UK Employment Rights Act 2025

UK Employment Rights Act 2025 – A New Era for UK Trade Unions: Are Employers Ready?

Under the Employment Rights Act 2025 (the “**Act**”), trade unions will gain enhanced rights, even in workplaces that do not currently recognise a trade union. This means that nearly every UK employer will need to develop a clear strategy for engaging constructively with trade unions and their workforce. The changes represent a seismic shift in UK employment law.

In this client alert, we focus on the main rights that employers will need to grapple with, including: (1) the right for workers to be given a written statement of their ability to join a trade union; (2) the right of trade unions to access workplaces; and (3) a simplification of the trade union recognition and industrial action balloting processes.

Written Statement of Right to Join a Trade Union

From 30 October 2026, all UK employers will be required to give workers a written statement on their right to join a trade union at the same time as the statement of written particulars of employment (i.e., by their first day at work) and at specified intervals thereafter. In October 2025, the government consulted on this right (see our previous client alert on this here). Secondary legislation will be passed in due course, outlining:

- the information that must be included in such a statement (the government is currently proposing the inclusion of a brief overview of the functions of a trade union and the statutory rights related to trade union membership, a list of all recognised trade unions, and a signpost to the GOV.UK page with a list of trade unions);
- the regularity with which such a statement must be provided to workers (the government is currently proposing annual reminders); and
- the acceptable methods of communicating this statement to workers (direct methods are likely to be preferred for new workers, and indirect methods like posting the statement on a staff intranet are likely to be acceptable in relation to existing workers).

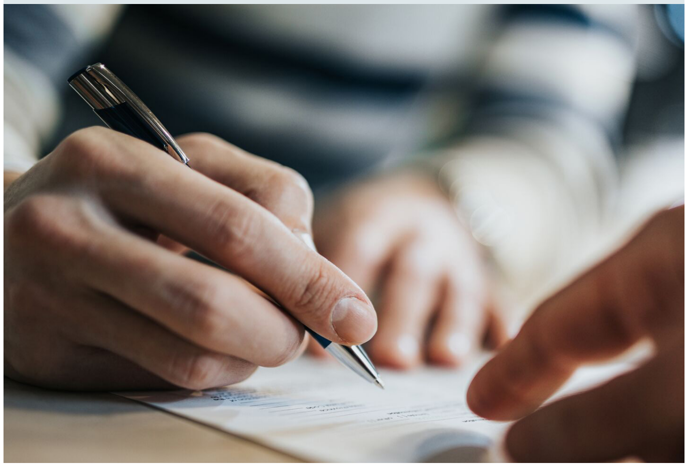
Authors

Chris Bracebridge
Employment
Partner, London
+44 20 7067 2063
CBracebridge@cov.com

Antonio Michaelides
Employment
Partner, London
+44 20 7067 2027
AMichaelides@cov.com

Richard Rowlands
Employment
Associate, London
+44 20 7067 2210
RRowlands@cov.com

Salena Mann
Employment
Associate, London
+44 20 7067 2156
SMann@cov.com



As such, workers will generally be better informed of their collective labour rights and may be more likely to exercise their right to join a trade union.

Right of Access

On 30 October 2026, trade unions will also gain the right to access workplaces and communicate with workers both in person and digitally, for the purposes of meeting, supporting, representing, recruiting, or organising workers, and facilitating collective bargaining (but not to organise industrial action (i.e., strikes)). The government has already consulted on this right (see our previous client alert on this here) and, in July 2026, published a final draft code of practice on the trade union right of access (the "**Code**"). The Code sets out the following:

- **Process.** Trade unions will be able to submit an access request to an employer using a standardised form. Employers will then have 15 working days to respond to the request. The parties will then have 25 working days from the conclusion of this response period to negotiate the terms of such access in good faith. If the parties cannot agree the terms of access during the negotiation period, the trade union may apply to the Central Arbitration Committee ("**CAC**") for a determination. The CAC will then decide whether access should be granted and, if so, the terms on which it will be granted, having regard to the statutory access principles.
- **Access agreements.** The terms of such access will be recorded in what is called an "access agreement". These will have a maximum duration of two years. Where a trade union's request is consistent with certain "model" terms, the CAC is more likely to consider that access should be granted. Example model terms include weekly access (although parties can agree on a lower frequency) and direct access (meaning actual meetings with employees, as opposed to the mere circulation of an email). Trade unions must also give employers a minimum of two working days' notice of upcoming access visits (except the first visit, which requires five working days' notice).
- **Enforcement.** The CAC can arbitrate if an employer fails to respond to an access request or if access negotiations fail. Complaints must be made within three months of any alleged breach of the relevant access agreement, and any appeals must be made to the Employment Appeal Tribunal. The CAC may impose fines of:
  (a) Up to £75,000 for a first breach;
  (b) Up to £150,000 for a second breach under the same agreement; and
  (c) Up to £500,000 for a third breach under the same agreement.
- **Obligations on employers.** Employers must make existing accommodation and facilities available to union officials – this can include moving around furniture but will not require any structural changes. Employers must also respect the privacy of these meetings and avoid recording them or sending in any employer representatives.

Simplification of Trade Union Recognition and Industrial Balloting Processes

Where a union has not been voluntarily recognised by an employer, it can apply to be recognised under a statutory regime. Prior to April 2026, this required the union to show that at least 10% of the workers in a proposed bargaining unit are members of that union, and that they were likely to have majority support for recognition. If the CAC then decided that a recognition ballot was needed, the union would need a majority of the votes and at least 40% in the proposed bargaining unit to support recognition.

The Act has made it easier for trade unions to be recognised in the workplace in the following ways:

- the 10% threshold needed for the CAC to accept an application will be lowered by secondary legislation to anything between 2 and 10%;
- unions are no longer required to show that there is likely to be majority support for recognition; and
- the 40% support threshold has been abolished, so only a simple majority of votes cast will be needed to succeed.

The Act also simplifies aspects of the industrial action balloting regime. In broad terms, the changes are intended to reduce some of the procedural barriers that have historically made lawful industrial action more difficult to organise. For example, from 31 August 2026, trade union members will be able to cast their votes electronically or in-person for industrial action ballots; previously this could only be done by post. This increases the importance of early workforce engagement and careful handling of collective issues before disputes escalate.

Collective Labour Rights: The Global Landscape

These new rights under the Act should be seen against the wider trade union law landscape, in which collective labour rights continue to be recognised both domestically and internationally. For example:

- In May 2026, the International Court of Justice issued an advisory opinion ruling that the "right to strike" is specifically protected under ILO Convention No. 87 (the Freedom of Association and Protection of the Right to Organise Convention). The advisory opinion is not legally binding but has the potential to guide national courts and regional human rights bodies in their interpretation of relevant human rights instruments; and
- In the EU, the forthcoming Corporate Sustainability Due Diligence Directive ("**CSDDD**") defines "adverse human rights impact" to include abuses of the rights to freedom of association and assembly, as well as abuses of the rights to organise and collectively bargain. Under the CSDDD, in-scope companies are required to conduct due diligence to identify, prioritise, and address actual or potential adverse human rights impacts within their own operations, subsidiary operations and a significant portion of their value chain, which may include collective labour rights issues.The CSDDD's stakeholder engagement and grievance mechanism requirements also anticipate potential engagement with trade unions and employee representative bodies about these issues (see more on the CSDDD here and here). Trade unions are likely to be actively engaged when the CSDDD begins to apply to companies in July 2029.

Key Takeaways

In light of the raft of new trade union rights under the Act, employers should:

- **Plan now for the October 2026 changes.** Employers should start preparing for the new written statement obligation (e.g., by amending employment contract templates) and the right of unions to access workplaces (e.g., considering the logistics of any potential access arrangements).
- **Prepare for increased union engagement.** These reforms will affect all UK employers, including those that do not currently recognise a trade union. Employers should assume that unions may seek to engage more actively with their workforce than before.
- **Put in place a process for access requests and CAC engagement.** Employers should identify in advance who will respond to union access requests, how negotiations will be handled internally, and how any dispute will be managed if it is escalated to the CAC.
- **Expect statutory recognition to become easier.** The proposed changes lower the barriers to recognition and, taken together, are likely to make union recognition applications more difficult to resist than under the current regime.
- **Implement a coordinated international approach to collective labour issues.** Multinationals with global footprints should consider the impact of incoming regulations such as CSDDD as they build cohesive collective labour rights strategies.

Given the significance of these reforms, employers should continue to monitor the detail of the implementing legislation and the final Code. If you have any questions about the Act, trade union law, or any other employment matters, we are happy to assist.