



Checklist: preparing for a trade union workplace access request

FIRST PUBLISHED IN MARCH 2026 – LAST REVIEWED IN JUNE 2026

The Employment Rights Act 2025 will introduce a statutory right for recognised and unrecognised trade unions to request “access agreements” with employers, giving union officials physical and virtual access to workers for specific purposes. This is expected to increase union activity, including in non-unionised workplaces. For more detail, see our blog, [Opening the doors: a new era for union workplace access](#).

This checklist is a planning tool to help employers with 21 or more workers consider key issues and actions in advance of the new regime, taking effect from October 2026. The Government has consulted on a draft Code of Practice, which provides best practice and practical guidance for both employers and unions; regulations will follow. This checklist reflects points from the draft Code, and we will update it as further detail and guidance become available. For guidance on preparing for trade union recognition requests (following changes that took effect from 6 April 2026), see our separate [checklist](#).

PREPARE



Identify who will be responsible for receiving, triaging, negotiating and authorising workplace access requests.



Identify business areas most likely to receive requests, considering factors such as existing union presence, collective issues or disputes, restructurings, pay or policy changes, high staff turnover, remote or hybrid teams, and M&A activity involving unionised parties.



Consider whether to negotiate voluntary access agreements outside the statutory regime and enforcement framework. Where a satisfactory voluntary arrangement is already in place, consider maintaining it rather than seeking to formalise it through the statutory process.



Review upcoming change management or restructuring plans and factor potential access requests into plans, communications and timelines.



Develop a negotiation strategy and “red lines” (what is negotiable vs. non-negotiable), aligned to CAC access principles, and ensure nothing implies or concedes recognition. Factor in that unions may use access to build support for recognition and be ready to feed insights into recognition risk assessments and bargaining unit mapping. See our recognition checklist for further guidance.



Define what physical and digital access you can offer, and the site/system rules you will apply (H&S, security, confidentiality, privacy/data protection). Set clear parameters on how often and when access can occur and the notice required—noting that CAC model terms of up to weekly access, five working days’ initial notice, and a minimum of two working days’ subsequent notice are likely to become a baseline—how content may be shared, and conduct standards. Take account of shift patterns, remote teams and peak periods. Be clear what “reasonable steps” you can take without requiring significant changes to premises or IT systems, capital expenditure, significant recurring costs or operational disruption.



Where premises are controlled by a third party, liaise early so access can be accommodated; for multi-site employers, decide how terms will apply across locations.



Safeguard privacy of worker–union communications (do not attend meetings unless invited, do not question workers about discussions, and consider turning off any CCTV or surveillance equipment during meetings).



Plan how you will identify and protect legally privileged documents and ensure any personal data processing complies with UK GDPR. This includes having a lawful basis and, where needed, a condition for special category data (including trade union membership). Minimise collection, restrict access on a need-to-know basis, and update privacy notices and retention schedules as required. For direct digital access, provide a UK GDPR-compliant consent mechanism that does not require workers to signal interest to the employer.

RESPOND AND NEGOTIATE



Check the request against the prescribed Trade Union Access Request Template—confirming that the union holds a certificate of independence, and that all required information is provided (including the permitted purpose, the type and frequency of access requested, and the workers covered).



Use the prescribed Employer Response Notice Template to accept or decline the request (in full or in part), clearly identify any rejected elements and reasons, and request/provide information needed to progress negotiations.



Assess reasonableness against your parameters and the draft Code’s model terms and use this to structure negotiation points.



Consider whether grounds apply for the CAC to refuse access, or where it may decide to limit access (e.g., where an independent union is already recognised for the same workers; there is an ongoing statutory recognition process, an existing access agreement, or overlapping requests covering at least one common worker where neither an agreement nor a CAC determination has been made; there are health and safety risks; or excessive employer resource will be needed).



Prepare a short-form agreement/heads of terms (once regulations are finalised), including dispute resolution and named lead contacts on both sides, and noting that no access agreement may last longer than two years from the date it is agreed or imposed.



Put in place a protocol for receiving and responding to requests, including how you will track statutory timelines (15 working days to respond, 25 working days to negotiate, 15 working days to refer to the CAC) and coordinate stakeholders (such as IT, security, health and safety, site management and communications). Use the 25-day window to apply parameters, resolve issues and keep clear records to evidence good-faith negotiation.



Once an access agreement is in place, notify the CAC using the prescribed template. Put in place a process for managing any future variation or revocation of the agreement, including notification to the CAC.

TRAIN



Design training for relevant staff (to be finalised once timelines/obligations are confirmed). Cover the presumption of facilitating reasonable access, permitted physical/digital access, site/system rules, security and health and safety controls, appropriate engagement with union representatives, data protection and legal privilege, and the enforcement and penalties regime.



Plan communications to staff on protections against detriment/dismissal for union activity and the prohibition on unlawful inducements regarding collective bargaining.

ENGAGE



Consider how you will explain to staff why access is being facilitated and how it will work, so you are ready to communicate clearly once requests are received. Decide when it will be appropriate to brief senior leadership.



Implement a system for tracking requests, themes, employee relations impacts and operational effects, to inform future negotiations and recognition strategy.

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