NEW TRADE UNION RULES FROM OCTOBER 2026

What Employers Need to Know

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New Trade Union Rules

The Employment Rights Act 2025 includes significant changes to the law around trade unions which are likely to mean that far more employers will have to take account of trade union rights in relation to their employees and workers. For many currently non-unionised employers this is a substantial change. Some changes have already been implemented and others, namely the increased right of unions to access workplaces and the obligation on employers to inform their workforce of their right to join a union are imminent (coming into force on 30 October 2026 and 1 January 2027, respectively). Further changes will be implemented later in 2027. This guidance note sets out the key imminent changes and some recommended steps for employers to take to comply with the new rules.

What has already changed?

- The process by which trade unions can seek recognition (to gain the right to bargain collectively on behalf of a specified group of workers) has been simplified since 6 April 2026.
- Some thresholds for recognition have been decreased. Unions need no longer show that most workers in the proposed bargaining unit are likely to support recognition when they apply to the CAC (Central Arbitration Committee). If the ballot shows a simple majority of the votes cast, this is enough (as opposed to the previous threshold of at least 40% of all workers entitled to vote).
- Electronic and workplace balloting for statutory trade union ballots became available in August 2026.
- Together the reforms mean that it is easier for unions to gain recognition.

New right of union access to the workplace

- From 30 October 2026 unions will have a new right of access to the workplace. This access will be for the purpose of recruiting members but also meeting, supporting, representing and organising workers, and facilitating collective bargaining.
- The obligation to allow access will apply to employers with 21 workers or more.
- When a union submits an access request the employer will have 15 working days to respond.
- Unions and employers will be able to agree access arrangements between them. Formalised agreements via the statutory framework are not required. However, unions will be able to seek access through a formal statutory procedure via the CAC if (i) the employer and the union cannot agree arrangements on a voluntarily basis or (ii) the union decides to bypass the employer and goes straight to the CAC to determine the terms of access and impose a binding access arrangement.
- Access can be physical (e.g. onsite meetings) or digital (e.g. emails or virtual meetings). However, granting digital access does not preclude granting physical access.
- The Government issued a Code of Practice: Right of trade unions to access workplaces in July 2026. The CAC, Employment Tribunal and Courts will take account of an employer's compliance with the Code in any relevant claim.

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- Trade union representatives will have the right to reasonable accommodation and facilities while carrying out their duties. They'll also have a new right to time off for carrying out "equality related duties" such as representing members, consulting with employers, providing advice and supporting equality at work.
- Employers will be prohibited from treating workers unfairly if the main purpose is to penalise, prevent or deter them from taking protected industrial action.

Informing the workforce of their right to join a union

- Employers must provide workers with a written statement of their right to join a trade union. This obligation was due to come into force on 30 October 2026 but has now been pushed back until January 2027, and will be subject to further consultation.
- This obligation exists whether or not the employer recognises a union or has any workers who are members of a union.
- The statement must be in writing. The statement should set out what trade unions do, give a summary of worker's rights to membership of a union, give details of any union or unions recognised by the employer and signpost further information from the Government.
- The Government will issue a template statement that employers can use. While use of the template will not be mandatory, it is likely to be the easiest way for employers to comply. At the date of writing of this guide, the template statement has not yet been issued.
- The statement must be issued not just to new workers, but also to existing ones. The statement also needs to be reissued at prescribed intervals.
- While not a stand-alone claim, workers can sue their employer for failure to provide the information, the award for which will be 2-4 weeks' pay (with a week's pay capped at the statutory amount).

Steps to help compliance with the new rules

- Assign a union contact(s) for the company (for example HR manager, Operations Director or MD) to deal with any union request for access and ensure they are dealt with promptly.
- Ensure relevant employees understand the employer's obligations.
- Keep up-to-date with legal developments.
- Update policies on new rights and facilities for union representatives.
- Consider the Government Code of Practice and take legal advice to mitigate risks specific to the organisation.
- Update procedures to ensure there is no connection between industrial action and any discipline.
- Look out for the Government template for employers to tell workers of their right to join a union (in force from 1 January 2027).
- Plan how the obligation to tell workers of their right to join a union will be implemented for new and existing staff and how you are going to continue to comply with this obligation.

Contact Us

Contact a member of our Employment Law and Holistic HR team to arrange a free call to discuss how best to ensure your business is prepared for the upcoming changes.



Hannah Roche

PARTNER, HEAD OF EMPLOYMENT LAW AND HOLISTIC HR

T 0131 226 8216

E hannah.roche@mbmcommercial.co.uk



Michelle Bush

DIRECTOR, EMPLOYMENT LAW (ADMITTED IN MASSACHUSETTS & MAINE)

T 0131 380 0076

E michelle.bush@mbmcommercial.co.uk



Chris Scobie

ASSOCIATE, EMPLOYMENT LAW AND HOLISTIC HR

T 0131 226 8220

E chris.scobie@mbmcommercial.co.uk