

A guide to trade
union reforms
under Employment
Rights Act 2025

ashfords

The Employment Rights Act 2025 has introduced the most significant reforms to trade union law in a generation, reversing nearly all changes made by the Trade Union Act 2016. As new rights and obligations come into force throughout 2026, businesses that fail to prepare may face legal, operational and employee relations challenges.

This guide outlines all trade union reforms coming into force under the Employment Rights Act 2025 and provides practical guidance to help employers stay compliant and manage risk.

February 2026 reforms

The trade union reforms introduced on 18 February 2026 significantly strengthen trade union rights and remove many of the restrictions introduced under previous legislation.

Employers now receive 10 days' notice of industrial action, rather than 14, while trade unions are required to provide less detailed information in ballot notices and voting papers. The requirement to appoint a picketing supervisor has also been removed, and the 40% ballot threshold for important public services has been abolished.

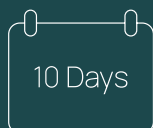
The reforms also enhance protections for workers involved in industrial action. Employees taking protected industrial action now have automatic protection from unfair dismissal regardless of the length of the action, removing the previous 12-week limit. In addition, restrictions on public sector check-off arrangements have been lifted and requirements for public sector employers to publish facility time information have been repealed.

Employer action points:

Review industrial relations and industrial action policies.



Update contingency plans to reflect the shorter 10-day notice period.



Engage proactively with trade unions and employee representatives to reduce the risk of disputes.



Train managers on the enhanced protections for employees taking industrial action.



April 2026 reforms

From 6 April 2026, the process for gaining trade union recognition became significantly simpler. Trade unions no longer need to demonstrate that a majority of workers are likely to support recognition, with membership of just 10% of the bargaining unit now sufficient to make an application - this is a significant change and one for employers to grasp.

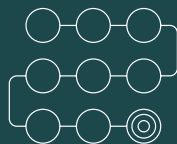
Recognition ballots also require only a simple majority of votes cast, rather than support from 40% of the entire bargaining unit. In addition, the Central Arbitration Committee (CAC) must disregard collective agreements entered into during restricted periods when determining recognition applications.

Employer action points:

Review employee relations strategies in anticipation of increased recognition activity.



Train managers on the streamlined statutory framework and escalation points.



Maintain accurate workforce records to avoid compliance risks during Central Arbitration Committee proceedings.



August 2026 reforms

Electronic and workplace balloting for statutory trade union ballots

From 31 August 2026, subject to final commencement regulations, trade unions will be able to conduct statutory trade union ballots electronically and in workplaces. This represents a significant departure from the current requirement for most statutory ballots to be conducted by post.

The reform is expected to apply to a range of statutory trade union ballots, including recognition and derecognition ballots and ballots relating to industrial action. The government's objective is to modernise voting arrangements and increase participation in trade union democratic processes.

Electronic voting may make it easier for unions to achieve the participation levels required for statutory ballots and could lead to faster organisation and mobilisation of members. Employers should therefore anticipate increased trade union activity and ensure that managers understand the legal framework governing union campaigns and ballots.

Employer action points:



Monitor developments and any further regulations governing electronic voting arrangements.



Train HR and employee relations teams on the new balloting procedures.



Review contingency plans for collective disputes and industrial action.



Ensure managers understand the need to remain neutral during statutory ballot processes.



Consider how electronic balloting may affect timescales for employee relations issues and union campaigns.

October 2026 reforms

The key measures taking effect on 30 October 2026 include a new duty to inform workers of their right to join a trade union, enhanced workplace access rights for unions, reforms to recognition and derecognition procedures, new rights and protections for trade union representatives, and stronger protection for workers participating in industrial action.

All employers should prepare for the October 2026 changes by developing procedures to inform workers of their right to join a union and preparing to negotiate workplace access agreements with trade unions where requested.

Duty to inform workers of the right to join a trade union

Employers will be required to actively inform workers of their right to join a trade union. The information must be provided as part of the written statement of particulars issued under section 1 of the Employment Rights Act 1996 and at other prescribed times during employment.

Employer action points:



Update offer letters and onboarding documentation.



Review contracts and written statements of employment particulars.



Ensure HR systems can issue the required communications.



Train managers and HR teams on the new requirements, ensuring workers are not treated unfavourably for engaging in union activity or seeking union support.

Trade union recognition

Trade union recognition is where an employer formally agrees to recognise a trade union for collective bargaining purposes. Collective bargaining can cover topics such as pay, hours, working conditions, workplace policies, staffing issues and organisational change. If an agreement gives a union a formal role in discussing one or more of these topics, it's likely to amount to union recognition.

Where a union seeks voluntary recognition, it must make a written request to the employer. The employer then has 10 working days to respond by accepting the request, rejecting it, or proposing negotiations. The parties have 20 working days, or a longer period if agreed, to reach an agreement. If no agreement is reached, the union may apply to the Central Arbitration Committee for statutory recognition.

Following receipt of a recognition application, employers must provide prescribed workforce information to the Central Arbitration Committee within five working days. A failure to comply can have significant consequences, including the possibility of automatic recognition.

Employer action points:



Review internal procedures for handling union recognition requests.



Identify responsibility for responding to Central Arbitration Committee correspondence.



Ensure workforce data can be produced quickly if requested.



Train HR teams and senior managers on recognition obligations.



Ensure managers are aware of how to respond to and deal with access requests from a union.



Consider how recognition requests should be escalated and managed.

Access agreements

Unrecognised trade unions will gain rights to access in person or digitally to workplaces for recruiting and organising, governed by access agreements. Access is for specific purposes, such as meeting employees, offering support, recruiting members, organising, or supporting collective bargaining. However, this right does not include organising industrial action, so unions can't use workplace access to plan or promote strikes.

Trade unions and employers are expected to attempt to agree access arrangements voluntarily. The government has issued a code of practice on trade union access which sets out the principles that will underpin access arrangements.

Where agreement cannot be reached and a formal access request is made, a statutory process applies. Broadly:

- the employer has 15 working days to respond to the request,
- the parties have 25 working days to negotiate an agreement,
- if agreement cannot be reached, the union may apply to the Central Arbitration Committee within 55 working days of the original request; and
- where access is authorised, employers will generally be given a minimum preparation period before access begins.

Access may be granted physically, digitally, or through a combination of both methods.

Employer action points:



Establish a procedure for dealing with access requests.



Appoint a designated HR or employee relations lead.



Review workplace policies, visitor arrangements and security procedures.



Consider how digital access requests will be managed.



Familiarise managers with the statutory timetable and Central Arbitration Committee processes.

New rights for trade union representatives

Employers are already required to provide reasonable paid time off and facilities for certain trade union representatives.

The reforms introduce a new category of trade union equality representative with rights to paid time off and appropriate workplace facilities.

Employer action points:



Review existing facility time arrangements.



Review manager guidance.



Review representative policies.



Review budgeting for paid time off.

Protection against detriment for taking industrial action

From 30 October 2026, workers will gain protection from specified detriments imposed because they have participated in lawful industrial action. This builds on the February 2026 reforms, which removed the previous 12-week limit on protection from unfair dismissal for employees taking part in protected industrial action.

The new provisions are intended to prevent workers from suffering adverse treatment short of dismissal because they have exercised their right to participate in lawful industrial action. Employers should exercise caution when making decisions affecting workers involved in industrial action and ensure that any action taken is based on legitimate business reasons rather than participation in union activities or industrial action.

Employer action points:



Review disciplinary, grievance and industrial relations policies to ensure they reflect the new protections.



Ensure decisions affecting workers who have participated in industrial action are carefully documented and supported by legitimate business reasons.



Review contingency planning and communication strategies for managing industrial disputes.



Train managers on appropriate responses to industrial action and trade union activity.



Seek legal advice before taking action that could be perceived as detrimental treatment linked to industrial action.

The government published its guidance on 8 January 2026 to help employers, unions and workers prepare for the provisions coming into force. Employers should be aware that the transitional arrangements vary depending on the specific change.

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