



Checklist: Trade union law changes



Produced in partnership with [Jemma Fairclough-Haynes](#), CEO and Employment Law Specialist from Orchard Employment Law, this checklist is designed to help small and medium-sized employers prepare for the October 2026 trade union law changes and stay compliant.

You can use this checklist as a practical starting point, but remember it's always sensible to take HR or legal advice on your own circumstances, especially if you are reviewing worker communications, trade union recognition, access requests, collective bargaining arrangements or policies on trade union activities and industrial action. Jemma and the team at [Orchard Employment Law](#) are happy to help.

Inform the business

- ☐ Make sure senior leaders, managers and HR understand that from 30 October 2026 all employers have a duty to tell workers about their right to join a trade union.
- ☐ Make sure the business also understands that trade unions have new rights to access workplaces, including digital access as well as physical access, to meet, recruit, organise and represent workers.



Tell workers about their rights

- ☐ Prepare a clear written statement telling workers what a trade union is, what a trade union does, that they have the right to join a trade union if they wish, and that it is their choice whether to do so or not.
- ☐ Send the statement to both new starters and existing workers. This duty applies to everyone, whether they have been in the business for years or are just about to start.
- ☐ Review onboarding materials, offer packs and regular internal communications so the right to join a trade union is built into your normal people processes rather than treated as a one-off exercise.
- ☐ If you are issuing new contracts anyway, consider including wording on employees' right to join a trade union.

Prepare for union access requests

- ☐ Put a process in place for how your business will receive, log and respond to both physical and digital trade union access requests.
- ☐ Nominate a lead contact or small internal group to manage access requests, correspondence and next steps.
- ☐ Review whether your employee handbook and relevant people policies clearly cover trade union representatives, trade union activities, time off for union duties, facility time, accommodation, internal communications, workplace access, digital access and manager responsibilities.
- ☐ Make sure your arrangements for accommodation, meetings and facilities for trade union representatives are reasonable under the new requirements, including digital facilities where appropriate.

Review your workplace arrangements

- ☐ Think about what reasonable physical and digital access could look like in practice. Physical access, for example might be a meeting room, a booked meeting slot or access to a notice board. While digital access might be online meetings, emails or digital noticeboards.
- ☐ Consider security, privacy and business disruption from access requests.
- ☐ Review visitor procedures, health and safety processes, confidentiality boundaries and IT rules so you already know what restrictions may be reasonable if a request is made.
- ☐ Avoid a blanket approach to refusal. The new framework assumes access should normally be agreed unless there is a genuinely good reason to limit or rearrange it.
- ☐ If your business already has employee forums, consultation channels or existing union recognition arrangements, review how they fit with the new statutory recognition and access framework.



Brush up on your knowledge

- ☐ Make sure leaders understand the difference between voluntary recognition and statutory recognition.
- ☐ Refresh your understanding of what a bargaining unit is. Trade union recognition and collective bargaining rights are assessed by reference to the group of workers the union wants to represent.
- ☐ Remember that trade union recognition allows unions to represent workers and negotiate collective bargaining arrangements on matters such as pay, hours and holidays.
- ☐ Be aware that the Central Arbitration Committee may become involved where trade union recognition, a bargaining unit, a ballot or access terms are disputed.

Train your managers

- ☐ Make sure managers understand that the Employment Rights Act 2025 changes around trade union recognition and access and that union equality representatives have a specific right to paid time off for their duties and training.
- ☐ Remind managers that trade union members and workers involved in official industrial action have legal protection against unfair dismissal and detriment linked to industrial action.
- ☐ Let your managers know who the lead contact or contacts are for trade union related questions and issues.
- ☐ Give managers a simple escalation route so they know when to involve HR or external legal support if a union request, recognition issue or industrial action concern arises.

Keep your documents and processes aligned

- ☐ Check that all internal processes for worker communications, access requests, facility time and trade union activities are practical and easy to follow.
- ☐ Store all policies, documents and statements somewhere secure and easily accessible for employees. Even better if you keep your training and training acknowledgements in the same place too. An HR software like Breathe can help here.



"If you're a small business, your biggest takeaway is to be prepared.

Get your processes in place, get your people in place so that you're ready for any trade union access requests. "

Jemma Fairclough-Haynes,
CEO & Employment Law Specialist,
Orchard Employment Law



Need a hand putting all this into action?

Trade union law is becoming more practical, more visible and more process-driven for employers, even where there has been little or no union presence before.

Breathe can help by keeping onboarding communications, training, policies, employee records and key documents in one place, making it easier to share updates consistently, show what workers have been told and stay organised if your business needs to respond to trade union access or recognition issues.

→ Explore Breathe

For expert HR and employment law support, contact Jemma and the team at Orchard Employment Law at info@orchardemploymentlaw.co.uk, or visit the [**Orchard Employment Law website.**](#)

You can also find more free employment law resources on the [**Breathe Employment Law Hub.**](#)