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Insights

DUTY TO INFORM WORKERS OF TRADE UNION RIGHTS: IS YOUR BUSINESS READY FOR JANUARY?

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Summary

The Government has now published regulations setting out final details of employers' new duty to inform workers of their right to join a trade union, including the standardised statement employers must use. The statement is no footnote, it is a detailed document running over multiple pages and employers must use the prescribed wording, amending only optional sections as required. You should also be aware of the prescriptive timetable for issuing the statements.

All employers must comply, whether or not their workplace is unionised. So, you should start getting your statement prepared now and ensure you have processes in place to deliver the statements in time and in the correct form. The steps outlined below will help you implement the new duty.

Deadlines for your diary

- **From January 1 2027:** Give every new worker the statement directly, alongside their written statement of employment particulars. Delivery can be electronic, by post or in person.
- **By April 5 2027:** Give the statement to all workers who were employed on January 1 2027 and who remain employed on April 5 2027. You can give the statement directly to workers or make it generally accessible, for example on an intranet, a shared drive or noticeboard, and tell workers in writing where to find it.
- **From April 6 2027:** Annual reminders must be given to continuing workers by April 5 each year, either by issuing the statement directly or by keeping it generally available and giving workers a written reminder of where to find it.

Risks of non-compliance

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There is no standalone tribunal claim for failing to comply. But a missing or non-compliant statement can increase the cost of a tribunal dispute. If a worker succeeds in other proceedings, such as an unlawful deduction from wages claim, and the employer was in breach when proceedings began, the tribunal can award additional compensation of up to four weeks' pay.

What to do now

- **Prepare the statement.** Complete the amendable sections. Do not rewrite the core wording.
- **Update onboarding.** Add the statement to every new worker's starter pack from January 1 2027.
- **Decide how to reach existing workers.** If using an indirect method, such as an intranet or noticeboard, check everyone can reasonably access it without asking. Send a direct written notification using the required heading: "Availability and location of statement of trade union rights", by April 5 2027.
- **Assign ownership and set reminders.** Calendar the April deadlines, keep delivery records and check advance-notification requirements if switching to indirect delivery.
- **Keep the statement current.** Update required union recognition or statutory access details within one month of changes. Tell workers directly in writing if the statement's location changes.

The legislation is complete. Now ensure your HR processes are too. We know this is just one of many legal developments HR and employment law practitioners are grappling with in the run-up to 2027, so please reach out to your BCLP contact if we can help.

Related capabilities

- Employment & Labor

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