

Duty to inform workers of their right to join a trade union: TUC response

December 2025

Introduction

The Trades Union Congress (TUC) is the voice of Britain at work. We represent more than 5.5 million working people in 47 trade unions across the economy. We campaign for more and better jobs, a better working life for everyone, and support trade unions to grow and thrive. We seek to represent the interests of all working people and their families, at work, in the community and at home.

The TUC and our affiliated unions warmly welcome the proposal included in the Employment Rights Bill to introduce a duty on employers to inform their workforce of their right to join a trade union. There was a time when the presence of unions across both the public and private sectors meant that most workers learnt about trade unions and experienced their influence on working lives simply by going to work. However, anti-union legislation combined with industrial changes means that this is no longer the case, especially in the private sector. Union density across the economy has declined from 32.4 per cent in 1995 to 22 per cent in 2024, driven by declines in the private sector, where in 2024 union density was just 11.7 per cent, compared with 49.9 per cent in the public sector¹.

New polling carried out by YouGov for the TUC² found that one in five workers have either not heard of trade unions (3 per cent) or do not know what they do (17 per cent). This rises to one in three of young workers aged 18 to 24, five per cent of whom have not heard of trade unions and 27 per cent of whom do not know what unions do. The employer duty to inform workers of their right to join a union will play a key role in addressing this knowledge deficit and enabling workers to make an informed decision about whether to join a trade union.

Union membership brings a wide range of benefits to members. Unions provide the best protection against problems at work, providing free legal and other advice to members, accompanying members in disciplinary and grievance cases and, when needed, bringing claims to employment tribunals, where their success rate is significantly higher than in cases that are not taken by unions.

But it is when workers come together in unions to negotiate collectively with their employer that unionisation delivers the greatest benefits – both for workers and for employers. Workplaces with collective bargaining³ have higher pay, more training days,

¹ ONS, [Trade union membership, UK, 1995 to 2024: statistical bulletin](#), May 2025

² Figures taken from polling carried out by YouGov Plc for the TUC. Total sample size was 1266 adults working full or part time in the UK. Fieldwork was undertaken between 7th - 8th December 2025. The survey was carried out online. The figures have been weighted and are representative of all UK adults (aged 18+)

³ Research on UK workplaces that took account of the characteristics of the workplace and the workforce, comparing like for like to isolate the impact of unions and collective

better holiday and sick pay provision, more equal opportunities practices, more family-friendly measures and less long-hours working, better disciplinary and grievance procedures and better health and safety protections than equivalent but non-unionised workplaces. Employers benefit from lower staff turnover, higher innovation and the greater likelihood of high-performance working practices that unionisation brings and from the role that unions play in resolving disputes informally. And involving unions in discussions helps oil the wheels of change management, significantly reducing staff anxiety relating to organisational change.

There are wider economic and social benefits that unions bring. The IMF⁴ and the OECD⁵ have both published research showing that unions and collective bargaining are associated with lower inequality. The OECD sets out that collective bargaining can “foster skills development and skills use in the workplace, and allow for the effective dissemination of good working practices”, while helping to “promote a broad sharing of productivity gains”. It recommends that governments “put in place a legal framework that promotes social dialogue in large and small firms alike and allows labour relations to adapt to new emerging challenges⁶”.

There is significant unmet demand from workers in the UK for collective bargaining. The YouGov polling mentioned above found that 62 per cent of workers would support a union negotiating on their behalf on pay and working conditions, while just 13 per cent would oppose this and 24 per cent didn’t know. Informing workers of their right to join a trade union is a crucial step towards meeting this unmet demand for the significant benefits that unionisation brings.

Employers also recognise the benefits of constructive engagement with trade unions. Polling by the Chartered Management Institute (CMI)⁷ found that seven in 10 managers (69%) working across the UK economy agreed that trade unions play an important role in ensuring fair and consistent employment practices for all, including a third (32%) who strongly agreed. The survey also asked managers to identify the top benefits, if any, they think stronger employer/employee relations bring to the workforce. Almost six in 10 (58%) identified better communication, engagement and trust, while just over half (51%) of managers said increased employee morale and engagement was a key benefit.

Bargaining; Professor Alex Bryson (UCL) and John Forth (NIESR), The added value of trade unions New analyses for the TUC of the Workplace Employment Relations Surveys 2004 and 2011, TUC 2017; Professor Alex Bryson (UCL) and John Forth (NIESR), Work/life balance and trade unions Evidence from the Workplace Employment Relations Survey 2011, TUC 2017

⁴ Florence Jaumotte and Carolina Osorio Buitron, Power from the People, Finance & Development, IMF March 2015, Vol. 52, No. 1

⁵ OECD Employment Outlook 2018 (page 83)

⁶ OECD (2018) Good Jobs for All in a Changing World of Work, The OECD Jobs Strategy, OECD Publishing, Paris, <https://doi.org/10.1787/9789264308817-en>

⁷ This Managers Voice Pulse Point Poll was conducted between 11th and 25th September 2025. A total of 1,020 managers took part in the poll.

Informing workers of their right to join a union will deliver significant benefits to workers, employers and the wider economy. The TUC welcomes the opportunity to respond to the government's consultation on the implementation of this important reform.

Responses to consultation questions

Question 1: Do you agree that the following types of information should be included in the statement provided to workers?

The TUC agrees that all the proposed types of information should be included in the statement provided to workers. Further detail is set out below.

A. A brief overview of the functions of a trade union

The YouGov polling cited above found that one in five workers and one in three young workers aged 18 - 24 have either not heard of unions or do not know what they do. And almost half of workers say they have some, but not a good, understanding, of what unions do. It is therefore very important that alongside a statement of the right to join a trade union, the statement includes factual information about what trade unions do and their role.

The most common source of information on unions for workers is news and media reports (46 per cent), ahead of colleagues (35 per cent) and employers (35 per cent)⁸. But much media coverage of unions does not portray an accurate picture of union activities. Strikes and industrial conflict receive far greater coverage than the 'good news' stories of the day in, day out work of unions in the workplace, representing and negotiating on behalf of their members. This reinforces the necessity of the statement including factual information on the role and functions of trade unions, which will ensure more people understand the practical day to day work that trade union representatives carry out in the workplace.

B. A summary of the statutory rights in relation to union membership.

It is important that the statement sets out rights in relation to union membership, including that workers should not suffer any detriment based on their union membership, in order to assuage any fears or misunderstandings that workers may have about joining a union. This will be particularly important for workers whose employers are hostile towards trade unions and have made this known to their workforce.

⁸ The question asked workers to tick all that applied so don't add up to 100

C. A list of all trade unions that the employer recognises (if any).

Where the employer recognises trade union/s, these unions should be listed in the statement and the contact details for the union representatives should be included.

Any additional information relevant for workers considering joining – for example, that union A is recognised for one group workers while union B is recognised for another group of workers – should also be included.

D. A signpost to a GOV.UK page with list of trade unions

The TUC supports the statement including a link to a GOV.UK page with a list of trade unions, but it is essential that this is structured and presented in a way that enhances its utility for workers. A list such as is currently included on the website of the Certification Officer, for example, would not help workers decide on which union would be most appropriate for them to join. We believe that some additional information should be included to help workers navigate the site.

The importance of this is underlined by the responses to the YouGov polling referred to above which found that almost one in four (23 per cent) of those who were not union members said that the main reason for this was 'there is no union relevant to my job'. For young workers aged 18 – 24, 31 per cent gave this as their main reason. It is vital that the website is easy to navigate and including the TUC's union finder, which provides guidance on unions relevant for particular industries.

The TUC strongly urges the government to include a link to the TUC's [union finder](#)⁹ on the web page. Unions affiliated to the TUC make up the vast majority (86 per cent) of union members in the UK and through the TUC have chosen to collaborate to provide many joint resources, including the TUC union finder. The union finder takes workers through a list of questions, including whether their colleagues are already in a trade union and the industry they work in, to generate a list of relevant unions for them to join. Its inclusion would greatly improve the useability of the government webpage and give workers invaluable help in finding an appropriate union for them to join.

E. Add other types of information (please specify)

The TUC believes that in addition to the content discussed above, the statement should make clear that joining a trade union and freedom of association and engaging in collective bargaining are internationally recognised human rights. This could be included in the information under B above.

It is essential that it is explicitly not permissible to include anti-union views on the statement or near to the statement if provided on notice boards or intranets. This could

⁹ [Find a union for you | TUC](#)

be supported by use of a standardised statement by employers who do not recognise trade unions, as discussed in question 2 below.

Question 2: Do you agree that the statement should be a standardised statement provided by the government?

For all employers that do not recognise trade unions, it is essential that a standardised statement provided by the government is used. The risks of incorrect or hostile information distributed by employers who do not have experience of trade unions is too great. Additional advantages in using a standardised statement include reduced administration for employers and the greater ability to implement improvements over time as experience delivers learnings on ways to improve the clarity of the statement.

Where employers recognise a trade union or trade unions, it should be permissible for employers and unions to agree a statement and for this to be circulated, rather than the standardised statement. This would enable the statement to be tailored to the specific circumstances of the employer, with the requirement for the statement to be agreed with the recognised trade union/s ensuring that the statement cannot be used to convey misleading information or hostile views.

Question 3: If the proposal for an employer-drafted statement (option B) is chosen, do you agree that the Government should provide a model statement that employers can adapt?

We are strongly opposed to option B and believe that it would open the door to great variation in the quality and accuracy of the statements circulated, substantially weakening the positive impact of the reform. It would also introduce additional administrative complexities for employers. If option B were to be adopted, these risks would be slightly ameliorated by the provision of a model statement. However, since employers would be able to adjust the statement, we believe that the risks to using option B would remain unacceptably high.

Question 4: Do you agree that the written statement should be delivered directly to new workers?

Yes, we believe that delivering the statement directly to new workers, alongside information such as their employment particulars, is the right approach and the only acceptable option. It is straightforward for employers to implement and makes sense for workers to receive the information alongside other information relating to their new job. As the consultation document notes, new workers will not be familiar with the employer's communication systems so any other means of delivery could very easily be missed.

Question 5: Do you agree that employers should be able to deliver the statement indirectly or directly to existing workers?

No, it should only be delivered directly.

Question 5a: Please explain your answer.

We believe that the reform will be most effective if the statement is delivered directly to workers on a regular basis. This does not stop the employer displaying the information at all times in addition, for example on an intranet or noticeboard. However, web pages can be hard to find and the best way of ensuring that workers see the information on a regular basis is for it to be delivered directly on a regular basis.

We completely reject the argument that this would present an administrative burden on employers. Employers circulate information to their workforce on a frequent and regular basis and all employers have systems in place for this. The argument that circulating a standardised statement is a burdensome administrative task is simply not credible.

The risk of permitting the statement to be delivered indirectly for existing workers is that if, in the first busy period of starting a new job, workers overlook the statement, they may not take in the information fully and then may then not be able to find it again. This would greatly weaken the potential benefits of the reform.

If it were to be permissible to provide the statement indirectly, it would be essential that a reminder is sent that provides the worker with a link to the statement.

Question 6: Do you agree that employers should be required to provide workers with the statement, or reminder, on an annual basis?

Yes, we believe that circulating the statement annually would be a reasonable approach. While as unions we would welcome more frequent circulation every six months, we recognise the precedents for and simplicity of annual circulation.

We believe it would greatly help enforceability and awareness building if the government set a particular month or part thereof when statements should be circulated to existing staff. This would make it much easier for unions or enforcement bodies to monitor compliance and would also provide a hook for publicity drawing attention to the statement.

Question 7: Do you agree that a standardised frequency should apply to all organisations regardless of sector or size?

Yes – although we understand the argument for higher frequency in high-risk sectors, overall our view is that this is outweighed by the simplicity of a universal requirement that applies in the same way for every employer, regardless of sector and size. This will make it easier to promote, monitor and enforce the new right and would minimise the risks of employers making inadvertent implementation errors.

Question 8: Do you have any further comments on how the duty to inform workers of their right to join a trade union should be implemented?

We believe that the enforcement of this right should be strengthened. We propose that enforcement should be added to the duties of the Fair Work Agency and in addition that Health and Safety inspectors, when carrying out inspection visits or otherwise engaging with an employer, should be required to check for implementation of the duty. Consideration should be given to giving the Fair Work Agency the power to issue fines where employers are found to be non-compliant with the duty.

In addition, we believe that failure to comply with the duty to inform workers of their right to join a trade union should fall under section 38 of the Employment Act 2002. This allows a tribunal to award extra pay where the worker wins another employment claim, and the employer has failed to provide a compliant Written Statement of Employment Particulars. We believe this should be extended to include instances where the employer has failed in its duty to inform the worker of their right join a union statement.