

The Employment Rights Bill introduces a number of changes to Trade Union rights. This first consultation addresses an element of those changes: **how the new framework for trade unions' right of access into workplaces should work in practice.**

Opened: 23rd October 2025

Deadline: Thursday 18th December 2025, 11:59pm

To see the consultation in full, please click [here](#).

Here is a briefing on key proposed changes which are currently up for consultation and are expected to come into force in **October 2026**. Members are encouraged to share all their thoughts on the proposed changes through the consultation.

New Duty on Employers

Employers must inform workers of their right to join a trade union and provide a written statement of this right. Current proposals are this statement will be written by the government, to remove a burden from employers. This statement could be delivered directly with job contracts, or indirectly, for example on a noticeboard. The government is also considering whether employers will have a requirement to inform their employees of their right to join a trade union at a given interval, for example annually.

How will Trade Unions request access? (page 15)

Currently, Unions have no statutory right to request access. Trade unions are only able to access workplaces through staff who are union members or with voluntary consent from employers.

The Employment Rights Bill proposes unions will have a statutory right to request access to workplaces. Trade Unions could have access to workplaces both physically and/or digitally, for the purposes of supporting and recruiting workers, or facilitating collective bargaining. This request should be made in writing directly to the employer, with a range of information, including the purpose and scope (eg. physical and/or digital access) of the request. The government proposes it provides templates for access requests in the Code of Practice to ease the administrative burden.

How should employers respond to those requests for access? (page 19)

Employers must respond in writing, within 5 working days, either agreeing to Trade Union's accessing the workplace physically and/or digitally or rejecting/part-rejecting the

proposal, which would trigger a negotiation period of 15 working days. The government proposes it provides templates for access responses in the Code of Practice to ease the administrative burden.

What factors should the Central Arbitration Committee (CAC) take into account when determining whether access should be granted and on what terms? (page 22)

If an agreement is not reached, the case needs to be referred to the CAC within 25 working days of the original request. The CAC has the authority to determine the extent to which access is granted. There are many factors which the CAC will consider, which the consultation invites members to share their views on (for example, should smaller employers be exempt from a trade union's right of access to a workplace?)

How should the CAC come to decisions on the value of fines issued for breaches of access agreements? (page 30)

The CAC will be able to impose fines for non-compliance with access agreements. The government has proposed a standard cap of £75,000 for one breach, and a higher cap of £150,000 for repeated breaches. The government proposes that the value of the fine should be determined by a number of factors, including the reason for breach, number of workers affected, the duration of the breach, and the previous history of non-compliance.