SQUIRE PATTON BOGGS

Duty to inform workers of right to join a trade union

What employers need to do next (UK)

November 2026

From 1 January 2027, employers in Great Britain will be required to inform their workers in writing of their right to join a trade union. We now have further details on the form and manner in which such information must be delivered, as the government has recently published the standardised statement (the "statement") that must be issued to workers, together with guidance for employers on when and how this information must be provided.

Employers will be required to take different steps depending on whether they are dealing with new workers or their existing workforce.

New workers: From 1 January 2027, employers must provide the statement directly to any new workers when they start work, at the same time as they provide the required information under Section 1 of the Employment Rights Act 1996. The statement can be provided directly via email, by post or in-person.

Existing workers: Between 1 January and 5 April 2027, employers must provide the statement to their existing workers. The statement may be provided directly (email/post/in-person) or indirectly (e.g. by making it available on an intranet, internal website or physical noticeboard), provided in the latter case that it is reasonably accessible to workers. If employers opt to provide the statement indirectly (which is likely to be the preferred option for most employers), they must, on or before 5 April 2027, notify their workers in writing that the statement is available and provide details of where it can be found. Such a notification must be headed: "Availability and location of statement of trade union rights", and may be provided in person, by post or by email. Employers must ensure that the statement remains continuously available and reasonably accessible to workers, and that it can be accessed without the worker having to make a specific request for it.

But this is not a one-off obligation. From 6 April 2027, employers must remind their existing workforce annually (between 6 April to 5 April) about their right to join a trade union. On or before 5 April, employers must provide the statement to workers again, either by providing it to them directly or by making it reasonably accessible to them.

Note that if employers opt to provide the statement indirectly to their workers, then the legislation states that before the start of the annual cycle, they must notify their existing workforce of the availability and location of the statement. This is so that workers know where to find the statement before the cycle begins. However, employers will not have to send this separate notification if their workers received notification of the availability and location of the statement during the previous annual cycle. This would include the notification given to existing workers by 5 April 2027. The guidance states that if an employer makes the statement continuously available year after year, one notification in each annual cycle "will normally be enough". It counts as the notification for that annual cycle and as the advance notification for the next.

Worked example

ABC Ltd decides to publish the statement on its staff intranet instead of providing it directly to its existing workforce.

In February 2027, ABC Ltd emails all workers and informs them that the statement of trade union rights is available on the staff intranet, gives them the direct link and explains how to find it ("HR Hub>Policies>Trade union rights"). This notification is headed "Availability and location of statement of trade union rights".

As ABC Ltd's workers were notified in February that the statement of trade union rights was available on the intranet, it is not required to send a pre-year notice for the 2027/2028 annual cycle, but it must still send a reminder about the statement to its existing workers by 5 April 2028.

Summary table: When to give the statement (taken from the government's guidance)

When	Who	What to do
From 1 January 2027	New workers	Give the statement directly when they start
Between 1 January and 5 April 2027	Existing workers (those already in employment on 1 January 2027)	Give the statement directly or make it continuously available and tell workers in writing where to find it
From 6 April 2027	New workers	Give the statement directly when they start
From 6 April 2027	Existing workers (those already in employment on 6 April of the relevant year)	By 5 April each year, give the statement directly, or if making the statement continuously available, tell workers in writing where to find it.

As highlighted above, the government has provided a standardised statement for employers to issue to their workers containing the required information. This must not be amended by employers, except to include the specific workplace information about whether any trade unions are recognised for collective bargaining purposes, and whether there are any statutory access agreements. Employers must also either include a link to the Certification Officer's list of trade unions within the statement or provide a copy of the list alongside the statement. The Certification Officer is the independent authority with responsibility for maintaining a list of trade unions. If an employer does not recognise any trade unions or have any statutory access agreements in place, this must also be stated.

If employers change the location of the statement, separate notification obligations are triggered. If any information in the statement changes, this must be notified to workers if the employer has previously provided the statement directly, or alternatively by amending the statement that has been made reasonably accessible to them.

Employers do not have to use the same method of delivery for all workers, e.g. they could provide the statement by email for some groups of workers, by post or on the intranet for others, etc. The guidance also states that providing the statement or notification as a standalone communication can help workers more easily identify and access the information, but this is not a requirement – it can be sent as part of a wider communication to workers.

There is no standalone penalty for failing to issue the statement to workers, but if this information is not provided, and a worker is successful in a separate employment tribunal claim, they will be able to claim compensation of between two and four weeks' pay (subject to the statutory cap) – in the same way a worker can currently do this in relation to any other failure to comply with the information requirements in Section 1 of the Employment Rights Act 1996.

Action points for employers

- Review the standardised statement, together with the guidance, and, where applicable, collate the necessary information to enable you to provide details of any existing recognised trade unions/statutory access agreements and the relevant contact details for the trade unions.
- Review your onboarding processes to ensure that the statement is provided to all new workers when they commence work. For existing workers, consider how you are going to share the statement and ensure that a system is in place to ensure the annual reminders are provided. In practice, we assume that many employers will opt to deliver statements to their existing workers indirectly, so employers will need to diarise to ensure the relevant worker notifications are issued.
- Remember also that the government's aim in introducing these provisions (coupled with the new right for trade unions to access workplaces) is to raise awareness among workers of the role of trade unions, which in turn it hopes will lead to an increase in trade union membership and increased worker engagement in collective bargaining. As such, this new duty to inform workers should be viewed not simply as a compliance issue, but as part of the wider package of trade union reforms that is being introduced by the government.



Contacts



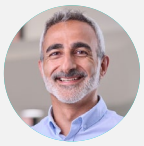
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