

NOT GOVERNMENT POLICY – SUBJECT TO CONSULTATION



UK Government

# Make Work Pay:

## Consultation on draft code of practice on trade unions' right of access into workplaces

**Opening Date: 8 April 2026 4:30pm**

**Closing Date: 20 May 2026 11:59pm**

# Foreword

The government has set the country on the path of national renewal, building a Britain for all on the firm foundations of security, respect and opportunity. This means growing an economy that delivers for working people and for the businesses who rely on them. We are clear that fair, modern workplaces are essential to a productive economy, and that no employer should be undercut by practices that weaken job security or limit workers' voices.

A meaningful right for trade unions to access workplaces is central to achieving this. At present, unions do not have a general independent right of access. Where they are unable reach a voluntary agreement with an employer, they must rely on individual members within a workplace. Where membership is low, their ability to carry out their core functions is constrained.

When unions can engage directly with workers, they are better able to negotiate, resolve disputes, represent workers, facilitate collective bargaining and ensure individuals understand their rights. For workers, this brings greater security, stronger voice and fairer outcomes.

The government recognises that many employers already work constructively with trade unions. This measure simply ensures that all workplaces operate on a level playing field, supporting fair competition rather than a race to the bottom. The Employment Rights Act 2025 establishes a new clear legal framework for employers and unions to negotiate and agree access agreements, whether physical and/or digital.

Where employers and unions already operate voluntary access agreements, there will be no change. The government values the spirit of cooperation these agreements reflect and want them to continue wherever possible.

In December, we concluded a public consultation on the operational and practical details of the new right of access framework. We would like to thank everyone who provided their views. The feedback from that consultation has been integral in informing the development of this draft Code of Practice and the accompanying regulations.

This draft statutory Code of Practice sets out practical guidance on how the right of access should operate in practice. It sets out how requests should be made, how employers should respond, and how constructive engagement should be facilitated in a range of workplace settings. This Code provides clarity and certainty for employers and unions alike.

This consultation is an opportunity to shape that Code. We want to hear from unions, employers, workers, scrutineers, and the wider public to ensure it is clear, proportionate and effective.

By working together, we will strengthen workers' voices, provide certainty for employers, and help deliver the fairer, stronger economy that the government is committed to.



**The Rt Hon Peter Kyle MP**

*Secretary of State for Business and Trade and President of the Board of Trade*

A handwritten signature in blue ink that reads "Peter J. Kyle".



**Kate Dearden MP**

*Minister for Employment Rights and Consumer Protection*

A handwritten signature in blue ink that reads "Kate Dearden.".

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# Introduction

## The Plan to Make Work Pay

The Plan to Make Work Pay sets out an ambitious agenda to deliver our Plan for Change by ensuring employment rights are fit for a modern economy, empowering working people and contributing to economic growth. Once implemented, the Plan to Make Work Pay will modernise our employment rights legislation extending the employment protections already given by the best British companies to millions more workers across the country.

The Employment Rights Act 2025 strengthens the underlying framework, making work more secure and predictable, putting more money into working people's pockets and giving dignity to those going through the toughest personal circumstances. This will boost workforce wellbeing and job satisfaction whilst also improving retention, productivity, and promote fair competition and economic growth.

Our phased approach to implementation provides clarity and time to prepare, while raising standards across the board creating a level playing field, improving staff retention, leading to a happier, more secure and productive workforce.

The government will continue to undertake comprehensive engagement on the implementation of Make Work Pay and the Employment Rights Act 2025, to ensure that these changes work for businesses of all sizes.

The government wants to continue to hear the perspectives of employers, workers, trade unions and other stakeholders on how these changes will affect existing systems and processes, and the steps that will need to take place to adapt to these reforms.

Your insights are vital. As the Implementation Roadmap makes clear, we're committed to working in partnership with employers to ensure these reforms are not just ambitious, but achievable.

As we move into the implementation phase, this consultation will play a critical role in shaping how the Make Work Pay reforms are delivered, ensuring they are practical, inclusive, and responsive to the needs of employers and workers alike.

## **Trade unions’ right of access into workplaces**

The right of access for trade unions is intended to support fair, modern and effective industrial relations by enabling independent trade unions to engage directly with workers in workplaces across Great Britain.

Under the current legal framework, trade unions do not have a general independent right to access workplaces. In practice, access has relied on voluntary arrangements or on the presence of individual union members within a workplace. While many employers already engage constructively with trade unions, this approach has led to inconsistency across sectors and workplaces, particularly where union membership is low. In those circumstances, unions’ ability to represent workers, support collective bargaining, raise awareness of workplace rights and help resolve issues early can be significantly constrained.

The Employment Rights Act 2025 introduces a statutory right for independent trade unions to access workplaces, both physically and digitally, for the purposes of meeting, supporting, representing, recruiting or organising workers, and facilitating collective bargaining. This reflects the realities of modern working practices, including hybrid and remote working, and provides a clear and predictable framework for access across different types of workplace.

The access framework is designed to encourage agreement between employers and trade unions wherever possible. In most cases, access arrangements should be reached through discussion and negotiation, taking account of the nature of the workplace, the workers concerned and any relevant operational, safety or legal considerations. Where agreement cannot be reached, the Central Arbitration Committee (CAC) has a statutory role in determining whether access should take place and, if so, on what terms.

The framework includes safeguards to ensure that access arrangements are reasonable and proportionate, and that legitimate considerations such as workplace size, operational requirements, health and safety, security, safeguarding and data protection are taken into account.

This draft statutory Code of Practice provides practical guidance on how the statutory right of access should operate in practice. It sets out how access requests should be made, how employers should respond, how constructive engagement should be facilitated, and how the CAC will exercise its functions where agreement cannot be reached. The Code should be read alongside the relevant legislation and secondary regulations. It does not create

new legal obligations but supports consistent application of the statutory framework and positive industrial relations.

## **Why we are consulting now**

Alongside the statutory instrument setting out the practical and operational details of the new statutory access framework, the government will introduce a new statutory Code of Practice on how to navigate this statutory access framework.

The Department for Business and Trade is consulting to gather views on the draft statutory Code of Practice, in line with the statutory requirement under Section 204 of the Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”). In accordance with Section 204(1) of the 1992 Act, the government has consulted the Advisory, Conciliation and Arbitration Service (Acas) prior to preparing and publishing the draft code.

This new Code will serve as the principal source of practical guidance on the statutory access framework. It will give employers, unions and workers greater clarity on how to navigate their interactions surrounding access. It will include guidance on how access requests should be made, how access agreements should be negotiated and implemented across a range of workplaces, and include best practice examples to support effective engagement.

Once the Code and the measures in the statutory instrument are in place, unions and employers will be able to negotiate and agree effective and proportionate access agreements into workplaces. With the right of access framework, trade unions will be better placed to contribute positively to workplace culture - fostering open communication, building trust and supporting more stable and constructive industrial relations.

This is a public consultation and is open to all.

# Consultation details

**Issued:** 8 April 2026 4:30pm

**Respond by:** 20 May 2026 11:59 pm

**Enquiries and Responses to:**

[tradeunionpolicy@businessandtrade.gov.uk](mailto:tradeunionpolicy@businessandtrade.gov.uk)

**Write to:**

Trade Union Policy, Employment Rights Directorate  
Department for Business and Trade  
Old Admiralty Building  
Admiralty Place  
London  
SW1A 2DY

**Consultation reference:**

Draft Code of Practice on Trade Union Right of Access

**Audiences:**

- Independent scrutineers
- businesses
- trade unions
- business groups or representatives
- consumers
- non-governmental organisations
- members of the public
- all other interested parties

## **Territorial extent**

This Code of Practice will apply in England, Wales and Scotland. It will not apply in Northern Ireland, where employment law is devolved.

## **How to respond**

**Respond online:** [https://ditresearch.eu.qualtrics.com/jfe/form/SV\\_beLvjOyqsWK2WWi](https://ditresearch.eu.qualtrics.com/jfe/form/SV_beLvjOyqsWK2WWi)

or

**Email to:** [tradeunionpolicy@businessandtrade.gov.uk](mailto:tradeunionpolicy@businessandtrade.gov.uk)

or

**Write to:**

Trade Union Policy, Employment Rights Directorate

Department for Business and Trade  
Old Admiralty Building  
Admiralty Place  
London  
SW1A 2DY

We strongly encourage that responses are made via the online platform. Using the online survey will assist our analysis of the responses, enabling more efficient and effective consideration of the issues raised.

If you are responding in writing, please make it clear which question or paragraph number each comment relates to.

When responding, please state whether you are responding as an individual or representing the views of an organisation.

Your response will be most useful if it is framed in direct response to the questions posed, though further comments and evidence are also welcome.

## **Confidentiality and data protection**

Information you provide in response to this consultation, including personal information, may be disclosed in accordance with UK legislation (the Freedom of Information Act 2000, the Data Protection Act 2018 and the Environmental Information Regulations 2004).

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If you want the information that you provide to be treated as confidential, please tell us, but be aware that we cannot guarantee confidentiality in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not be regarded by us as a confidentiality request.

We are trialling Artificial Intelligence (AI) solutions to support the delivery of our functions. Unless made expressly clear to you, we will not use AI to either make or inform decisions about you. We will apply effective data minimisation techniques to all such uses of your data.

Your responses, including any personal data, may be shared with a third-party provider, or other government department or organisation acting on behalf of the Department for Business and Trade under contract or an equivalent agreement, for the purpose of analysis and summarising responses for us and may use technology, such as artificial intelligence. Further detail on how AI is used, including its scope and safeguards, and third-party sharing, is available in our Privacy Notice.

An anonymised version of responses in a list or summary of responses received, and in any subsequent review reports may be published. We may also share your personal data where required to by law. You can leave out personal information from your response entirely if you would prefer to do so.

Wherever possible avoid including any additional personal data in free-text responses beyond that which has been requested or which you consider it necessary for DBT to be aware of.

We will process your personal data in accordance with all applicable data protection laws. See our [privacy policy](#).

We will publish a government response on GOV.UK.

## Quality assurance

This consultation has been carried out in accordance with the governments [consultation principles](#).

If you have any complaints about the way this consultation has been conducted, please email: [enquiries@businessandtrade.gov.uk](mailto:enquiries@businessandtrade.gov.uk)

## About you

Please provide the following information to help us understand the context of your response:

**Question 1: Please indicate whether you are responding as:**

- An individual
- An academic, or on behalf of an academic or research organisation
- An employer
- A legal representative
- A business representative organisation (please specify)
- A trade union or staff association (please specify)
- A charity or interest group
- An Independent Scrutineer
- Other

**Question 2:** If responding as an employer, business, business owner, or business representative approximately what is the size of your business? If responding as an individual or worker, what size workplace are you employed in?

- Micro (fewer than 10 employees)
- Small (11 to 50 employees)
- Medium (51 to 250 employees)
- Large (250+ employees)
- Don't know

**Question 3:** Which region are you located in?

- North-East
- North-West
- Yorkshire and The Humber
- East Midlands
- West Midlands
- East of England

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- London
- South-East
- South-West
- Wales
- Scotland
- Northern Ireland

**Question 4:** What sector are you based in?

- Advanced manufacturing/engineering
- Aerospace
- Agriculture, horticulture, fisheries and pets
- Airports
- Automotive
- Business services
- Chemicals
- Construction
- Creative industries
- Critical minerals
- Defence
- Education and training
- Energy
- Environment
- Financial services
- Food and drink
- Healthcare services
- Hospitality
- Independent Scrutineer
- Logistics
- Maritime

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- [ ] Medical devices and equipment
- [ ] Mining
- [ ] Nighttime economy
- [ ] Pharmaceuticals and biotechnology
- [ ] Professional services
- [ ] Railways
- [ ] Retail and consumer
- [ ] Security
- [ ] Space
- [ ] Sports economy
- [ ] Steel
- [ ] Technology and digital
- [ ] Trade Unions
- [ ] Water
- [ ] Other *[add free text]*

**Question 5:** What is your email address?

## **Consultation**

We are consulting on a draft of a new Code of Practice on the new statutory access framework. This consultation is focused only on the content of the Code itself and does not seek views on the policy details of the access framework. We strongly encourage respondents to be aware of this distinction in making specific comments and suggestions in response to the following questions.

Each of these questions relate to specific components of the associated Code of Practice to which this consultation is referencing. It is recommended that respondents have the Code of Practice to hand when considering each question, so that it is clear as to what area of the code is being referred to.

The paragraph(s) in the draft Code of Practice that the questions relate to are detailed after each question.

## **Section B: Establishing an access agreement**

This section explains the process by which unions should apply for access, and how employers should respond to this request. This section then explains how both the trade union and the employer should approach the negotiation period on access terms, which starts once the employer has responded to the request, or after a period of time that will be specified in secondary legislation. The Code will also provide guidance on how and when a party can refer an access request to the Central Arbitration Committee (CAC) for determination on whether access should be granted or not, if the parties are unable to negotiate access terms between themselves.

This section also explains the access principles listed in the Employment Rights Act 2025 that CAC determinations on access must be consistent with. These principles reflect the government's intention that trade unions should have access to workers, but that this access should not unreasonably interfere with the employer's business, and that employers should not have to take unreasonable steps to facilitate access. Section B then goes into further detail on how the CAC makes decisions on whether access takes place or not, and the circumstances and factors that they will consider when doing so. This section further explains the circumstances in which the CAC must not grant access, as well as the circumstances under which it is reasonable for the CAC to refuse access, both of which will be set out in secondary legislation. The Code subsequently explains the 'model' terms that the CAC must consider when determining the relative complexity of an individual application for access. Applications that are deemed less complex are more likely to qualify for a fast-track route through the CAC decision making process (where only a single panel member determines the application).

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**Q1. Do paragraphs 23 to 28 provide sufficient detail and clear advice on how trade unions should submit an access request?**

Yes

No

Not sure

**Q1.1 Please provide further information to support your answer.**

**Q2. Do paragraphs 29 to 33 provide sufficient detail and clear advice on how an employer should respond to an access request?**

Yes

No

Not sure

**Q2.1. Please provide further information to support your answer.**

**Q3. Is the following guidance clear: paragraphs 34 to 41 on how trade unions and employers should negotiate the terms of an access agreement, including expectations of good-faith engagement and the process where negotiations continue beyond the initial period?**

Yes

No

Not sure

**Q3.1. Please provide further information to support your answer.**

**Q4. Does paragraph 42 provide sufficient clarity and detail on how and when an application may be referred to the CAC if negotiations on access terms are unsuccessful?**

Yes

No

Not sure

**Q4.1 Please provide further information to support your answer.**

**Q5. Do paragraphs 43 to 47 provide clear guidance on how the CAC will make decisions on whether access should take place, including the principles it must apply and the factors it will consider?**

- Yes
- No
- Not sure

**Q5.1 Please provide further information to support your answer.**

**Q6. Are the circumstances set out in paragraphs 48 to 51, in which access must not be granted or may reasonably be refused, clear and appropriately detailed?**

- Yes
- No
- Not sure

**Q6.1. Please provide further information to support your answer.**

**Q7. Do paragraphs 52 to 55, provide clear and sufficient guidance on the circumstances in which it is reasonable for the Central Arbitration Committee (CAC) to refuse access, including where an employer already recognises an independent trade union, an access agreement is already in place, or where facilitating access would require significant structural changes?**

- Yes
- No
- Not sure

**Q7.1. Please provide further information to support your answer.**

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**Q8. Are the ‘model’ terms of access agreements set out in paragraphs 56 to 65, including the frequency and duration of access for different scenarios, sufficiently clear and detailed?**

Yes

No

Not sure

**Q8.1 Please provide further information to support your answer.**

**Q9. Do paragraphs 68 to 69 of Section B provide sufficient clarity and detail on how joint applications for access by two or more trade unions should operate in practice?**

Yes

No

Not sure

**Q9.1. Please provide further information to support your answer.**

**Q10. Do you have any additional comments on Section B, of the Code of Practice?**

Yes

No

Not sure

**Q10.1 Please provide further information to support your answer.**

## **Section C: Operation of an access agreement**

This section of the Code covers specific guidance on where and how access can take place, including on how to cater to specific workplace scenarios such as security sensitivities, health and safety risks, safeguarding of vulnerable individuals in the workplace, and the privacy of people who may be residents of the workplace in question.

The section also outlines the limits on the duration and frequency of access, as well as how access should take place within working hours wherever practicable. Employers should seek to facilitate this as far as possible, whilst also providing access to spaces and facilities that allow the unions to properly carry out the terms of access in a private manner. This section also explains how both the trade union and employer should behave responsibly and give due consideration to the of the requirements of the other party throughout the access period.

**Q11. Do paragraphs 70 to 74, provide clear and sufficient guidance on where access can take place, including expectations around using workplace facilities, accounting for health and safety or security requirements, and reflecting local workplace circumstances?**

Yes

No

Not sure

**Q11.1 Please provide further information to support your answer.**

**Q12. Are the arrangements set out in paragraph 75 clear and sufficiently detailed on how access should operate where suitable meeting space is not available, including the use of off-site or digital alternatives?**

Yes

No

Not sure

**Q12.1 Please provide further information to support your answer.**

**Q13. Is the guidance in paragraphs 76 to 79 clear and sufficiently detailed on when access should take place?**

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- Yes
- No
- Not sure

**Q13.1 Please provide further information to support your answer.**

**Q14. Do paragraphs 80 to 83 provide clear and appropriate guidance on the privacy of access meetings, including the attendance of managers or supervisors and the use of workplace surveillance or recording equipment?**

- Yes
- No
- Not sure

**Q14.1 Please provide further information to support your answer.**

**Q15. Is the following guidance clear and workable: paragraphs 84 to 86 on how access agreements should operate where the employer does not control the premises, including the role of third parties and referral to the CAC where access cannot be facilitated?**

- Yes
- No
- Not sure

**Q15.1 Please provide further information to support your answer.**

**Q16. Are the arrangements set out in paragraphs 87 to 89 sufficient and flexible on facilitating access for workers with non-typical working patterns, including shift workers, part-time workers and those who rarely attend the employer's premises?**

- Yes
- No
- Not sure

**Q16.1 Please provide further information to support your answer.**

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**Q17. Does the code provide clear and workable guidance on ‘digital’ access in paragraphs 90 to 95 provide clear and appropriate guidance on digital access, including the use of indirect digital communication, consent requirements, and the role of the CAC where personal data is involved?**

Yes

No

Not sure

**Q17.1. Please provide further information to support your answer, including any views on the role of consent and the use of indirect digital access.**

**Q18. Do paragraphs 96 to 98 provide clear guidance on how access agreements may be amended or revoked, including the requirement for agreement between the parties and notification to the CAC?**

Yes

No

Not sure

**Q18.1 Please provide further information to support your answer.**

**Q19. Is the guidance in paragraph 99 helpful and appropriate on how access agreements may interact with the statutory trade union recognition process?**

Yes

No

Not sure

**Q19.1 Please provide further information to support your answer.**

**Q20. Do you have any comments you have any additional comments on Section C?**

- Yes
- No
- Not sure

**Q20.1 Please provide further information to support your answer.**

## **Section D: Resolving disputes and enforcement**

This section provides practical guidance on how trade unions and employers should seek to resolve disagreements about access-related matters through dialogue, particularly where there are minor disputes. The section goes on to outline the formal process by which a party, where a disagreement has not been resolved, may make a complaint to the CAC that an access agreement has been breached, or that a party is taking steps to prevent access.

**Q21. Are the arrangements set out in paragraphs 101 to 102 clear and appropriate in encouraging trade unions and employers to resolve access-related disagreements through dialogue before pursuing formal action?**

- Yes
- No
- Not sure

**Q21.1 Please provide further information to support your answer.**

**Q22. Is the guidance in paragraphs 103 to 104 clear and workable in explaining how and when a complaint may be made to the Central Arbitration Committee (CAC), including time limits and information requirements?**

- Yes
- No
- Not sure

**Q22.1 Please provide further information to support your answer.**

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**Q23. Do paragraphs 105 to 107, provide sufficient clarity on the powers available to the CAC when a complaint is upheld, including the ability to alter access agreements, issue compliance orders, and impose penalties for repeated non-compliance?**

- Yes
- No
- Not sure

**Q23.1 Please provide further information to support your answer.**

**Q24. How clear is the guidance in paragraphs 108 to 110 on how the CAC determines the value of a financial penalty, including the factors it must consider and the treatment of repeated or cumulative breaches?**

- Yes
- No
- Not sure

**Q24.1 Please provide further information to support your answer.**

**Q25. Does the guidance in paragraphs 111 to 113 provide sufficient and accessible information on how parties may appeal a CAC determination, declaration or penalty order to the Employment Appeal Tribunal?**

- Yes
- No
- Not sure

**Q25.1 Please provide further information to support your answer.**

**Q26. Do you have any comments on Section D, 'Resolving disputes and enforcement', of the Code of Practice?**

- Yes
- No
- Not sure

**Q26.1 Please provide further information to support your answer.**

**Q27. Are there any parts of Section D where the guidance is unclear, difficult to follow, or could benefit from further explanation?**

- Yes
- No
- Not sure

**Q27.1 Please provide further information to support your answer.**

**Q28. Is there anything you believe is missing or incorrect in Section D?**

- Yes
- No
- Not sure

**Q28.1 Please provide further information to support your answer.**

## **Section E: Annexes – Standardised Templates**

This section provides various standardised templates that the government encourages trade unions and businesses to use when applying for access and responding to an access request, respectively.

**Q29. Are there any parts of Section E where the guidance or templates are unclear, difficult to follow, or could benefit from further explanation?**

- Yes
- No
- Not sure

**Q29.1 Please provide further information to support your answer.**

**Q30. Is there anything you believe is missing or incorrect in Section E?**

- Yes
- No
- Not sure

**Q30.1 Please provide further information to support your answer.**

**Standardised template – access request**

**Q31. In your view, is the standardised template for access requests clear and easy to use for the purpose of submitting an access request?**

- Yes
- No
- Not sure

**Q31.1 Please provide further information to support your answer.**

**Standardised template – response to an access request**

**Q32. How clear and workable is the standardised template for employer responses to an access request, including the information employers are expected to provide?**

- Yes
- No
- Not sure

**Q32.1 Please provide further information to support your answer.**

**Standardised template – notification to the CAC of an access agreement**

**Q33. Does the proposed standardised template for notifying the Central Arbitration Committee (CAC) that an access agreement has been agreed provide sufficient clarity on the information required?**

- Yes
- No
- Not sure

**Q33.1 Please provide further information to support your answer.**

**Standardised Template - notification to the CAC of a revocation or variation of an access agreement**

**Q34. Does the proposed standardised template for notifying the Central Arbitration Committee (CAC) of a variation to, or revocation of, an access agreement previously notified to the CAC provide sufficient clarity on the information required?**

- Yes
- No
- Not sure

**Q34.1 Please provide further information to support your answer.**

## **Other**

**Q35. Do you have any comments on any other areas of the Code?**

- Yes
- No
- Not sure

**Q35.1 Please provide further information to support your answer.**

**Q36. Do you consider the draft Code of Practice, taken as a whole, to be clear, practical and workable for use by employers, trade unions and workers in real workplace settings?**

- Yes
- No
- Not sure

**Q.36.1 Please provide further information to support your answer**

## Next steps

This consultation will close on **11:59pm 20 May 2026**. Following the closure of this consultation we will analyse the responses and consider any views expressed and representations made before publishing a government response in due course.

Where evidenced, responses to this consultation may inform amendments to the draft Code of Practice.

The responses provided will help to ensure that the Code of Practice on Right of Trade Unions to Access Workplaces offers clear and sufficient detail to support understanding and use of the statutory access. This guidance aims to promote the improvement of industrial relations and best practice when exercising or facilitating statutory trade union access into the workplace.

The government plans to introduce two statutory instruments: one made under the negative procedure, which will set out the detailed requirements for access requests and responses - such as the information unions must provide when requesting access and the information employers must provide in reply - and a second made under the affirmative procedure, which will specify matters including the length of negotiation and response periods and the factors the CAC must take into account in its decision-making. Both instruments will be laid in Parliament concurrently with the final draft Code of Practice, so they can be considered together.

Pending Parliamentary approval, the statutory instruments and the Code of Practice are scheduled to come into effect, along with Clause 59 of the Employment Rights Act 2025, which establishes the overarching right of access framework, by October 2026.

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If you want the information you provide to be treated confidentially, please be aware that in accordance with the FOIA and EIR, public authorities are required to comply with a statutory regime and code of practice which deals with, amongst other things, obligations of confidence.

In view of this, it would be helpful if you could explain to us why you wish that information to be treated confidentially. If we receive a request for disclosure of information that has been provided, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances.

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The lawful basis we are relying on to process your personal data is article 6(1)(e) of the UK General Data Protection Regulation (**UK GDPR**), which allows us to process personal data when this is necessary for the performance of our public tasks in the exercise of our official authority. Where special category data is provided and therefore processed, we rely on Article 9(2)(g) UK GDPR, which allows us to process special category data where there is substantial public interest.

If your personal data is used for research purposes, we will apply suitable safeguards, such as anonymisation, pseudonymisation, and data minimisation, to ensure that your data is processed only when necessary, and always in a lawful and secure manner. Compatible research purposes may include analysis to further DBT policy development, or to analyse public consultation responses or similar requests for information from the public.

We are trialling Artificial Intelligence (AI) solutions to support the delivery of our functions. In accordance with data protection law and ICO guidance, we will not use AI alone to make decisions about you, or to inform decisions about you, unless this has been made expressly clear to you in advance. Any use of AI will be subject to appropriate human oversight.

We will apply effective data minimisation techniques to all uses of your personal data, ensuring that only the minimum necessary information is processed.

Your responses, including any personal data, may be shared with:

- (i) a third-party provider,
- (ii) another government department, or
- (iii) an organisation acting on behalf of the Department for Business and Trade under contract or an equivalent agreement that safeguards your personal information in line with DBT requirements.

These parties may use technology, including artificial intelligence, for the purpose of analysing and summarising responses, but only in accordance with DBT's agreed terms and applicable data protection law.

We will not:

- sell or rent your data to third parties
- share your data with third parties for marketing purposes
- 

We may publish a list or summary of responses in an anonymised form, including in any subsequent review reports. "Anonymised" means that all information which

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could identify you has been removed, so that individuals cannot be identified from the published data. We may also share your personal data where required to by law.

You can leave out personal information from your response entirely if you would prefer to do so.

Wherever possible please avoid including any additional personal data in free-text responses beyond that which has been requested or which you consider necessary for DBT to be aware of.

We will only retain your personal data for as long as:

- it is needed for the purposes of the consultation;
- it is needed to archive in the public interest, or scientific, historical, or statistical research, in accordance with Article 89 UK GDPR and the Data Protection Act 2018 (DPA);
- the law requires us to.

This generally means that we will hold your personal data for at least one year.

### Your Rights Under Data Protection Law

Under the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA), when your personal data is processed on the basis that it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority (Article 6(1)(e)), and, where relevant, for reasons of substantial public interest (Article 9(2)(g)), you are entitled to exercise the following rights:

- **Right of Access:** You can request copies of the personal data we hold about you.
- **Right to Rectification:** You can ask us to correct any personal data you believe is inaccurate or incomplete.
- **Right to Restriction:** You can request that we restrict the processing of your personal data in certain circumstances (for example, if you contest its accuracy or object to its processing).
- **Right to Object:** You can object to the processing of your personal data where it is processed on the basis of public task, in certain circumstances.
- **Right to Data Portability:** In some cases, you may request that your personal data is provided to you or another organisation in a structured, commonly used and machine-readable format.
- **Right to Erasure:** You can request that we erase your personal data in certain circumstances (for example, if it is no longer necessary for the purposes for which it was collected).
- **Right not to be subject to automated decision-making:** You have the right not to be

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subject to a decision based solely on automated processing, including profiling, which produces legal or similarly significant effects.

Please note that these rights are subject to certain conditions and exemptions under data protection law. If you wish to exercise any of these rights, or would like more information, please contact the Data Protection Officer at [data.protection@businessandtrade.gov.uk](mailto:data.protection@businessandtrade.gov.uk). You can also submit a complaint to the Information Commissioner's Office (ICO) at:  
Information Commissioner's Office Wycliffe House:  
Water Lane, Wilmslow, Cheshire, SK9 5AF  
W: <https://ico.org.uk/> Tel: 0303 123 1113