

## What changes has the Act made to the law?

The Government believes strong collective bargaining rights and institutions are key to tackling problems of insecurity, inequality, discrimination, enforcement and low pay. We want to foster a new partnership of cooperation between trade unions, employers and the government. This will help unions achieve positive outcomes for workers and support employers to amicably resolve disputes with their workforce. The Government is of the view that the Trade Union Act 2016 places unnecessary restrictions and red tape on trade union activity. This repeal of the 2016 Act, together with the repeal of the Strikes (Minimum Service Levels) Act 2023, will update existing trade union legislation and reset industrial relations between unions, employers and workers.

## How is this different from the previous legislation?

The Trade Union Act 2016 provides for:

- 50 per cent turnout threshold in strike ballots.
- Additional requirement of 40 per cent support threshold in strike ballots for industrial action in important public services (IPS). IPS are education, fire, health, border security, transport and nuclear decommissioning.
- Electronic balloting review and piloting scheme.
- Ballot papers to give a summary description of the matters in dispute, as well as stating exactly what type of industrial action is proposed.
- Unions to specify to members how many members were entitled to vote in industrial action ballots, and whether the minimum thresholds of 50% and (if it applies) 40% are met.
- Trade unions, in their annual return to the Certification Officer, to include details of any industrial action taken during the period of the return.
- Trade unions to give 14 days' notice to an employer where they intend to take industrial action.
- Mandates for industrial action to last for 6 months, or up to 9 months if agreed between the union and the employer.
- Extra requirements for union supervision of picketing, including the appointment of a picket supervisor.
- New members joining a union being automatically opted out of contributions to their union's political fund, unless they expressly opt in.
- Unions to include detail on expenditure from political funds over £2,000 in their annual return to the Certification Officer.
- Relevant public sector employers to publish information relating to facility time for relevant union officials.
- Powers for a Minister to impose a cap on facility time after 3 years.
- Revised investigatory and enforcement (financial penalties) powers for the Certification Officer.
- Payroll deductions for trade union subscriptions to only be administered by public sector employers where affected workers had the option to pay their trade union subscriptions by another means and unions agree to pay for this service.
- The Certification Officer levy, funded by trade unions and employers' associations.

The broad intention of this policy is for the law to return to its pre-2016 position, with three main exceptions: retaining the ballot mandate expiration date (but increasing it from 6 to 12 months); shortening the 14-day notice period for industrial action from 14 to 10 days (rather than the 7 days it was pre-2016); and retaining the independence of the Certification Officer from political control (ministerial direction).

The Employment Rights Act repeals the great majority of the Trade Union Act 2016 accordingly and this will result in the following changes:

- New members joining a trade union will automatically be opted in to contribute to a political fund, unless they expressly opt out.
- Trade unions will no longer have to pay for the administration of check-off in the public sector.
- The requirement for public sector employers to publish information on the amount of facility time taken by union officials will be removed. The power to impose a cap on facility time in the public sector will also be removed.
- Trade unions will no longer have to adhere to certain reporting requirements relating to industrial action. This includes providing additional information on the voting paper, to members and employers, and to the Certification Officer in their annual return.
- For a lawful strike or other industrial action, trade unions will need a simple majority of members who respond to an industrial action ballot to vote in favour of industrial action.
- Trade unions will not be required to secure 40% support in strike ballots for six important public services (fire, health, education, transport, border security and nuclear decommissioning sectors).
- Additional requirements on unions to supervise picketing, including the appointment of a supervisor, will be removed.
- The requirement to consult and publish a review on electronic balloting will be removed. The Government is committed to introducing the use of modern and secure electronic balloting for trade union statutory ballots and has launched a consultation on the draft code of practice on electronic and workplace balloting.
- The Certification Officer will no longer have various investigatory powers to undertake investigations into a trade union following a complaint by a third party or on the Certification Officer's own initiative, nor the power to require the production of documents and appoint inspectors to investigate. The Certification Officer will also no longer be able to impose financial penalties or make a declaration against a trade union in regard to the annual return requirements added by the Trade Union Act 2016. They will however continue to have the power to investigate financial affairs, which was brought in prior to the Trade Union Act 2016.
- The power requiring trade unions and employers' associations to pay a levy to the Certification Officer will be removed.

## **What further detail will be consulted on and when?**

### **Electronic and Workplace Balloting**

This consultation is seeking views on a draft Code of Practice on Electronic and Workplace Balloting. Alongside a programme of direct stakeholder engagement, this consultation will support the Government in determining how best to put these plans into practice.

The consultation launched on 19 November 2025.

## Key Stats<sup>1</sup>

There are around 6.1 million workers who are trade union members in Great Britain, and around 11.4 million (40%) of workers whose pay is determined with reference to collective bargaining.

In 2024, the average earnings of UK employees who were members of a trade union were 4.9% higher than those who were not members.

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<sup>1</sup> [Trade union statistics 2024 - GOV.UK](#)

## What changes has the Act made to the law?

The government wants to ensure that union workplace representatives are able to take sufficient paid facility time with sufficient access to facilities to enable them to fulfil their union representative duties.

This will lead to improved worker representation and industrial relations by giving trade unions and workplace representatives the freedom to organise, represent and negotiate on behalf of their workers and increased cooperation between employers and unionised workers, leading to beneficial outcomes for the economy.

The Act ensures all trade union representatives have sufficient access to facilities and strengthens the existing right to reasonable paid facility time for trade union representatives. It also introduces a new statutory right to paid time off for “equality representatives”, enabling them to carry out equality related duties such as representing members, consulting with employers, providing advice and supporting equality at work. Crucially, the Act shifts the burden of proof to employers – meaning that, if a union rep claims they were denied “reasonable” time off, the employer must show the request was unreasonable (rather than the employee needing to justify it).

## How is this different from the previous legislation<sup>2</sup>?

Employees who are also trade union representatives are able to take paid time off for the purpose of carrying out various trade union duties/undertaking training. The legislation provides that the time off (amount of time, purpose for taking it and any conditions attached) is subject to what is reasonable in all the circumstances having regard to any relevant provisions of a Code of Practice issued by ACAS. The same test is applied to the time off that can be taken by a union learning representative, and to union representatives accompanying a worker to a disciplinary and grievance proceeding.

There is no explicit statutory provision made for union representatives, including learning representatives, to be provided with access to facilities in relation to that time off. In addition, the role of “trade union equality representative” is not recognised in statute, and no specific statutory rights to time off apply to trade union reps with specific equality responsibilities.

The Employment Rights Act ensures union workplace representatives can effectively represent their members by:

- Strengthening the existing right to reasonable paid facility time for union representatives to carry out their duties by establishing a presumption that the employee’s view on what is considered reasonable time off is reasonable in all the circumstances, having regard to a Code of Practice issued by ACAS, and requiring that the employer show (in the tribunal) that it was not a reasonable amount of time off.
- Requiring employers to provide union representatives, where permitted to take time off as required, with access to facilities (for example, office and meeting space and access to the internet / intranet) as is reasonable in all the circumstances, having regard to any relevant provisions of a Code of Practice issued by ACAS) to enable them to carry out their duties or undergo training.

The Act provides a new statutory right for trade union equality representatives to take time off (as is reasonable in all the circumstances having regard to an ACAS Code of Practice) during the employee's working hours for the following purposes:

- Carrying out activities for the purpose of promoting the value of equality in the workplace;
- Arranging learning or training on matters relating to equality in the workplace;
- Providing information, advice or support to qualifying members of the trade union in relation to matters relating to equality in the workplace;
- Consulting with the employer on matters relating to equality in the workplace;
- Obtaining and analysing information on the state of equality in the workplace;
- Preparing for any of the things mentioned above.

The above in relation to equality representatives applies only if the following notice and training requirements have been met:

- The trade union equality representative has undergone sufficient training to enable them to carry out the activities listed above and the trade union has given the employer notice in writing of that fact.  
*Or*
- The trade union has in the last six months given the employer notice in writing that the employee will be undergoing such training. This enables an equality representative to carry out their activities, before undergoing relevant training. However, only one such notice can be given in relation to any one employee and the relevant training will need to be completed within six months, and the employer given a further notification by the trade union that the training has now taken place.

### **What further detail will be consulted on and when?**

ACAS will consult on the revised Code of Practice in early 2026 which will provide practical guidance to help businesses to implement the facility time measures.

## What changes has the Act made to the law?

Rules on blacklisting have not been updated for over a decade and need to be modernised. This Act updates and broadens the scope of the blacklisting legislation set out in the Employment Relations Act 1999, to protect a wider range of people from blacklisting due to trade union membership or activity. This includes making it clear that blacklisting prohibitions extend to lists created by predictive technology. For example, this could include where AI has created a list of workers which is subsequently used to discriminate against those workers based on their trade union membership or activity. The intention is to also prohibit third parties from compiling blacklists, not just those in an employment relationship.

## How is this different from the previous legislation?

Blacklisting in the context of employment law is the practice of compiling information on individuals concerning their trade union membership and activities, with a view to that information being used by employers or employment agencies to discriminate against those individuals in relation to recruitment or treatment. This could include deciding not to employ someone based on their trade union membership or activity, offering them fewer shifts, or dismissing them.

A range of protections already exist in law prohibiting blacklisting and discrimination against trade union members, including:

- 1. The Employment Relations Act 1999 (Blacklists) Regulations 2010**  
Under the Employment Relations Act 1999 the Government has the power to make regulations prohibiting the compilation of lists of trade union members or those involved in trade union activity with the intent to discriminate.  
  
The regulations make it unlawful to compile, sell, supply or use a “prohibited list.” Workers, including agency workers, cannot be refused employment or access to employment agency services on the basis of a blacklist.
- 2. Trade Union and Labour Relations (Consolidation) Act 1992**  
There are protections against discrimination in employment on the grounds of an individual’s trade union membership and activities. This includes refusal to employ or provide services due to an individual’s trade union membership, protection against detriment (any action short of dismissal), or dismissal.
- 3. Data protection**  
Information about an individual’s trade union membership is special category data for the purposes of data protection legislation. As a result, alongside considering a breach of the Blacklisting Regulations, the creation, supply or use of a blacklist is likely to amount to a breach of data protection legislation. Data protection breaches are for the most part enforced by the Information Commissioner who has the power to impose a fine.

The Act extends the scope of the blacklisting legislation by amending the Employment Relations Act 1999, so that further protections can be delivered by secondary legislation, alongside updated guidance. Currently lists are prohibited if they are prepared for the purposes of discrimination. This Act will extend prohibitions to lists that are not prepared for the purposes of discrimination, but that are subsequently used for that.

The Government will then bring forward secondary legislation and guidance to make it clear that blacklisting prohibitions extend to lists created by predictive technology.

The Act also removes references to employers or employment agencies within the blacklisting legislation, thereby widening the scope of the existing power so that regulations can be made to strengthen protections in relation to third parties compiling blacklists, for example, those who do not have a direct employment relationship with the individual being blacklisted.

### **What further detail will be consulted on and when?**

The government expects to launch a public consultation on blacklisting in Spring 2026.

## What changes has the Act made to the law?

The Act strengthens protection against detriment and unfair dismissal for taking industrial action.

## How is this different from the previous legislation?

Section 146 of the Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”) currently protects workers from being subjected to detriment related to trade union membership or taking part in trade union activities.

In a ruling in April 2024, the UK Supreme Court found that workers taking official strike action were not protected under section 146 from detriment short of dismissal for taking protected industrial action and that this lack of protection was incompatible with Article 11 of the European Convention on Human Rights in so far that it fails to provide any protection against detriments intended to deter or penalise trade union members from taking part in lawful strike action.<sup>3</sup>

The Court accepted that the right to strike is not absolute, and that the UK is not required to provide universal protection in all circumstances to all workers against any detriment intended to dissuade or penalise them from participating in a lawful strike. However, the Court stated that the UK’s legislation must strike a fair balance between the competing interests of employers and workers i.e. that some detriments may be permitted. The Court considered that the absence of limits on employers meant that the legislation did not set a fair balance in this instance.

Currently, employees can claim unfair dismissal if they are dismissed for taking protected industrial action and the dismissal takes place within 12 weeks of the employee starting the industrial action. This strike action could be intermittent rather than continuous.

The employee will also be automatically regarded as unfairly dismissed if they are dismissed after the 12-week period but had stopped taking action before the end of that period. They could also be considered as unfairly dismissed if dismissed after the first 12 weeks if the employer has not taken reasonable steps to resolve the dispute. If some employees taking strike action are dismissed and others are not, there could be other grounds for an unfair dismissal claim.

Protected industrial action means industrial action where the union qualifies for immunity from liability in certain torts (such as ‘inducing a breach of contract’) under section 219 TULRCA 1992 and official action is generally when the strike is authorised or endorsed by a trade union.

The Employment Rights Act amends the 1992 Act by inserting new section 236A into Part V (Industrial Action) of the Act. New section 236A provides that a worker has the right not to be subject as an individual to detriment of a prescribed description by an act, or any deliberate failure to act, by the worker’s employer, if the act or failure takes place for the sole or main purpose of preventing or deterring the worker from taking protected industrial action, or penalising the worker for doing so.

The wording of the Act allows government to introduce secondary legislation to either set out which detriment(s) will be prohibited or to prohibit all detriments.

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<sup>3</sup> *Secretary of State for Business and Trade v Mercer* (2024) ICR 814

The Act also removes the 12-week cap that an employee is protected for when taking industrial action, where the reason for the dismissal is taking protected industrial action. Employees will now be protected regardless of the length of the strike action against unfair dismissal when taking protected industrial action, including after the industrial action has ceased.

### **What further detail will be consulted on and when?**

The government expects to launch a public consultation on detriments for taking industrial action in Spring 2026.

### **Key Stats**

ONS data on disputes involving industrial action in 2022 and 2023 showed that approximately 33% of strikes during those two years had strike action in 4 or more months<sup>4</sup>.

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<sup>4</sup> [Labour Disputes Inquiry, UK: 2022 and 2023 - Office for National Statistics](#)

## What changes has the Act made to the law?

This policy provides a new statutory framework through which trade unions can negotiate with an employer physical and/or virtual access to workplaces. Where these negotiations are unsuccessful, the Central Arbitration Committee (CAC) can impose access terms, subject to various factors.

Where an access agreement with an employer is reached, trade union officials can (subject to the terms of the agreement) physically access workplaces, and/or communicate with workers 'digitally' or via other means aside from physical access, for purposes such as to represent, recruit or organise members, and to facilitate collective bargaining.

This policy also establishes an enforcement framework for trade union access to the workplace, allowing cases to be referred to the CAC where a party believes a breach has occurred. The CAC has the power to issue financial penalties.

## How is this different from the previous legislation?

Under the current legislative framework, unions do not have an independent right of access to workplaces and can only exercise their functions through individual members in the workplace, or through access arrangements reached on a voluntary basis with an employer. Where membership is limited, there is limited scope for collective bargaining and for trade unions to exercise their functions of negotiation and dispute resolution.

## How does access work?

### Request for access process

Through the Employment Rights Act, we set out a framework for how a qualifying trade union may provide an employer with a request for access to a workplace. This approach aims to balance both employer and union interests and operates as follows:

- The trade union requests access. This request must include specific information and be in a prescribed format, which will be detailed in secondary legislation.
- Upon receiving a union's request for access, an employer can either agree or object to the request. If both parties agree on access terms, the CAC is notified to record the agreement and proceed. If the employer rejects the request, then a period of negotiation between the employer and the trade union begins.
- If no agreement is reached within the set negotiation period, either party can refer the case to the CAC for a decision on access.
- The CAC will have some discretion when making a determination about whether access should take place or not. This decision will be subject to principles and circumstances to consider that are set out in the Act, which considers the needs of both employers and unions.
- The Chair of the CAC will decide whether the CAC will sit as a tripartite panel: with a union and employer representative, and the chairperson or deputy chairperson of the Committee present; or as a single person. The 'single person' being either the Chairperson or Deputy Chairperson. When making this decision the Chair must consider the complexity of the case, with a single person able to deal with less complex matters.
- When deciding whether a matter is less complex the Chair must also consider if the proposed access agreement meets prescribed terms. The prescribed terms will be outlined in secondary legislation.

- Should the CAC decide that the union is to have access, it will specify terms on which this access should occur.
- Any CAC determination must comply with provisions made in secondary legislation regarding the terms of access and circumstances where access must or must not be granted.

This framework will not impact existing voluntary access agreements between a union and an employer.

Private dwellings are exempted from access provisions. Further exemptions will be provided for in secondary legislation.

### Enforcement mechanism

The enforcement mechanism for Right of Access agreements is as follows:

- A party complains to the CAC about a breach of access agreement or interference by a third party.
- The CAC can then vary the agreement, declare the complaint well-founded or not, and issue orders for specified steps to be taken to ensure compliance.
- If a well-founded complaint is made and the action is repeated within 12 months, and a subsequent complaint is made, or the order is breached, the CAC can again declare the complaint well-founded and may order a penalty, payable to the CAC (who pay it to the Consolidated Fund).
- The penalty could be subject to a maximum, and can be tied to various metrics. These will be set in secondary legislation.
- Appeals on CAC determinations, declarations, or penalty orders can be made to the Employment Appeal Tribunal (EAT).

### **Which further detail were consulted on?**

The consultation on the secondary legislation on right of access was launched on 23 October and closed on 18 December 2025. It consulted on practical details of the statutory access framework, including:

- how unions will request access
- how employers respond
- factors the CAC will take into account when determining whether access should be granted and on what terms
- how the CAC is to come to decisions on the values of fines issued for breaches of access agreements

For further detail, please see here: [Make Work Pay: trade union right of access - GOV.UK](#). The government response to the consultation will be published in due course.

The government will also consult on a new Secretary of State Code of Practice on the new statutory access framework in Spring 2026.

## What changes has the Act made to the law?

The Employment Rights Act introduced a legal duty for employers to inform their workers of their right to join a trade union, aligning with the government's broader objective of empowering workers by ensuring they are fully informed of their rights.

This forms part of the government's plan to build a Britain for all, on the firm foundations of respect and opportunity.

## How is this different from the previous legislation?

There is currently no explicit requirement within existing legislation for employers to inform their workers of their right to join a trade union, either at the start of their employment or on an ongoing basis. This may lead to some workers not being aware of their right to join a trade union. This lack of awareness may be contributing to declining union membership and reduced worker engagement in collective bargaining.

The Act introduces a new duty on employers requiring them to provide their workers a written statement informing the workers of their right to join a trade union, and to inform all workers of this on a prescribed basis.

This statement will be provided by the employer alongside the written statement of particulars of employment that they are already required to produce for new workers under section 1 of the Employment Rights Act 1996.

Specific details of this requirement, including the content, form, the frequency and manner of communication, will be set out in secondary legislation.

We will be adopting the existing enforcement mechanism that applies to a failure to provide the written statement of particulars of employment, set out in Section 38 of the Employment Act 2002.

## What further detail will be consulted on and when?

The Department for Business and Trade (DBT) sought views on how this new duty can be implemented effectively while minimising the burden on employers. This includes details on:

- what form the statement should take
- what content should be included
- the manner in which the statement must be delivered
- the frequency with which the statement must be reissued after the beginning of employment.

This consultation invited views from trade unions, employers, workers and members of the public who are likely to be affected by this duty.

The consultation on the duty to provide workers with a statement on their right to join a union closed on 18 December 2025. For further detail, please see here: [Make Work Pay: duty to inform workers of right to join a union](#). The government response to the consultation will be published in due course.

## What changes has the Act made to the law?

The Act simplifies the process around statutory recognition, so that working people have a meaningful right to organise through trade unions. This includes removing the 40% support threshold in recognition ballots unions currently have to meet in order to be recognised for collective bargaining.

## How is this different from the previous legislation?

Where an employer refuses to recognise a trade union voluntarily, that union can apply to the Central Arbitration Committee (CAC) to obtain statutory union recognition. Under the current statutory union recognition scheme –

- On application, unions have to show to the CAC that firstly, they have 10% membership of the proposed bargaining unit and secondly, that they are likely to have a majority in the subsequent trade union ballot.
- Where a union has a majority in the bargaining unit on application, the CAC can decide to automatically recognise it without holding a trade union recognition ballot. However, the CAC may still hold a ballot if it receives evidence that workers want a ballot, or that there are doubts as to whether the union has a majority, or the CAC believes that holding a ballot would help further industrial relations.
- For a union to win, it must then obtain a majority in a recognition ballot and also, in that ballot, at least 40% of the workforce in the proposed bargaining unit must support union recognition.

The Act amends the existing statutory recognition process by:

- Deleting the current requirement for unions to have the support of at least 40% of the workforce in the proposed bargaining unit in a trade union recognition ballot. In future, unions would only need a simple majority of those voting to win.
- Deleting the requirement for a union to demonstrate on application to the CAC that they are likely to win a recognition ballot. In future, unions would only need to show the CAC that they have 10% membership of the proposed bargaining unit for their application for recognition to be accepted by the CAC.
- Providing a power to enable Ministers to issue affirmative secondary regulations to vary the 10% membership requirement on application in future, within parameters of 2% to 10% as set out in the Act.
- Extending the legislation and Code of Practice on access and unfair practices during recognition and derecognition ballots to apply from the point where the CAC accepts a trade union application.
- Setting a clear timetable for negotiations on access – 20 working days from the point the CAC accepts a trade union recognition application. If no agreement is reached, the CAC will have 10 working days to determine a reasonable access agreement.
- Allowing 5 working days after the close of the recognition ballot for complaints to be submitted to the CAC where an unfair practice is alleged.
- Making it easier to win such complaints by only requiring the CAC to consider whether an unfair practice has occurred without considering the effect it may have had.
- Dealing with mass recruitment into a bargaining unit for the purposes of diluting union membership by freezing the bargaining unit, thus ensuring that following the submission of a recognition application to the CAC new recruits are not considered by the CAC for the purposes of the recognition process or entitled to vote in a recognition ballot.

- Preventing recognition of a non-independent union, in response to a written request for voluntary recognition from an independent union, from blocking the independent union's subsequent recognition application.

### **What further detail will be consulted on and when?**

We will consult on a revised Code of Practice on access and unfair practices during the recognition and derecognition process early in 2026.

### **Key Stats<sup>5</sup>**

Since the statutory union recognition scheme was introduced in 1999, the CAC has considered 1459 applications for statutory recognition. Of these, the CAC has accepted 849 cases, 174 have not been accepted, 6 cases are pending, while 430 cases were withdrawn. Where a case is withdrawn, this often occurs because the parties have decided to reach a voluntary agreement, or the union chooses to withdraw its case in order to submit a fresh application at a later date.

Of the cases that the CAC has accepted, a further 261 were withdrawn during the recognition process. The CAC has granted statutory recognition without a ballot in 243 cases and held a recognition ballot in 306 cases. Of these, 191 ballots led to union recognition while 115 ballots resulted in the union not being recognised.

Since 1999, the number of recognition cases has fluctuated year on year, with no discernible pattern. On average, the CAC receives close to 60 trade union recognition cases per year.

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<sup>5</sup> Statistics provided by the Central Arbitration Committee, based on data in its 2024-25 report [Annual Report](#)

## What changes has the Act made to the law?

The Government has stated its ambition for constructive, proportionate, and transparent industrial relations. The Government believes that 10-year political fund review ballots are an unnecessary administrative burden on unions. Holding these ballots can cost tens of thousands of pounds: they are complex to set up and require the involvement of an independent scrutineer. There have been no instances of members choosing not to maintain the political fund through this 10-year re-balloting arrangement and unions have their own internal democratic structures that members can utilise if there is support to close a political fund.

Trade unions will still be required to hold a members' ballot on establishing a political fund, but 10-year ballots on the question of maintaining this fund will no longer be required. Funds will remain in place indefinitely, unless closed by a trade union in line with their stated internal procedures. While the repeal of the Trade Union Act 2016 means that new members will be automatically opted-in to a union's political fund, members will continue to be free to choose to opt out.

The 10-year balloting requirement will be replaced by a requirement for trade unions to send a reminder notice to members informing them of their right to opt-out of making political fund contributions every 10 years. This is proportionate to the current 10-year ballot requirement, whilst being significantly less onerous for unions to implement.

## How is this different from the previous legislation?

Trade unions are prohibited from using their general union funds for political purposes. Political funds are separate financial resources that unions can establish if they intend to spend union money on 'political objects' as defined by Section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992. Union members have the right to decide whether they wish to contribute towards their union's political fund.

The Government is making changes to the current automatic opt-out arrangements for political fund contributions by members, see the section on the **Repeal of Trade Union Act 2016** for further details.

Trade unions that want to establish a political fund must first ballot their members to secure a mandate for this decision. Since 1984, the law has also required unions to hold review ballots every 10 years to ask trade union members whether the union should continue operating a political fund.

## What changes has the Act made to the law?

The Act simplifies the requirements for ballot and industrial action notices, while ensuring that employers still have sufficient information to prepare for industrial action. This will reduce the scope for spurious legal challenges based on minor technicalities against industrial action that has the democratic support of the relevant union members.

The government is keen to see employer and union resources instead be better dedicated to resolving disputes, thereby more evenly distributing power in industrial disputes and reducing pressure on the court system.

## How is this different from the previous legislation?

Under Section 226A and Section 234A of the TULRCA 1992, unions are required to provide a notice of industrial action ballots and notice of industrial action, respectively. Under the previous requirements, these notices had to contain (among other things) the following:

Section 226A (Notice of Ballots)	Section 234A (Notice of Industrial Action)
A list of categories of employees being balloted	A list of categories to which relevant employees belong
A list of workplaces in which the employees work	A list of workplaces in which the said employees work
Total number of employees concerned	Total number of affected employees
Number of employees being balloted in each category listed	Number of affected employees in each category listed
Number of employees concerned at each listed workplace	Number of affected employees who work at each listed workplace
An explanation of how these figures were arrived at	An explanation of how these figures were arrived at

The Act includes measures simplifying the information requirements under s.226A and s.234A. We are **removing** the requirement for unions to provide employers with the following:

- *Section 226A (Notice of Ballot)*
  - The total number of employees in each of the categories of workers being balloted;
  - The number of workers concerned at each workplace;
  - An explanation of how these figures, and the total number of employees concerned, were arrived at
- *Section 234A (Notice of Industrial Action)*
  - The number of affected workers in each category listed..

Therefore, under the simplified process in the Employment Rights Act 2025, unions will (as compared with the items in the list above) only be required to specify in notices the following information:

Section 226A (Notice of Ballot)	Section 234A (Notice of Industrial Action)
A list of categories of employees being balloted	A list of categories to which relevant employees belong
A list of workplaces in which the employees work	A list of workplaces in which the said employees work
The total number of employees concerned	Total number of affected employees

	Number of affected employees who work at each listed workplace
	An explanation of how these figures were arrived at

## **When will these changes come into force?**

The majority of the changes described in this factsheet will come into force in 2026, please see the *Roadmap for Implementing the Employment Rights Bill* for further detail.