

# Employment Rights Act 2025

## COLLECTIVE AND TRADE UNION RIGHTS FEBRUARY 2026

WHAT'S THE CHANGE?	ANY ADDITIONAL INFORMATION?	WHAT WILL EMPLOYERS HAVE TO DO?	WHEN WILL IT TAKE EFFECT? <sup>1</sup>
<b>Collective redundancy process</b>			
<ul style="list-style-type: none"><li>• The maximum protective award for breaching collective redundancy consultation rules will be doubled from 90 to 180 days' (uncapped) pay per employee.</li><li>• A further trigger for collective redundancy consultation and notification obligations will be introduced where dismissals of a threshold number of employees are proposed across an entire business.</li></ul>	<ul style="list-style-type: none"><li>• The threshold for the additional collective redundancy consultation (and notification) trigger is yet to be confirmed. It may be a set number or a set percentage of employees. If it is set as a number, it will be no lower than 20.</li><li>• Employers will be able to consult appropriate representatives separately, and reach different agreements, for batches of redundancies.</li><li>• Further details will be set out in regulations.</li></ul>	<ul style="list-style-type: none"><li>• The doubling of the maximum protective award significantly increases the financial risk for employers who breach collective consultation duties. If an employer also unreasonably fails to follow the Dismissal and Re-engagement Code of Practice, a tribunal may uplift the award by up to 25%, meaning potential liability of up to 225 days' pay per affected employee.</li><li>• Employers will need to track proposed redundancies across an entire business to determine if the new trigger is met. Collective consultation will be required in more cases.</li></ul>	<ul style="list-style-type: none"><li>• Doubling the maximum period of the protective award will take effect on <b>6 April 2026</b>.</li><li>• Changes to collective redundancy thresholds will take effect in <b>2027</b>.</li></ul>
<b>Right to statement of trade union rights</b>			
<ul style="list-style-type: none"><li>• An employer will have to provide a worker with a written statement of their right to join a trade union alongside their section 1 statement and at "other prescribed times".</li></ul>	<ul style="list-style-type: none"><li>• Regulations will specify the content and form of the statement, and how and when it must be provided.</li></ul>	<ul style="list-style-type: none"><li>• Employers must provide workers with a written statement of their right to join a trade union at the start of employment and at other prescribed times.</li><li>• Failure to comply will not give a worker a standalone claim. However, if they succeed in another claim, a tribunal may award them an additional two to four</li></ul>	<ul style="list-style-type: none"><li>• The Government has consulted on the operational details of the right to a statement of trade union rights, including the statement's form, contents, frequency of issue and the manner and timing of delivery to workers.</li></ul>

<sup>1</sup> Dates reflect the Government's updated implementation timetable, as outlined in its Implementation Roadmap (July 2025) and revised on 3 and 4 February 2026. These timings are indicative and may change as policy proposals move through consultation and development.

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		weeks' pay (capped at GBP2,876) in respect of the breach.	<ul style="list-style-type: none"> <li>The final measures will take effect in <b>October 2026</b>.</li> </ul>
<b>Trade union rights to access workplaces</b>			
<ul style="list-style-type: none"> <li>Trade unions will have new rights to request statutory “access agreements” with employers that give them physical and digital access to workplaces to meet, support, represent, recruit or organise workers, or to facilitate collective bargaining.</li> <li>The process will involve the trade union making an access request, the employer responding and the parties then negotiating the terms of access. A union can apply to the CAC to determine its workplace access where the employer does not respond, or negotiations fail.</li> <li>There will be separate changes to the process for agreeing union access arrangements in connection with recognition and related applications (see <b>Trade union recognition</b> below).</li> </ul>	<ul style="list-style-type: none"> <li>The CAC will apply statutory “access principles” to decide whether access should be granted, and on what terms. Employers will be expected to take “reasonable steps” to facilitate both physical and digital access, and there will be a presumption in favour of giving access unless it is reasonable in all the circumstances to refuse it. Further details will be set out in regulations.</li> </ul>	<ul style="list-style-type: none"> <li>Employers will need to facilitate workplace access but should consider what parameters can be set around that access and develop protocols for handling requests. For example, there will be scope to push back where access would unreasonably interfere with the business. Proposed timelines are tight: five working days for an employer to respond to a request and 15 working days for the parties to negotiate access terms.</li> <li>Non-unionised workplaces may encounter union representatives on site and online for the first time. These rights of access may be used to build worker support for recognition and for CAC applications.</li> <li>Compliance will be key. Breaching access obligations could result in fines of up to GBP75,000 per breach (and up to GBP150,000 for repeated breaches).</li> </ul>	<ul style="list-style-type: none"> <li>The Government has consulted on the operational details of trade union access rights, including the format and content of access requests and responses, and the factors that may provide a reasonable basis for the CAC to refuse access. Proposals include excluding employers with fewer than 21 workers, treating weekly access with two days' notice as reasonable, and permitting refusal where an independent union is already recognised for the relevant workers. The CAC will also take account of forthcoming “model access terms”, which will serve as a benchmark for what is generally appropriate.</li> <li>The final measures will take effect in <b>October 2026</b>.</li> </ul>
<b>Trade union recognition</b>			
<ul style="list-style-type: none"> <li>The hurdles for a trade union to seek statutory recognition will be relaxed.</li> <li>The percentage membership threshold required for a CAC application will be lowered from 10% (potentially to as low as 2%).</li> <li>The requirement to show the CAC that at least 50% of workers in the bargaining unit are likely to support recognition will be removed.</li> <li>A simple majority of votes will suffice to show support for recognition in the final ballot,</li> </ul>	<ul style="list-style-type: none"> <li>Regulations will specify the new percentage threshold for CAC applications.</li> <li>The provisions on access will apply in the context of applications for recognition, derecognition, and changes to the bargaining unit. The statutory code of practice on access and unfair practices will be updated.</li> </ul>	<ul style="list-style-type: none"> <li>There will be an increased risk of recognition requests, given that unions will be able to apply for, and win, recognition more easily.</li> <li>Employers should engage proactively with workers and existing representative bodies to mitigate the risk of receiving a request.</li> </ul>	<ul style="list-style-type: none"> <li>There will be consultation on the simplification of union recognition conditions.</li> <li>The Government is consulting on a revised draft code of practice.</li> <li>The final measures will take effect on <b>6 April 2026</b>.</li> </ul>

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<p>removing the current requirement for 40% of the bargaining unit to support it.</p> <ul style="list-style-type: none"> <li>Once the CAC accepts an application, the union has five working days to request physical or digital access to the relevant workers, and there will be 20 working days to negotiate access terms with the employer (extendable by agreement or at the CAC's discretion). The CAC will have ten working days to determine access terms if no agreement is reached.</li> </ul>			
<b>Unfair practices</b>			
<ul style="list-style-type: none"> <li>Protections against unfair practices – covering actions that could improperly influence the outcome of a ballot on union recognition or derecognition – will apply from when the CAC accepts the relevant application.</li> <li>The size of the proposed bargaining unit will be fixed at the date the CAC receives a recognition application from the union. That number cannot be increased but may decrease as a result of normal departures such as resignations or retirements.</li> <li>The timeframe for bringing unfair practice complaints will be extended from one working day to five working days after a ballot closes.</li> <li>Unions will no longer need to prove that unfair practices influenced voting, only that they occurred.</li> </ul>	<ul style="list-style-type: none"> <li>The statutory code of practice on access and unfair practices will be updated to reflect these points. It will include measures to prevent unfair practices in electronic recognition and derecognition ballots. The statutory list of unfair practices may also be extended to cover interferences with electronic balloting.</li> <li>Crystallising the number in the proposed bargaining unit from the point the CAC receives the recognition application is intended to prevent mass recruitment exercises that could be used as an attempt to dilute union membership in the bargaining unit.</li> </ul>	<ul style="list-style-type: none"> <li>Employers should engage constructively with trade unions from the outset of any recognition or derecognition process.</li> <li>Employers should expect unions to win more unfair practice complaints as they will need to show the CAC only that the unfair practice took place, not the influence the practice has on workers' votes.</li> </ul>	<ul style="list-style-type: none"> <li>The Government is consulting on a revised draft code of practice.</li> <li>The changes will take effect in <b>October 2026</b>.</li> </ul>
<b>Facilities for trade union representatives</b>			
<ul style="list-style-type: none"> <li>Employees permitted to take time off for trade union duties or as learning representatives must be provided, on request, with reasonable accommodation and other facilities to carry out</li> </ul>	<ul style="list-style-type: none"> <li>The Acas code of practice on time off for trade union duties and activities will be updated to include guidance on these expanded rights and practical examples.</li> </ul>	<ul style="list-style-type: none"> <li>Employers will need to enhance facilities for union representatives and assess what is reasonable in line with the Acas code of practice. Union representatives will be better resourced in their roles.</li> </ul>	<ul style="list-style-type: none"> <li>Acas is consulting on its revised draft code of practice.</li> <li>The changes will take effect in <b>October 2026</b>.</li> </ul>

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<p>the duties or attend the training for which the time off is required.</p> <ul style="list-style-type: none"> <li>♦ Remedies to enforce rights to time off and to facilities will be strengthened.</li> </ul>	<ul style="list-style-type: none"> <li>♦ A revised draft code recognises that what is reasonable will depend on the circumstances, including, where relevant, the size, resources and organisational structure of the employer.</li> </ul>		
<b>Union equality representatives</b>			
<ul style="list-style-type: none"> <li>♦ There will be new statutory rights for trade union equality representatives who have undergone training. They must be allowed paid time off to carry out a wide range of equality-related functions and must be provided, on request, with accommodation and other facilities to fulfil their role.</li> </ul>	<ul style="list-style-type: none"> <li>♦ The Acas code of practice on time off for trade union duties and activities will be updated to include guidance on these new rights and practical examples.</li> <li>♦ The functions for which union equality representatives must be allowed time off include carrying out activities promoting the value of equality at work and obtaining and analysing information relating to equality at work.</li> </ul>	<ul style="list-style-type: none"> <li>♦ Employers will need to allow trade union equality representatives the necessary time off and facilities and assess what is reasonable in line with the Acas code of practice.</li> </ul>	<ul style="list-style-type: none"> <li>♦ Acas is consulting on its revised draft code of practice.</li> <li>♦ The changes will take effect in <b>October 2026</b>.</li> </ul>
<b>Industrial action</b>			
<ul style="list-style-type: none"> <li>♦ A simple majority of votes in support of industrial action will be sufficient for a ballot to succeed. The rules requiring a 50% turnout and, in certain key public services, 40% support from eligible members, will no longer apply.</li> <li>♦ The notice period required for industrial action is shortened from 14 days to ten days</li> <li>♦ The mandate period for industrial action, following a successful ballot, is increased from six to 12 months.</li> <li>♦ There are simplified and reduced information requirements for unions in notices of industrial action and ballot papers.</li> </ul>	<ul style="list-style-type: none"> <li>♦ Regulations and guidance include transitional arrangements for some of these changes.</li> <li>♦ The statutory code of practice on industrial action ballots and notice to employers is being updated.</li> </ul>	<ul style="list-style-type: none"> <li>♦ Employers should prepare for the risk of more frequent and sustained industrial action. Industrial action will be easier to organise, and unions will also benefit from a longer period before re-balloting is required.</li> </ul>	<ul style="list-style-type: none"> <li>♦ Measures simplifying industrial action notices and industrial action ballot notices took effect on <b>18 February 2026</b>.</li> <li>♦ The additional requirement for at least 40% of eligible voters to support industrial action in certain key public services was removed from <b>18 February 2026</b>.</li> <li>♦ The repeal of the 50% industrial action ballot turnout threshold will start on a date to be specified in regulations. This is expected to be in <b>August 2026</b> to coincide with the introduction of electronic balloting.</li> </ul>

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<b>Workplace and electronic balloting</b>			
<ul style="list-style-type: none"> <li>Secure electronic and workplace balloting for trade union statutory ballots will be introduced.</li> <li>Two methods of electronic voting will be permitted: fully electronic balloting, or a hybrid system where voting materials are sent by post and votes may be returned by post or electronically.</li> </ul>	<ul style="list-style-type: none"> <li>There will be a new statutory code of practice on electronic and workplace balloting.</li> <li>The statutory code of practice on access and unfair practices will also be updated to include new measures aimed at preventing interference in electronic recognition and derecognition ballots.</li> </ul>	<ul style="list-style-type: none"> <li>Again, employers can expect more industrial action and potentially greater voting turnouts as ballots will be simpler, quicker and cheaper to run.</li> </ul>	<ul style="list-style-type: none"> <li>The Government has consulted on a new draft code of practice. New voting methods will be available for all statutory union ballots and elections (other than recognition and derecognition ballots) in <b>August 2026</b>.</li> <li>The Government is consulting on a revised draft code of practice addressing unfair practices. Measures relating to electronic and workplace balloting for recognition and derecognition ballots will take effect in <b>2027</b>.</li> </ul>
<b>Worker rights and protections</b>			
<ul style="list-style-type: none"> <li>Employees will benefit from automatic unfair dismissal protection during and after official, lawful industrial action, without limitation to a 12-week "protected period".</li> <li>Workers will have new rights not to suffer detriment for taking protected industrial action.</li> <li>Worker protections against blacklisting due to trade union membership or activity will be extended.</li> </ul>	<ul style="list-style-type: none"> <li>Regulations will specify "detriments".</li> <li>Regulations will also provide new protections from blacklisting. These protections will cover any lists used for discriminatory purposes, including third-party lists.</li> </ul>	<ul style="list-style-type: none"> <li>Employers should engage cautiously with workers involved in industrial action and other union-related activities, given the extensive legal protections available to them.</li> </ul>	<ul style="list-style-type: none"> <li>Statutory protection from dismissal for taking industrial action took effect on <b>18 February 2026</b>.</li> <li>Statutory protection from detriments for taking industrial action will be fully effective in <b>October 2026</b>.</li> <li>Statutory protection from blacklisting will take effect in <b>2027</b>.</li> </ul>

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