

COMPLIANCE UPDATE

TRADE UNION RIGHTS - OCTOBER 2026



ABOUT THIS GUIDE

This information has been published to provide guidance on upcoming changes to trade union rights, that will impact workers and their employers. Every effort has been taken to ensure this information is accurate and correct at the time the update was published. Government officials may adjust timescales and guidance as plans progress.



WHAT'S CHANGING?

As a result of the Employment Rights Act 2025, upcoming changes to how trade unions can operate, and rules around employers engaging with them come into effect from 30th October. Whilst further requirements around how employers notify workers on their right to join a union, initially planned for October 2026, have been pushed back to January 2027.

IT'S WORTH NOTING:

Some legislation may have already been in place, but the Employment Rights Act changes will strengthen previous requirements, or introduce new levels of rights and protection.

TRADE UNION ACCESS RIGHTS

From 30th October 2026, subject to final parliamentary agreement, trade unions will have the right to access workplaces to meet, recruit and communicate with workers in person and virtually - including those who are not existing trade union members.

Prior to this change, there has been no formal statutory right to access workplaces, this has typically been on a discretionary basis or through existing members.

The change means independent trade unions will have an entitlement to visit sites and meet with workers. While this still requires agreement with the employer through a statutory access agreement, the new legislation includes a clear escalation process if the parties cannot agree on terms.

STATUTORY ACCESS AGREEMENTS

The statutory access agreement sets out the terms the trade union must follow, upon mutual agreement.

The agreement should cover:

- The workers or categories of workers the union will be permitted access to
- The locations covered
- The purpose of the access (declaring one of more statutory purpose such as meetings, representing or facilitating collective bargaining with workers)
- Whether access is physical or digital and the engagement form (such as presentations or drop-in sessions)
- Notice period from union on their intent to visit the workplace

UNDERSTANDING THE PROCESS

The union requests voluntary access arrangement with an employer. If an informal agreement cannot be made, the trade union makes a formal written access request.

The employer has 15 working days to respond, using the official template*, stating whether it wholly or partially agrees or rejects the request.

If rejected, the parties enter into a 25 working days negotiation period.

If negotiations fail, the Central Arbitration Committee determines the final access agreement and enforces compliance.

*Template available in [section E](#) of the government's guidance



ENHANCED WORKER RIGHTS WHEN WORKING WITH TRADE UNIONS

October will also see further strengthening of worker rights when engaging with a union.

- Entitlement for trade union representatives to take reasonable paid time to undertake their duties
- Reasonable access to facilities for trade union representatives to perform their duties (such as meeting rooms and IT equipment)
- A new right to appoint trade union equality representatives to promote inclusion - where the trade union can evidence the representative has undergone sufficient training or plans to in the next 6 months
- Enhanced protection from detriment where union members take part in lawful industrial action - such as bullying, harassment, training request refusals, reduction in hours without good reason, and being overlooked for promotion or development



JANUARY 2027 WORKER COMMUNICATION

In the new year, businesses will need to provide a formal written statement to workers, to advise them of their right to join a union. Additional guidance from the UK government on this is expected in November, but early indications suggest this will need to be issued prior to them commencing employment, and annually thereafter.



RIGHT TO JOIN A UNION: WRITTEN STATEMENTS

Government guidance will provide detailed information for this, including:

- What the statement must contain
- How it must be issued
- When it needs to be provided
- Which workers are covered

This new legal requirement to communicate with workers comes into effect from 1st January 2027.

KEY RECOMMENDATION

For businesses engaging multiple suppliers to manage contract workers for their projects, it's an important time to check all agencies have accurate records of workers on hire and effective communication channels to share upcoming changes. This needs to be recorded on each worker record to provide a clear paper trail should their adherence come under scrutiny, with a robust process to meet mandatory communication timings.

We'd always recommend regular supply chain audits to check all areas of compliance and ensure proactive measures are in place to manage impending changes effectively.

GET SUPPORT

NEXT STEPS

If you have any questions about how to manage trade union access requests to visit your sites that include contracted workers, then contact your usual recruitment representative for guidance.

For more information about how to ensure your business is best positioned to manage regulatory change across your supply chain, contact our Linx team to discuss how we can proactively ensure your business remains compliant.

We're here to help businesses manage their legislative obligations, but we're not legal advisors. We'd always recommend consulting with qualified professionals before implementing changes within your business.