ensured that it is paid from the first day of sickness absence; supported working families by implementing a day one right to paternity leave and unpaid parental leave; and established the new Fair Work Agency.

Today, we are making further progress in our commitment to protect workers from abuse in the workplace by launching a consultation on non-disclosure agreements (NDAs). Alongside a programme of direct stakeholder engagement, this consultation will support us in determining how best to put our plans into practice.

Non-Disclosure Agreements Consultation

The Employment Rights Act 2025 introduced a new measure that will address the misuse of NDAs by employers who want to silence workers about harassment and discrimination in the workplace. While NDAs can have legitimate purposes such as to protect sensitive commercial business interests, they should not be used to cover up workplace misconduct.

The NDA measure will void any provision in an agreement, such as a contract of employment or settlement agreement, between a worker and their employer in so far as it prevents a worker from speaking out about relevant harassment or discrimination. The Government acknowledges that workers may sometimes want confidentiality in cases of harassment or discrimination.

We will set conditions in regulations under which NDAs can still be valid (an 'excepted agreement') and will prescribe individuals that a worker with an excepted agreement can still speak to (e.g., the police, a doctor, or close family members), subject to consultation. This consultation is split into three parts:

Part 1 seeks views on the Government's proposed conditions under which an NDA can still be valid in cases of relevant discrimination and harassment, known as an 'excepted agreement'. For example, whether a worker should receive 'independent advice' on the terms and effect of an excepted agreement, or an explicit time-limited right to withdraw from an excepted agreement without penalty ('a cooling off period').

Part 2 seeks views on who those who have signed an 'excepted agreement' should still be able to speak to, known as a 'permitted disclosure'. The intention is that where a worker has signed an excepted agreement, they are still able to disclose information relating to relevant harassment and discrimination to certain individuals or bodies to seek advice or support.

Part 3 seeks views on whether this new NDA measure should, in the future, apply to other individuals that may be vulnerable to the misuse of NDAs and who do not meet the standard definition of "worker" in the Employment Rights Act 1996, including certain groups of self-employed.

The Government wants to ensure that it protects workers against the misuse of NDAs where employers are using them to cover up relevant harassment and discrimination and to enable workers to have a greater say in whether they want confidentiality and, if they do, a better understanding of what they are agreeing to.

The consultation will run for 12 weeks and close on 8 July 2026. Following consultation, the Government will consider the responses carefully before developing a final policy position. Any changes will be delivered through secondary legislation, with regulations expected to enter into force in 2027.

Next Steps

The insights gained through this consultation will be critical to helping the Government to deliver reforms that are both effective and inclusive. It is in everyone's interest to get the relationship between employer and worker right. This consultation will help us make work pay for both. Alongside the release of these packages, I would also be happy to engage with the Committee further on this important agenda.

With best wishes,



Kate Dearden MP

Minister for Employment Rights and Consumer Protection
Department for Business and Trade