Employment Rights Act 2025:

Union access to workplaces & Employers' duty to notify workers of right to join a union

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Position before the implementation of the ERA:

Workers had legal right to join a TU but limited practical value

UNION ACCESS TO WORKPLACES

Right inserted by s.59 ERA 2025 and supported by two statutory instruments and a code of practice.

Implemented on 30 October 2026

DUTY TO NOTIFY WORKERS OF RIGHT TO JOIN A UNION

Right inserted by s.58 ERA 2025

Due to be implemented in January 2027

New right for trade union access to workplaces

IMPLEMENTED: 30 OCTOBER 2026

- The Labour Party has framed the right to access as a new right intended to improve worker representation and industrial relations by giving trade unions more opportunities to organise, represent and negotiate on behalf of workers.
- Right inserted by s.59 ERA 2025 and supported by two statutory instruments and a code of practice.
- Review in 6 months.

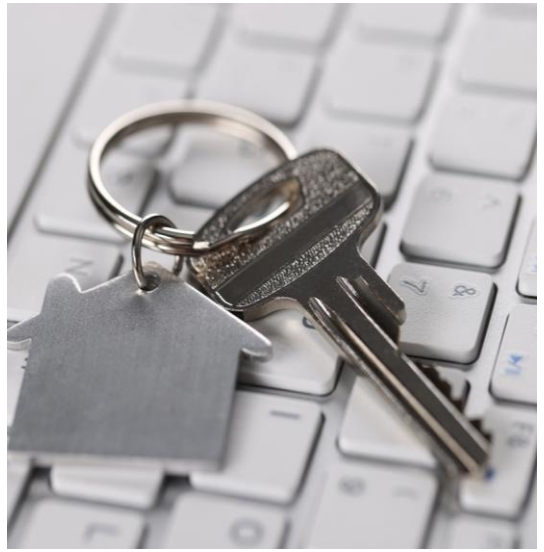


What is an access agreement?

Agreement between an independent trade union and an employer to physically enter or digitally communicate (or both) for access purposes. The access purposes are:

- To meet, support, represent, recruit or organise workers to facilitate collective bargaining

...but does not include organising industrial action.



Code of Practice: Right of trade unions to access workplaces

Issued by the Secretary of State pursuant to section 203 of the Trade Union and Labour Relations (Consolidation) Act 1992

Process for access

1. The union makes an access request.

This is a request for access under section 70ZB(1) of the Trade Union and Labour Relations (Consolidation) Act 1992.

CLOCK STARTS

2. Employer gives a response notice

(15 Days - can be extended)

3. Negotiation period

The parties can attempt to agree an access agreement (Further 25 Days)

OR

4. Jointly notify CAC

If parties can agree an access agreement they jointly notify the CAC

(by the end of the 25 Days)

5. Unilateral application to CAC

Parties who are unable to reach agreement can make a unilateral application to the CAC

(by 55 working days from the original access request)

LONG STOP: 55 days from access request

6. CAC Panel & Determination

Panel: single person (model terms) or 3 people

Will consider the arguments, evidence and the access principles. Model terms more likely granted.

The access principles – CAC consideration

- Union officials should be able to access a workplace for the access purposes in any way that does not unreasonably interfere with the employer's business.
- An employer should take reasonable steps to facilitate access.
- Physical entry should not be refused solely because remote communication is permitted (nor the other way around).
- Access should only be refused entirely where it is reasonable in all the circumstances to do so.



Model terms of Access Agreement

CAC single (rather than tripartite) person panel – may be faster - &
CAC more likely to consider case less complex and grant access

1. **Frequency:** up to weekly access (either in person or virtually). Can be averaged over a longer period of time if agreed between the parties.
2. **Facilities:** The employer should make available existing accommodation and facilities as is reasonable to facilitate access - but no requirement to make significant structural changes to their physical premises or IT systems.
3. **Communications:** Employer must ensure insofar as is possible that communication between the union and the workers is private.
4. **Notice:** Union must give at least two days' notice of upcoming access (five days for the first visit after the agreement is signed).
5. **Reasonable instructions:** The Trade Union official seeking access to the workplace must comply with all reasonable instructions given by the employer, including the provision of identification

Circumstances in which CAC must and may refuse access

CAC must refuse access:

1. Fewer than 21 workers.
2. At least 5 days notice before the first instance of access.
3. No access agreement to last longer than two years unless both parties explicitly agree to the contrary.
4. No access if access would prejudice the national security of the UK, or the investigation or detection of offences

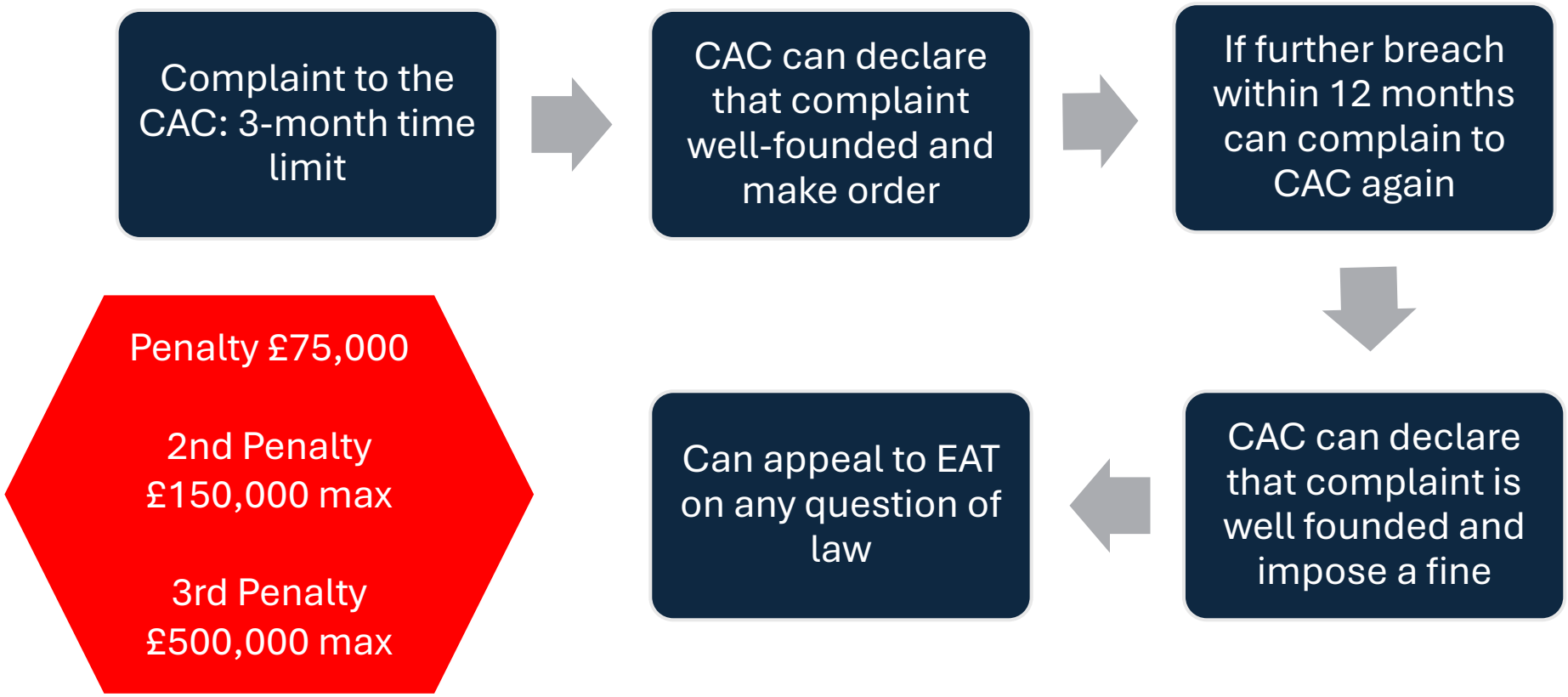
Reasonable for the CAC to refuse access:

1. Employer already recognises an independent trade union representing one or more of the workers who are subject to the access request
2. An ongoing statutory recognition application has been made by another independent union
3. An existing access agreement is in place with another independent union
4. Competing access requests
5. Health & Safety concerns

Where Can Access Take Place

- Access arrangements should reflect specific local circumstances and can take place in various formats.
- The employer’s typical methods of communicating with the workforce should be offered to the trade union as a means of accessing workers if the trade union wishes to use them.
- Usually during normal working hours and in line with employer’s custom and practice and employer should address any atypical shift patterns.
- Workers should be paid in full.
- Employer should respect privacy of meetings.

Enforcement of access rights –can be brought against Union, Respondent or third party infringing access provisions



New right to statement of trade union rights

IMPLEMENTATION DUE: JANUARY 2027

Employers must give workers a written statement that the worker has a right to join a union

- New workers from January 2027 (directly – at start)
- Existing workers by 5 April 2027 (directly or indirectly)

Government will provide standardised statement for employers to issue – with “clear, neutral and factual information”

Employers will only be able to edit workplace specific information

Annual reminders



Questions



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