



# Checklist: preparing for a UK trade union recognition request

MARCH 2026

The Employment Rights Act 2025 will relax the conditions for trade unions to gain recognition under the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA). This is likely to lead to more recognition requests and increased pressure on employers to negotiate—even those with no prior union engagement. You can read more about this in our blog, [Lowering the bar: UK union recognition gets easier](#).

This checklist is a planning tool to help you start considering strategy and actions in advance of the new regime. It sets out steps to prepare for both voluntary and statutory recognition requests. As unions may switch between these routes, being ready for all scenarios will help protect your business and manage risk. We will update this checklist as more detail and guidance becomes available. For guidance on workplace access requests (under the new regime from October 2026), [see our separate checklist](#).

## PREPARE

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Identify who will be responsible for receiving, triaging, and negotiating recognition requests.



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



Start developing a negotiation strategy for voluntary recognition, considering which terms may be negotiable or non-negotiable, and how you will approach requests in line with statutory requirements. In parallel, develop a plan for the statutory route, recognising its more prescriptive and potentially adversarial nature.



Define internal parameters and decision criteria for bargaining unit discussions, noting that under the statutory regime the Central Arbitration Committee (CAC) may ultimately determine the bargaining unit. Map and maintain data on employee categories, work locations and numbers within potential bargaining units.



Plan how you will identify and protect legally privileged documents in connection with recognition planning and negotiations. Ensure that any personal data processing will comply with legal requirements, including having a lawful basis and, where relevant, an appropriate condition for special category data (such as trade union membership data). Minimise collection, restrict access on a need-to-know basis, and update privacy notices/retention schedules as needed.



Ensure you understand the statutory recognition process, including CAC application criteria and membership/support thresholds and timelines, so the business can move quickly if a union triggers the statutory route.



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

## DOCUMENT

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Draft a verification checklist to confirm that any union recognition request meets the statutory requirements in amended TULRCA Schedule A1. For quick triage, capture: request route and date; whether the request is in writing; the union's identity and independence; the proposed bargaining unit and locations; any existing recognition arrangements or competing requests; applicable statutory timelines (including the ten-working day employer response window); high level indicators of support (with data protection safeguards and CAC verification noted); and fields to record key evidence and decisions.



Prepare and regularly review templates for acknowledging recognition requests, distinguishing between voluntary and statutory requests, and setting out information requests and next steps.



Consider what a short-form voluntary recognition agreement or heads of terms might cover (scope of bargaining, bargaining unit, subjects for bargaining, process mechanics), so you are ready to draft this if a recognition request proceeds.



Start mapping out a protocol for receiving and responding to recognition requests, including assessment, record-keeping, tracking statutory and internal timelines, stakeholder coordination (such as IT, security, health and safety, site management), and communications (internal/external) if the request becomes public. Plan to keep records to evidence that you have responded in good faith.

## TRAIN

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Design training for relevant staff. This could cover statutory timelines, obligations, negotiation strategy, data protection, legal privilege, and appropriate engagement with union representatives, during and outside recognition campaigns.



Plan how you will communicate to staff about protections against detriment or dismissal for union activity and the prohibition on unlawful inducements regarding collective bargaining.

## ENGAGE

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Proactively engage with employees and representative bodies to build trust and transparency, to help mitigate the risk of receiving requests.



Review and enhance existing employee engagement channels to reinforce direct communication with employees and clarity on workplace entitlements. For UK PLCs, consider adapting existing workforce engagement mechanisms (such as a designated director or workforce advisory panel) to support this process.



Consider when it will be appropriate to brief senior leadership about recognition requests.



Monitor employee relations and union activity, including how workplace access may be used to build support for recognition; track repeat issues, themes from engagement and meetings, and operational impacts to inform future negotiations and bargaining unit mapping. See our workplace access checklist for further guidance and feed insights into your recognition risk assessment and overall industrial relations strategy.

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