



UK Government

## **Government response**

# **Making Work Pay: Consultation on the draft code of practice on trade unions' right of access into workplaces**

6 July 2026



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## Introduction

The government's plan to Make Work Pay is a central part of our mission to grow the economy, raise living standards across the country and create opportunities for everyone. It will make work more secure and predictable, putting more money into working people's pockets and strengthening the foundations that underpin a modern economy.

As part of this, the government is committed to updating Britain's employment protections so that they are fit for our modern economy and for the future of work. The plan to Make Work Pay included commitments to introduce a right of access for trade unions to access workplaces for the purposes to meet, support, represent, recruit or organise workers and facilitate collective bargaining. The right of access for trade unions will support fair, modern and effective industrial relations by enabling independent trade unions to communicate directly with workers in workplaces.

Between 8 April and 20 May 2026, we consulted on a new draft statutory code of practice on how to navigate this new right. This is a statutory code, it is the principal source of practical guidance on the statutory access framework, providing workers, employers and unions greater clarity on how to navigate their interactions surrounding access. It included guidance on how access requests should be made, negotiated, and implemented across a range of workplaces, and included best practice examples to support effective engagement.

We received 793 responses, both written and through an online survey. During the consultation period, we also held roundtable meetings with businesses, trade unions and business representative organisations. They were used to discuss views on the topics and themes raised in the consultation, with attendees also reminded that more specific answers to the consultation should be provided via the consultation itself, either via email or online form.

The government is very grateful to all respondents to the consultation for their considered and helpful responses. This document sets out a summary of the feedback received in the consultation, the government's response, and next steps.

## **Executive summary**

This document sets out the government's response to the consultation on the draft Code of Practice on trade unions' right of access into workplaces.

Supporting fair, modern and constructive industrial relations is central to the government's Plan to Make Work Pay. A clear and workable right of access framework can help workers to hear from independent trade unions, support effective engagement in the workplace, and provide clarity and certainty for all parties in navigating trade union access into the workplace.

The consultation provided detailed feedback on how the draft Code should operate in practice. Many respondents considered parts of the draft Code to be clear in principle, but also identified areas where greater clarity and practical detail would support more consistent operation of the statutory access framework across different workplace settings.

The most frequently raised issues related to proportionality, the position of smaller employers, and how the enforcement framework works in practice. The government has considered these views carefully and, as a result, has made a number of targeted changes to strengthen the Code while retaining its overall purpose and structure.

These changes are intended to ensure that the Code is not only clear in principle, but workable in practice. They are also intended to support a framework that is fair, proportionate and capable of working across a wide range of workplaces and sectors.

Key changes include:

- stronger and clearer drafting on the enforcement framework, including the operation of penalties and how breaches may be treated in practice
- clearer guidance on how access agreements should operate across multiple workplaces and in different workplace settings
- improved drafting on practical issues raised during consultation, including paid time, digital access and minor administrative errors; and
- clearer explanation of the circumstances in which access may reasonably be refused, and how existing arrangements should be taken into account



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These changes will support a clearer and more consistent framework for trade union access. The final draft Code, laid in Parliament alongside the regulations setting out the procedural and operational detail of the right of access framework, will help employers, workers and trade unions to navigate the new right with greater confidence. In turn, this will support constructive and effective industrial relations and help ensure that the right of access framework delivers as part of the wider Make Work Pay agenda.

## Methods of analysis

This document summarises the key findings from the consultation and sets out the government's conclusions and intended next steps. It does not seek to reflect every individual point raised, nor does it address matters outside the scope of the consultation. Instead, it focuses on the most commonly raised and relevant issues, explaining where the government has made changes in response and, where it has decided not to do so, the reasons for that decision.

Where appropriate, the document also provides a high-level thematic summary of the views expressed by respondents. These summaries are not exhaustive but are intended to reflect the most prevalent and significant issues raised.

Consultation responses were analysed using a combination of quantitative and qualitative methods. Closed questions were assessed using standard statistical techniques, while open-text responses were reviewed qualitatively. This involved grouping responses into themes, coding these responses, and assessing overall sentiment to identify recurring views.

To ensure a consistent approach to counting and reporting responses, the following principles were applied:

- submissions provided on behalf of more than one individual or organisation were treated as a single response
- submissions had to have completed the entire survey and clicked finish to be considered valid responses
- submissions that contained only contact details, without answering any questions, were excluded; and
- responses that did not contain meaningful content (for example, random or nonsensical text) were disregarded

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- responses or comments that primarily objected to the underlying policy (either the core principle of trade union right of access as a whole or operational details of the framework), rather than the drafting of the Code of Practice, were treated as out of scope

Many respondents chose to answer only questions of particular interest to them and left others unanswered. For that reason, the analysis for each question sets out how many of the total respondents provided a relevant response.

For closed questions with the response options, 'Yes', 'No' or 'Not sure', percentages are based on those responses. Where respondents did not select one of these options, their answers were interpreted as follows:

- responses indicating agreement were classified as 'Yes'
- responses indicating disagreement or proposing alternative approaches were classified as 'No'
- responses that did not clearly indicate a position were classified as 'Not sure'

Percentages are rounded to the nearest whole number and may not always add up to 100%.

## About you

These questions gave us information on the type of organisation the respondents were representing, their size and the number of responses. These allowed us to break down responses to other questions by organisation type and number of responses. We received 744 (93.8%) responses to an online survey<sup>1</sup> and 49 (6.2%) responses in writing.

The most common category of respondent were employers (76.8%), followed by individuals (13.9%). This was followed by business representative organisations or trade bodies (3.7%), other (3.2%), and trade unions (1.8%). The table below provides a breakdown.

Table 1: Please indicate whether you are responding as:

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<sup>1</sup> This excludes cases where respondents either opened the online survey and did not respond to any questions, or only responded to the questions in the 'About you' section.

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|                                                   | Count | Proportion |
|---------------------------------------------------|-------|------------|
| All respondents                                   | 793   | 100%       |
| An employer                                       | 609   | 76.8%      |
| A business representative organisation/trade body | 29    | 3.7%       |
| An employee/worker/individual                     | 110   | 13.9%      |
| A trade union or staff association                | 14    | 1.8%       |
| Other                                             | 25    | 3.2%       |
| A legal representative                            | 3     | 0.4%       |
| An academic                                       | 1     | 0.1%       |

In terms of business, organisation, or workplace size, respondents were more often from small organisations (11 to 50 staff) (51.3%). This was followed by respondents from medium organisations (51 to 250 staff) (25.5%), then micro organisations (fewer than 10 staff) (13.4%). Only 5.5% of respondents were from large organisations (more than 250 staff), and 4% provided no answer to this question.

Multiple representative organisations (for example trade unions and business representative organisations) responded to the consultation. Responses by these representative organisations were taken into account as one response each without weighting the responses to the number of people or businesses they represent. It is important to note that trade unions, business representative organisations, and industry bodies represent millions of workers and businesses across the country. But, for the purpose of the analysis for this consultation, contributions from these representative groups were considered as one response noting that they reflect the views of their respective members. The analysis below is therefore determined by the demographics of the respondents and not the size of their representation.

Table 2: Count and proportion of respondents by organisation size

|                             | Count | Proportion |
|-----------------------------|-------|------------|
| All respondents             | 793   | %          |
| Micro (fewer than 10 staff) | 106   | 13.4%      |

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|                          |     |       |
|--------------------------|-----|-------|
| Small (11 to 50 staff)   | 407 | 51.3% |
| Medium (51 to 250 staff) | 202 | 25.5% |
| Large (250+ staff)       | 44  | 5.5%  |
| No answer                | 32  | 4.0%  |

## **Responses to consultation questions**

It should be noted that respondents were generally more likely to provide additional detail where they considered that changes to, or refinement of, the draft Code were needed.

As a result, the summaries of responses to each question naturally focus more on suggested improvements to the draft Code than on areas where respondents considered it to be sufficient or did not seek change. Both positive and negative views were taken into account before decisions were made and the final draft Code was published.

For the purposes of analysis, each submission was treated as a single response. However, some submissions were made on behalf of representative organisations or other bodies and may therefore reflect the views of a wider group. This was taken into account, alongside all other responses, when considering the issues raised and deciding what changes should be made to the Code.

The final draft Code includes targeted updates to improve clarity and understanding, while retaining those parts of the draft that respondents considered clear and well understood.

## Section B – establishing an access agreement

### Question 1

- Do paragraphs 23 to 28 provide sufficient detail and clear advice on how trade unions should submit an access request? Please provide further information to support your answer.

**722 respondents (91.0%) answered Yes**, 39 respondents (4.9%) answered No, and 5 respondents (0.6%) answered Not Sure, and 27 respondents skipped this question (3.4%).

Of those who responded to this question, 99 respondents provided further information to support their answer.

Many respondents found paragraphs 23 to 28 clear, considering that they provide a straightforward explanation of how trade unions should submit an access request. Some respondents also said the guidance would benefit from further practical detail, particularly on who within an employer organisation an access request should be sent to, when the 15-working day response period begins, and what minimum information a trade union should provide. Respondents also raised questions about how the process would operate for multi-site employers and more complex organisational structures, including the handling of digital access, email communication and record-keeping.

Some respondents also sought greater clarity on the relationship between voluntary access arrangements and the statutory process, particularly where existing voluntary or recognition-based arrangements are already in place. Sector-specific points were also raised, including operational, safeguarding, health and safety, privacy and security considerations in settings such as adult social care, hospitality, logistics and healthcare. Overall, the main areas identified for improvement related to operational clarity and ensuring that the process works consistently across different workplace contexts.

## **Question 2**

- Do paragraphs 29 to 33 provide sufficient detail and clear advice on how an employer should respond to an access request? Please provide further information to support your answer.

**712 respondents (89.8%) answered Yes**, 44 respondents (5.5%) answered No, and 9 respondents (1.1%) answered Not Sure. 28 respondents skipped this question (3.5%).

Of those who answered this question, 102 provided further information. A large number of respondents considered the guidance to be clear, sufficient or broadly workable. Among those who provided further comments, the issues raised include whether the term “working days” should be defined more clearly for employers operating outside a standard Monday to Friday pattern. Respondents also sought greater flexibility to reflect different operational contexts, including SMEs, large or multi-site employers, schools, hospitality, retail, manufacturing, care settings, outsourced workplaces and other environments where internal consultation, staffing pressures, safeguarding, confidentiality or third-party approval may affect the ability to respond quickly.

Respondents also raised points about the clarity of the process itself. In particular, some sought further detail on the circumstances in which an employer may reject or partially reject a request, the reasons or evidence that should be provided, and whether information should still be shared where a request is rejected. A number also commented on the process for extending the response period and notifying the CAC, with some suggesting that paragraph 32 was unclear or overly burdensome. Other points raised included the handling of requests submitted during holidays, shutdowns or peak trading periods, the role of templates.

## **Question 3**

- 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? Please provide further information to support your answer.

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**720 respondents (90.8%) answered Yes**, 37 respondents (4.7%) answered No, and 8 respondents (1.0%) answered Not Sure and 28 respondents skipped this question (3.5%).

Of those who answered this question, 91 provided further information. A majority of respondents considered paragraphs 34 to 41 to be clear, with some welcoming the emphasis on good-faith engagement and the staged process for negotiation before any referral to the CAC. Respondents who suggested improvements most commonly asked for clearer definitions or examples of terms such as “good faith”, “fruitful negotiations” and “reasonable” engagement, as well as further detail on how negotiation periods, extensions and CAC referrals would operate in practice. Some also considered that the process could be simplified or supported by practical tools such as flowcharts, model templates and clearer guidance on the expected content of access agreements. A smaller number highlighted the need for the guidance to recognise operational constraints, particularly for SMEs, multi-site employers and sectors with safeguarding, security or third-party premises considerations, and to make clear that legitimate operational concerns should not automatically be viewed as bad-faith engagement.

## **Question 4**

- 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? Please provide further information to support your answer.

**725 respondents (91.4%) answered Yes**, 29 respondents (3.7%) answered No, and 7 respondents (0.9%) answered Not Sure and 32 respondents skipped this (4%).

Of those who answered this question, 83 provided further information. Responses to Question 4 were relatively limited. Among substantive responses, the most common view was that paragraph 42 is broadly clear in setting out that matters may be referred to the CAC where negotiations are unsuccessful. Where respondents have said the guidance would benefit from clearer drafting, they have raised time limits (55-day referral period, 15 working days) and how these interact with negotiation periods or agreed extensions.



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Respondents also called for more practical detail on when negotiations should be treated as unsuccessful, what information or evidence should be submitted to the CAC, and what happens after referral. Some respondents also suggested the process should avoid premature escalation, include clearer timelines or flowcharts, and better reflect the capacity constraints of SMEs or complex organisations. A smaller number raised wider concerns about CAC involvement or the underlying policy, which were treated as out of scope.

## **Question 5**

- 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?

29 respondents (3.7%) answered Yes, **723 respondents (91.2%) answered No**, and 11 respondents (1.4%) answered Not Sure and 30 respondents skipped this (3.8%).

Of those who answered this question, 748 provided further information. A majority of respondents considered that paragraphs 43 to 47 would benefit from greater practical clarity. The most common concern was that it did not explain access principles in sufficient detail and how the CAC would weigh those factors when deciding whether access should take place. Respondents frequently called for clearer criteria, examples or thresholds to support consistent decision-making, particularly in relation to operational disruption, proportionality and the meaning of terms such as “unreasonable interference” and “unreasonable steps”.

Respondents also commonly argued that the CAC should take account of existing employee engagement, workplace culture and direct communication arrangements when considering whether access is necessary or proportionate. A smaller number raised procedural or sector-specific matters, including model terms, CAC panel arrangements, appeal or hearing processes, safeguarding, security and customer-facing workplaces.

## **Question 6**

- Are the circumstances set out in paragraphs 48 to 51, in which access must not be granted or may reasonably be refused, clear and

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appropriately detailed? Please provide further information to support your answer.

34 respondents (4.3%) answered Yes, **726 respondents (91.6%) answered No**, and 4 respondents (0.5%) answered Not Sure and 29 respondents skipped this (3.7%).

Of those who answered this question, 752 provided further information. The most common theme raised was that the grounds for refusing access were too narrow and should more clearly allow employers to refuse access where it would cause material disruption to operations, service delivery or business viability. Many responses also referred to limited staffing, management and administrative capacity in smaller employers. A second group of responses argued that the Code should better recognise workplaces where employers already have strong employee relations, direct engagement and low staff turnover, and that access may add limited value in those circumstances. Some respondents also called for clearer drafting and more objective detail on how the refusal grounds should operate in practice, including around notice periods, duration and practical boundaries on access. A smaller number raised sector-specific issues such as security, safeguarding or site-specific constraints.

## **Question 7**

- 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? Please provide further information to support your answer.

29 respondents (3.7%) answered Yes, **723 respondents (91.2%) answered No**, and 12 respondents (1.5%) answered Not Sure and 29 respondents skipped this (3.7%).

Of those who answered this question, 744 provided further information. The most commonly raised themes raised were that the guidance does not provide enough protection for smaller employers from disproportionate operational impact, and that SMEs should be able to refuse access where it would undermine efficient operations, strain limited management capacity, or create significant cost or disruption. Many respondents also said the Code should recognise the

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cumulative burden of repeated access requests, as disruption that may appear manageable in isolation could become significant over time.

A second group of responses said there should be a clearer mechanism for employers to show that access is unnecessary where they already have strong internal communication, direct employee engagement and positive workplace relations. Respondents also frequently said the concept of “significant structural changes” is too narrow and should be broadened to include operational disruption, management capacity and cost implications. A smaller number raised the interaction with existing recognition arrangements or statutory recognition processes.

## **Question 8**

- 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? Please provide further information to support your answer.

18 respondents (2.3%) answered Yes, **733 respondents (92.4%) answered No**, and 13 respondents (1.6%) answered Not Sure and 29 respondents skipped this (3.7%).

Of those who answered this question, 756 provided further information. The most commonly raised themes against this question were that the Code appears more suited to larger organisations with dedicated HR, compliance and administrative capacity. Many respondents said access duration should be scaled according to workforce size and operational capacity, rather than applied through a one-size-fits-all model. Respondents also called for clearer drafting, especially around what constitutes “unreasonable interference” and how employers may manage or limit access where it would disrupt productivity, service delivery or staffing. Some respondents also raised practical issues around notice periods, meeting space, digital alternatives, health and safety, and sector-specific constraints. A smaller number considered the model terms broadly clear or workable.

## **Question 9**

- 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

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operate in practice? Please provide further information to support your answer.

**723 respondents (91.2%) answered Yes**, 24 respondents (3.0%) answered No, and 11 respondents (1.4%) answered Not Sure and 35 respondents skipped this (4.4%).

Of those who answered this question, 80 provided further information. The most commonly raised points were that the guidance would benefit from clearer drafting and more practical detail, including how joint applications should be coordinated, how unions should work together, and who the employer should deal with during the process. Many respondents also asked for greater clarity on whether there should be a lead union, designated contact, or agreed allocation of responsibilities where more than one union is involved.

Other respondents raised concerns about how joint applications would affect access time and employer burden. Respondents asked whether access entitlements (i.e. weekly access) would be shared or separate, and whether joint applications could result in duplicate meetings, communications or increased operational disruption. Some also highlighted the need for mechanisms to manage disagreement between unions, and for clearer drafting regarding complex workplaces, including multiple sites or overlapping worker groups. A smaller number considered the guidance broadly clear or workable.

## **Question 10**

- Do you have any additional comments on Section B, of the Code of Practice? Please provide further information to support your answer.

**682 respondents (86.0%) answered Yes**, 64 respondents (8.1%) answered No, and 5 respondents (0.6%) answered Not Sure and 41 respondents skipped this (5.2%).

Of those who answered this question, 736 provided further information. A point raised frequently was that the Code should allow more discretion or stronger safeguards where access arrangements would be impracticable or disruptive. Other comments focused on practical operation. Respondents referred to the cumulative burden of repeated access requirements, the need for a clearer test of what amounts to operational disruption, and practical constraints such as

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limited space, site-specific pressures, health and safety considerations, and managing access in different workplace settings. A smaller number of responses called for the drafting to be simplified or supported by clearer practical guidance.

## **Government response to question 1-10 (section B)**

The government is grateful to all those who responded to Section B of the consultation. While many respondents considered the draft guidance to be clear in principle, feedback indicated that further refinement would help ensure the statutory framework operates effectively in practice.

Therefore, the government has made targeted changes to Section B to improve clarity, support consistent application and make the framework easier to navigate. These changes broadly focus on the key stages of the process, including initial requests, employer responses, engagement between the parties, referral to the Central Arbitration Committee (CAC), and the operation of model terms.

### **Access requests and employer responses**

The government has revised the Code to provide clearer and more practical guidance on the early stages of the process. In particular, the Code now explains more clearly the relationship and differences between voluntary arrangements and the statutory framework, the forms of access that may be sought, the information that should accompany a request, and the role of standardised templates. The drafting has also been strengthened to make clear that minor clerical or administrative errors should not, by themselves, justify rejection of an application, and that parties should engage constructively where further information is needed. These changes are intended to support a more practical and proportionate process at the outset. A number of further drafting changes have also been made in this area to improve the practical operation of the process in more complex workplace settings.

We have also amended the Code to clarify a number of points relating to employer responses. The Code now gives greater clarity on when the response period begins, to whom a response should be sent, and the matters that should be addressed where an employer considers that proposed access terms would be difficult to accommodate in practice. It also provides clearer guidance on the information parties should exchange at this stage, in order to support more informed and constructive engagement. Further drafting changes have been

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made in this part of the Code to reduce unnecessary uncertainty about communication and notification arrangements and to support more consistent handling of requests across different workplace contexts.

### Negotiation and referral to the CAC

In response to comments on negotiations and referrals, we have amended the drafting to make clearer when the negotiation period begins, the expectation that parties should engage in good faith, the steps that may help negotiations to proceed effectively, and the circumstances in which a matter may be referred to the CAC. The Code also now provides greater practical detail on the information that should accompany a referral, the interaction between the relevant statutory time periods, and the position where an employer does not provide a response within the required period. A summary table has been added to make the key stages and time limits easier to follow. This includes a number of smaller changes intended to reduce uncertainty about procedural requirements and support a more orderly process in practice.

### CAC decision-making

We have strengthened the Code's explanation of the statutory framework the CAC must apply when deciding whether access should take place. This includes clearer signposting to the access principles set out in legislation, a fuller explanation of those principles, and clearer drafting on the circumstances in which access must not be granted or may reasonably be refused. Further changes were also made to improve clarity in more complex cases, including those involving national security considerations, overlapping arrangements and simultaneous access requests. In a number of places, the drafting has been refined to ensure that the Code more clearly reflects the statutory framework and does not give rise to unnecessary uncertainty about how that framework should be understood.

### Model terms and joint applications

On the topic of model terms, we have revised the draft Code to provide greater clarity on how they are intended to operate in practice, including in relation to frequency of access, multiple workplaces and safeguarding requirements. The Code also now includes a summary table of the model terms and relevant factors. In addition, the guidance on joint applications by two or more trade unions has

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been strengthened to provide more detail on how such applications may operate in practice, including where they relate to the same workplace or to different workplaces of the same employer. Further changes have also been made to improve the operation of the Code in more complex or atypical cases, including multi-site workplaces, overlapping arrangements and other circumstances where additional clarity is helpful.

In addition to the more substantive changes described above, the government has made a number of smaller drafting and presentational amendments throughout Section B. These are intended to improve clarity, support consistency with the statutory framework, and provide greater practical assistance on the operation of the Code across different workplace contexts. Taken together, these changes are designed to make the Code easier to navigate and apply in practice.

Overall, these changes will support a clearer and more consistent framework for establishing access agreements.

## **Section C – operation of an access agreement**

### **Question 11**

- 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? Please provide further information to support your answer.

30 respondents (3.8%) answered Yes, **715 respondents (90.2%) answered No**, and 12 respondents (1.5%) answered Not Sure and 36 respondents skipped this (4.5%).

Of those who answered this question, 744 provided further information. The most commonly raised issue was the availability of suitable space and facilities, with many respondents saying that some employers may have limited meeting rooms,



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private areas or other appropriate premises for access activity. A closely related theme, also raised frequently, was the risk of operational disruption, including impacts on workflow, staffing, customer service and day-to-day management. Many respondents also said the Code should give employers greater discretion to decide what is practicable in their own workplace circumstances.

Other respondents focused on specific constraints that respondents felt needed clearer treatment in the drafting. In particular, a minority referred to health and safety, security or safeguarding requirements, and some said the guidance would benefit from clearer wording or more practical examples.

## **Question 12**

- 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? Please provide further information to support your answer.

40 respondents (5.0%) answered Yes, **713 respondents (89.9%) answered No**, and 11 respondents (1.4%) answered Not Sure and 29 respondents skipped this (3.7%).

Of those who answered this question, 737 provided further information. Responses to Question 12 mainly focused on the practical implications of requiring off-site or digital alternatives where suitable on-site meeting space is not available. The most common themes were the potential cost and administrative burden for employers, particularly SMEs, and concerns that the draft assumes a level of flexibility or spare capacity that many smaller businesses do not have. A related and frequently raised point was that employers should have greater discretion to determine whether off-site or digital arrangements are reasonably practicable in their particular circumstances.

Other responses focused on the need for clearer drafting and more practical guidance. Respondents said the Code would benefit from more detail and examples on when off-site or digital alternatives should be used and how local workplace, sectoral or operational constraints should be taken into account. Some respondents supported explicit recognition of digital or off-site arrangements as valid options where on-site space is unavailable.



## Question 13

- Is the guidance in paragraphs 76 to 79 clear and sufficiently detailed on when access should take place? Please provide further information to support your answer.

30 respondents (3.8%) answered Yes, **717 respondents (90.4%) answered No**, and 15 respondents (1.9%) answered Not Sure and 31 respondents skipped this (3.9%).

Of those who answered this question, 737 provided further information. The most commonly raised theme was concern that access during normal working hours could disrupt productivity, service delivery and day-to-day business continuity. Many respondents said smaller employers may have limited spare capacity to cover staff absence, meaning even short periods of access can have a more significant impact than in larger organisations. A closely related point, also raised frequently, was that the guidance should give employers greater flexibility or control over timing so that access can be arranged around operational requirements, staffing levels and peak periods.

Other respondents commented that the drafting would benefit from greater clarity and practical detail, particularly around what is meant by “minimal disruption” and how that should be applied in practice. Some respondents also highlighted the need to reflect sector-specific or local operational constraints, such as shift patterns, care delivery, safeguarding, production schedules or other workplace pressures. A smaller number referred to digital or off-site arrangements, or to cost and pay implications where access takes place outside normal working hours.

## Question 14

- 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? Please provide further information to support your answer.

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35 respondents (4.4%) answered Yes, **714 respondents (90.0%) answered No**, and 9 respondents (1.1%) answered Not Sure and 35 respondents skipped this (4.4%).

Of those who answered this question, 733 provided further information. The most commonly raised issue was the need to strike a better balance between protecting the privacy of access meetings and allowing employers to maintain legitimate management oversight. Many respondents said that, in SMEs and closely managed workplaces, excluding managers or supervisors entirely could be difficult in practice and may create operational challenges. A closely related theme, also raised frequently, was concern about how the privacy provisions would interact with existing workplace policies and arrangements, including supervision, safeguarding, security, confidentiality and the use of CCTV or other monitoring systems.

Some respondents emphasised practical workplace constraints, pointing to the difficulty of ensuring privacy without undermining health and safety, safeguarding or day-to-day operational awareness, especially where space is limited or teams work closely together. Some also called for clearer drafting and more practical explanation of when management attendance may be justified and how surveillance or recording equipment should be treated in different workplace settings.

## **Question 15**

- 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? Please provide further information to support your answer.

36 respondents (4.5%) answered Yes, **710 respondents (89.5%) answered No**, and 13 respondents (1.6%) answered Not Sure and 34 respondents (4.3%) skipped this question.

Of those who answered this question, 731 provided further information. The most commonly raised themes were that employers, particularly SMEs, may have limited or no authority over landlords, site operators, clients or other third parties, and that facilitating access in these circumstances could create significant administrative burden, delay, cost and operational complexity. Many respondents

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also said the guidance would benefit from clearer drafting on the respective roles of employers and third parties, including what amounts to taking “reasonable steps” and how the proposed referral route to the CAC would work in practice. A closely related point, also raised frequently, was the need for greater clarity on responsibility, liability and accountability where access cannot be arranged because of factors outside the employer’s control.

Some respondents argued that the Code should provide greater flexibility, safeguards or an ability to limit access where it is not reasonably practicable. Some respondents also referred to site-specific constraints, including security, health and safety, safeguarding, or the possible use of digital or off-site alternatives in some circumstances.

## **Question 16**

- 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? Please provide further information to support your answer.

32 respondents (4.0%) answered Yes, **716 respondents (90.3%) answered No**, and 13 respondents (1.6%) answered Not Sure and 32 respondents skipped this (4%).

Of those who answered this question, 735 provided further information. The most commonly raised themes were that arranging access across shift patterns, part-time roles and workers who rarely attend the workplace could create significant administrative and scheduling complexity, particularly for SMEs, and that the draft does not sufficiently reflect the management and staffing constraints smaller employers face in practice. Many respondents also said that the guidance should allow greater flexibility or discretion for employers to determine what is reasonably practicable in light of their operational needs, staffing levels and business model. A closely related point, also raised frequently, was that in small teams or tightly coordinated operations, highly flexible arrangements may not always be operationally feasible without creating disruption.

Some respondents focused on the need for clearer drafting and more practical guidance on how the arrangements should apply in different circumstances. Others said the Code should better reflect specific worker patterns, sectors and workplace settings, including shift-based, remote, dispersed or multi-site

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workforces. A smaller number referred to the role of digital access and said this could be useful for workers who rarely attend the employer's premises, although some suggested the guidance should explain this more clearly.

## **Question 17**

- 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?

22 respondents (2.8%) answered Yes, **728 respondents (91.8%) answered No**, and 13 respondents (1.6%) answered Not Sure and 30 respondents skipped this (3.8%).

Of those who answered this question, 744 provided further information. Responses to Question 17 mainly focused on whether the draft guidance on digital access is workable in practice, particularly for SMEs. The most commonly raised themes were concerns about data protection, confidentiality and cyber-security, with many respondents saying that allowing digital access or indirect digital communication could expose employers to additional compliance and information-security risks. A closely related and frequently raised point was that many smaller employers may lack the IT systems, infrastructure or specialist support needed to manage digital access arrangements securely and consistently. Many respondents also said that digital access should not be treated as a default expectation and should instead take place only where it has been explicitly agreed and can be managed safely in practice.

There was also a focus on the practical operation of consent and personal data requirements. Respondents said that consent-based processes could be complex and administratively burdensome, particularly for smaller employers, and some also raised concern about the impact of external digital communication on workplace culture or the risk of inappropriate influence through internal channels. A smaller number of responses supported digital access in principle or saw it as a useful and proportionate option, but generally said the Code would benefit from clearer drafting and more practical detail. Only a very limited number of comments were best understood as objections to the underlying policy rather than points about the drafting or operation of the Code.

## **Question 18**

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- 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? Please provide further information to support your answer.

318 respondents (40.1%) answered Yes, **420 respondents (53.0%) answered No**, and 20 respondents (2.5%) answered Not Sure and 35 respondents skipped this (4.4%).

Of those who answered this question, 452 provided further information. Responses to Question 18 mainly focused on whether the amendment and revocation process is flexible enough where circumstances change. The most commonly raised themes were that requiring agreement between the parties may be too rigid, particularly for SMEs, and that employers may need a clearer route to vary, suspend or end access arrangements where they become unworkable. Many respondents also said the guidance should better reflect business pressures such as staffing shortages, financial strain, operational disruption, changes in premises, or other circumstances requiring a quick response. A related point, raised frequently, was that notification to the CAC could create disproportionate administrative burden, complexity or delay for smaller employers.

A second group of responses called for clearer drafting and more practical detail on when amendment, revocation, renewal or review would be appropriate, and how disagreements should be handled if parties cannot agree. Some respondents considered the guidance broadly clear and workable, particularly because it provides a defined process for changing arrangements.

## **Question 19**

- Is the guidance in paragraph 99 helpful and appropriate on how access agreements may interact with the statutory trade union recognition process? Please provide further information to support your answer.

42 respondents (5.3%) answered Yes, **703 respondents (88.7%) answered No**, and 12 respondents (1.5%) answered Not Sure and 36 respondents skipped this (4.5%).

Of those who answered this question, 718 provided further information. Responses to Question 19 mainly focused on the need for clearer guidance on

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how access agreements interact with the statutory trade union recognition process. The most commonly raised theme was that paragraph 99 would benefit from clearer drafting, simpler explanation and more practical examples. Many respondents said the Code should more clearly distinguish between access arrangements and statutory recognition, including how the two processes differ and what obligations apply under each. A related point, raised frequently, was the need for greater clarity on sequencing, overlap and responsibilities where access activity and recognition processes may be happening at the same time.

A smaller number of responses considered the guidance broadly clear and workable. Only a limited number of comments were primarily objections to the underlying policy rather than points about the drafting or operation of the Code.

## **Question 20**

- Do you have any comments you have any additional comments on Section C? Please provide further information to support your answer.

**680 respondents (85.8%) answered Yes**, 74 respondents (9.3%) answered No, and 1 respondent (0.1%) answered Not Sure and 37 respondents skipped this (4.7%).

Of those who answered this question, 722 provided further information. The most commonly raised themes were that the guidance does not sufficiently reflect the resources, capacity and facilities available to SMEs, and that the cumulative effect of the requirements could create operational disruption or administrative burden. Many respondents said Section C should be simplified and made more practical, with clearer drafting and guidance that is easier for smaller employers to apply.

A group of responses argued that the Code should allow greater flexibility and proportionality, so arrangements can be tailored to the circumstances of different workplaces and business sizes. Some respondents also suggested that the threshold for these requirements is too low and should apply only to larger employers. A smaller number considered the guidance broadly clear or useful.

## **Government response to question 11-20 (Section C)**

The government would like to thank respondents for their thoughtful returns against these questions. Responses indicated that, while some considered parts of the draft guidance to be clear in principle, many thought that further clarification and practical detail would improve how access arrangements operate in practice, particularly across different workplace settings and for employers with limited space, capacity or operational flexibility.

Following careful consideration of these responses, we have made a number of targeted changes to Section C of the Code to improve clarity, support more consistent application and provide greater practical guidance on the operation of access agreements. These changes are intended to help ensure that the Code works effectively across a range of workplace contexts, while remaining consistent with the statutory framework.

### **Where and when access takes place**

We revised the Code to provide greater clarity on how access should operate in practice in different workplace settings. This includes clearer guidance on where access may take place, the use of workplace facilities, and the need to take account of relevant operational, health and safety, security and safeguarding considerations within the workplace concerned. The Code now also contains additional practical examples and clearer drafting to support application in a wider range of workplace contexts.

We also made changes to improve clarity on when access should take place and how this should operate in practice. This includes clearer drafting on the timing of access, the practical effect on workers' ability to participate, and the position where access takes place during working time. Taken together, these changes are intended to support clearer and more consistent expectations about how access arrangements should operate day to day.

### **Privacy, oversight and wider protections**

In response to comments on privacy and workplace oversight, we refined the Code to provide clearer guidance on how privacy should be protected in practice



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while recognising that access arrangements may operate alongside existing workplace policies and systems. This includes clearer drafting on the treatment of surveillance, recording and monitoring in the context of both in-person and digital access.

A number of amendments were made to this part of the Code to improve clarity on the wider legal context in which access arrangements operate. These changes are intended to ensure that the Code more clearly explains how existing protections and obligations apply alongside access arrangements, rather than altering the underlying legal framework.

### Third-party premises, non-typical workers and digital access

We have strengthened the guidance on cases where access arrangements operate in more complex circumstances. This includes clearer guidance where the employer does not control the premises, where workers have non-typical working patterns, and where access is sought through digital means. The Code now provides greater practical assistance on how access arrangements should be approached in those cases, including through clearer drafting, additional examples and improved explanation of how the framework should operate in practice.

In relation to digital access, we clarified a number of points to improve understanding of how digital access arrangements should work in practice and how they interact with the existing legal frameworks. This includes clearer guidance on the forms digital access may take, the role of agreement between the parties, and the treatment of data-sharing and consent issues. These changes are intended to improve clarity and reduce unnecessary uncertainty, particularly in cases involving indirect digital communication or personal data.

### Amendment, revocation and interaction with the statutory recognition process

A number of changes were made to clarify the operation of the Code where access agreements are amended or revoked, and where access arrangements interact with the statutory recognition framework. These changes are intended to provide greater clarity on the practical operation of the process where circumstances change or where different statutory frameworks may overlap in



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practice. The Code now includes clearer signposting and explanation in these areas to support understanding and reduce the risk of confusion.

In addition, we amended certain parts of this section to improve the overall structure and presentation of the Code, such as a number of drafting refinements, to ensure that it is clearer and easier to use in practice.

Taken together, these changes intend to support a clearer and more workable framework for the operation of access agreements in practice.

## Section D – resolving disputes and enforcement

### Question 21

- 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? Please provide further information to support your answer.

**731 respondents (92.2%) answered Yes**, 17 respondents (2.1%) answered No, and 13 respondents (1.6%) answered Not Sure and 32 respondents skipped this (4%).

Of those who answered this question, 84 provided further information. Among those who provided substantive comments, the most common view was that encouraging early dialogue between employers and trade unions is broadly clear and workable, and could help avoid escalation, formal CAC involvement, cost and administrative burden.

Some respondents said the guidance would benefit from more structure on how dialogue should operate in practice, such as clearer steps, timelines, named contacts or escalation routes. A smaller number said dialogue should not override legitimate employer concerns where access arrangements are impractical.

### Question 22

- 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? Please provide further information to support your answer.

41 respondents (5.2%) answered Yes, **702 respondents (88.5%) answered No**, and 10 respondents (1.3%) answered Not Sure and 40 respondents skipped this (5%).

Of those who answered this question, 719 provided further information.

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Many respondents said the information and evidence requirements should be clearer and more proportionate, so that parties understand what must be provided without creating unnecessary procedural burden. Other responses said the complaints process appeared too formal or complex and should be simplified to reduce the risk of procedural error or unintended non-compliance. Some respondents called for clearer guidance on how employers can defend their position, and how the CAC will assess complaints in practice. A smaller number considered the guidance broadly clear and workable.

## **Question 23**

- 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? Please provide further information to support your answer.

35 respondents (4.4%) answered Yes, **713 respondents (89.9%) answered No**, and 7 respondents (0.9%) answered Not Sure and 38 respondents skipped this (4.8%).

Of those who answered this question, 722 provided further information. Responses to Question 23 mainly focused on the scope and proportionality of the CAC's powers where a complaint is upheld. The most commonly raised themes were that the powers to alter agreements, issue compliance orders or impose penalties should be applied proportionately, with stronger safeguards for SMEs. Many respondents said the guidance should provide clearer practical detail on how the CAC would decide which power to use, and how factors such as business size, seriousness of breach, intent and impact would be taken into account.

Some respondents also highlighted the potential operational, financial or planning impact of altered agreements, compliance orders or penalties. A smaller number considered the guidance broadly clear and workable.

## **Question 24**

- 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

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consider and the treatment of repeated or cumulative breaches? Please provide further information to support your answer.

26 respondents (3.3%) answered Yes, **714 respondents (90.0%) answered No**, and 20 respondents (2.5%) answered Not Sure and 32 respondents skipped this (4%).

Of those who answered this question, 730 provided further information. Responses to Question 24 mainly focused on the proportionality and transparency of financial penalties. Many respondents said the guidance should be clearer on the CAC's methodology when determining the penalty level, including how different factors would be weighted and how repeated or cumulative breaches would affect the final penalty value.

Other respondents raised concern that penalties could be too severe where breaches are minor, technical or administrative rather than deliberate. Some respondents therefore called for clearer safeguards, examples and escalation principles, including how repeated breaches would be distinguished from isolated mistakes.

## **Question 25**

- 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? Please provide further information to support your answer.

334 respondents (42.1%) answered Yes, **410 respondents (51.7%) answered No**, and 12 respondents (1.5%) answered Not Sure and 36 respondents skipped this (4.5%).

Of those who answered this question, 443 provided further information. Respondents said the guidance should provide clearer and simpler practical information on how the appeal process works, including steps, timelines, requirements and what happens while an appeal is ongoing. Some respondents suggested a more proportionate or SME-friendly review route may be needed. A smaller number considered the guidance broadly clear and workable. Comments that were mainly objections to the underlying policy, rather than the operation of the appeal process, were treated as out of scope.

## **Question 26**

- Do you have any comments on Section D, 'Resolving disputes and enforcement', of the Code of Practice? Please provide further information to support your answer.

**690 respondents (87.0%) answered Yes**, 55 respondents (6.9%) answered No, and 7 respondents (0.9%) answered Not Sure and 41 respondents skipped this (5.2%).

Of those who answered this question, 714 provided further information. Responses to Question 26 mainly focused on the overall complexity and proportionality of Section D. The most commonly raised themes were that the dispute resolution and enforcement framework may be difficult for SMEs to navigate without HR, legal or administrative support, and that it could expose smaller employers to disproportionate legal, financial or penalty risks. Many respondents said the guidance should place greater emphasis on proportionality, such as clearer distinction between minor or technical breaches and deliberate non-compliance.

Other responses called for clearer, simpler and more accessible guidance on how dispute resolution and enforcement would operate in practice, including practical steps, timelines and examples. A smaller number considered the guidance broadly clear or supported early dialogue as a way to avoid escalation. Comments that were mainly objections to the underlying policy were treated as out of scope.

## **Question 27**

- Are there any parts of Section D where the guidance is unclear, difficult to follow, or could benefit from further explanation? Please provide further information to support your answer.

**707 respondents (89.2%) answered Yes**, 31 respondents (3.9%) answered No, and 12 respondents (1.5%) answered Not Sure and 43 respondents skipped this (5.4%).

Of those who answered this question, 710 provided further information. Responses to Question 27 mainly focused on areas of Section D where respondents felt the guidance could be clearer or easier to apply. The most

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commonly raised themes were the need for simpler language, clearer drafting and more practical examples, and for key terms to be defined more precisely so that employers and unions understand how the dispute and enforcement provisions would operate in practice. Many respondents also said the guidance should explain more clearly how operational impact on SMEs would be assessed.

A second group of responses called for stronger differentiation by business size, with greater proportionality for SMEs and smaller employers with limited HR, legal or administrative capacity. A smaller number considered the guidance broadly clear or said no further explanation was needed. Comments mainly objecting to the underlying policy, rather than the drafting or operation of Section D, were treated as out of scope.

## **Question 28**

- Is there anything you believe is missing or incorrect in Section D? Please provide further information to support your answer.

**701 respondents (88.4%) answered Yes**, 36 respondents (4.5%) answered No, and 16 respondents (2.0%) answered Not Sure and 40 respondents skipped this (5%).

Of those who answered this question, 715 provided further information. Responses to Question 28 mainly focused on proportionality and the impact of Section D on smaller employers.

Other respondents said the Code should more clearly recognise existing positive employee engagement and workplace culture and should provide clearer refusal grounds or operational-impact tests where access would be disruptive or unnecessary. Some respondents also called for clearer, simpler guidance and more practical examples to help employers understand how Section D would operate in practice. Comments that mainly objected to the underlying policy, rather than the drafting or operation of the Code, were treated as out of scope.

## **Government response to question 21-28 (section D)**

The government thanks all those who responded to Section D of the consultation. Responses indicated that, while some respondents considered parts of the draft guidance to be broadly clear, many thought that further clarification and practical detail would improve understanding of how the dispute resolution and enforcement framework operates in practice.

Having considered these responses carefully, the government has made a number of targeted changes to Section D of the Code to improve clarity, support more consistent application and provide greater practical guidance on how the enforcement framework should operate. These changes are intended to make the framework easier to understand and apply in practice, while remaining consistent with the core statutory framework set out in the Employment Rights Act 2025 and access provisions to be set out in secondary legislation.

### **Repeated breaches and penalties**

A central theme in responses to Section D was the need for greater transparency about how penalties could operate in practice, particularly in cases involving repeated or cumulative breaches, and clearer explanation of how the framework distinguishes between breaches of different seriousness. In response, we have strengthened the Code's explanation of how the enforcement provisions apply where breaches continue or recur over time. This includes clearer drafting on the treatment of further breaches and on how the statutory framework may operate where more than one breach arises in connection with the same access agreement.

We have also revised the drafting on financial penalties to provide a clearer explanation of the statutory factors relevant to the CAC's approach. In particular, the Code now provides greater clarity that the CAC must take account of a number of factors, including the gravity, duration of and reason for the breach when considering the level of any penalty. These changes are intended to improve understanding of how the framework operates in practice and to make clearer that the enforcement mechanism is capable of distinguishing between deliberate or serious non-compliance and lower-level breaches.

These changes are intended to provide a clearer account of how the enforcement framework may operate in practice. They are also intended to make clearer that

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the enforcement model is designed to deter sustained or deliberate non-compliance, while allowing the CAC to take account of the circumstances of the breach in each case.

In addition to the more substantive changes described above, we have made a number of smaller drafting amendments throughout Section D to improve clarity, ensure closer consistency with the statutory framework set out in primary legislation, and provide a more straightforward explanation of how the framework should operate in practice. This includes changes intended to make the Code easier to follow for those using it and to reduce unnecessary uncertainty about how the enforcement process works in practice.

Taken together, these changes will support a clearer and more effective framework for resolving disputes and enforcing access agreements. The final Code is intended to help employers, workers and trade unions better understand how the enforcement regime operates in practice, while supporting a system that is workable, transparent and proportionate.



## Section E – standardised templates

### Question 29

- Are there any parts of Section E where the guidance or templates are unclear, difficult to follow, or could benefit from further explanation? Please provide further information to support your answer.

**709 respondents (89.4%) answered Yes**, 26 respondents (3.3%) answered No, and 17 respondents (2.1%) answered Not Sure and 41 respondents skipped this (5.2%).

Of those who answered this question, 726 provided further information. Responses to Question 29 mainly focused on whether Section E and the templates are accessible and practical for smaller employers. The most commonly raised themes were that SMEs may lack the administrative, HR, legal or compliance capacity needed to complete or use the templates effectively, and that the guidance would benefit from simpler language, clearer instructions and practical worked examples. Many respondents also said the templates should be more proportionate or scaled to the size and circumstances of the employer.

Other responses commented that the information requirements appear too detailed, burdensome or difficult to compile quickly, particularly for organisations without specialist support. Some respondents also called for additional guidance on complex, atypical or sector-specific scenarios, and for clearer signposting on how the templates should be used in practice. A smaller number considered the guidance or templates broadly clear and workable. Comments that were primarily objections to the underlying policy, rather than the clarity or usability of Section E, were treated as out of scope.

### Question 30

- Is there anything you believe is missing or incorrect in Section E? Please provide further information to support your answer.

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**710 respondents (89.5%) answered Yes**, 28 respondents (3.5%) answered No, and 14 respondents (1.8%) answered Not Sure and 41 respondents skipped this (5.2%).

Of those who answered this question, 721 provided further information. The most commonly raised themes were the need for greater flexibility, proportionality or scaled completion requirements, and for simplified SME-specific templates or pathways. Many respondents said SMEs may lack the HR, legal, administrative or compliance capacity needed to use formal templates effectively, and that the requirements could be too complex, burdensome, costly or time-consuming.

Some respondents also called for clearer instructions, practical examples and better signposting on how templates should be completed. A smaller number considered the templates broadly clear or useful. Comments that were mainly objections to the underlying policy, rather than the clarity or operation of Section E, were treated as out of scope.

## **Standardised template – access request**

### **Question 31**

- In your view, is the standardised template for access requests clear and easy to use for the purpose of submitting an access request? Please provide further information to support your answer.

**725 respondents (91.4%) answered Yes**, 17 respondents (2.1%) answered No, and 14 respondents (1.8%) answered Not Sure and 37 respondents skipped this (4.7%).

Responses to Question 31 were relatively limited. Of those who answered this question, 72 provided further information. Among substantive responses, the most common view was that the standardised template for access requests is broadly clear, easy to use and helpful in promoting consistency. Some respondents said the template could support a more structured process by ensuring key information is provided at the outset.

A smaller group of respondents said the template would benefit from clearer drafting, simpler language, guidance notes or worked examples. Some also suggested it should require more specific information about the request, such as timing, location, workers covered, form of access and expected impact, so

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employers can assess requests properly. A limited number raised concerns that the template could still be burdensome or too formal, particularly for SMEs.

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

### **Question 32**

- How clear and workable is the standardised template for employer responses to an access request, including the information employers are expected to provide? Please provide further information to support your answer.

**710 respondents (89.5%) answered Yes**, 23 respondents (2.9%) answered No, and 21 respondents (2.6%) answered Not Sure and 37 respondents skipped this (4.7%).

Responses to Question 32 were relatively limited. Of those who answered this question, only 83 provided further information. Among substantive responses, the most common view was that the standardised template for employer responses is broadly clear and workable, and could help provide consistency in how employers reply to access requests.

Some respondents said the template would benefit from clearer drafting, simpler guidance or examples, particularly on the level of information employers are expected to provide. A smaller group suggested it should include clearer prompts for practical constraints, refusal reasons, proposed alternatives, or conditions attached to access. A limited number raised concerns that the information requirements could be burdensome for SMEs if not kept proportionate.

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

### **Question 33**

- 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? Please provide further information to support your answer.

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**728 respondents (91.8%) answered Yes**, 12 respondents (1.5%) answered No, and 10 respondents (1.3%) answered Not Sure and 43 respondents skipped this (5.4%).

Of those who answered this question, only 59 provided further information. Among substantive responses, the most common view was that the proposed template for notifying the CAC that an access agreement has been agreed is broadly clear and workable, and could help provide a consistent record of agreed arrangements.

Some respondents said the template would benefit from clearer drafting, simpler guidance or examples. A smaller group suggested it should include clearer headings or skeleton agreement content, and more detail on submission mechanics, signatures, joint notification, safeguards or contextual fields. A limited number raised proportionality or administrative burden concerns, particularly for SMEs.

## **Standardised template – notification to the CAC of a revocation or variation of an access agreement**

### **Question 34**

- 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? Please provide further information to support your answer.

**722 respondents (91.0%) answered Yes**, 13 respondents (1.6%) answered No, and 15 respondents (1.9%) answered Not Sure and 42 respondents skipped this (5.3%).

Of those who answered this question, only 62 provided further information. The most common view was that the proposed template for notifying the CAC of a variation to, or revocation of, an access agreement is broadly clear and workable, and could help provide a consistent record of changes to agreements. Some respondents said the template should be simpler, avoid duplication, or allow an amended agreement to be attached rather than requiring changes to be set out again in full. Others called for clearer guidance on the purpose of the notification,

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the CAC's role, and what makes a notification valid. A smaller group highlighted the need for flexibility where circumstances change, and for the process to remain proportionate for SMEs with limited administrative capacity.

## **Government response to question 29-34 (Section E)**

The government welcomes the range of responses received to these questions. While respondents broadly considered the templates provided within this consultation broadly clear and workable, a number of common concerns were raised. An issue frequently raised was that SMEs may lack administrative, HR or legal capacity to compile the required information quickly and meet the deadlines required. We understand that smaller businesses operate with fewer resources and are often characterised by interdependent staff. Therefore, in drafting, we have ensured that both the regulations and the templates themselves closely align and do not prescribe a level of information that may cause unnecessary delay or undue additional administrative burden.

For example, in the employer response notice template, we have ensured that an employer is not required to repeat information previously provided if it is a repeat application. Additionally, we have made a number of amendments to make the templates more user-friendly - for example, by reformatting them to include checkboxes.

Changes to reflect the concerns across questions 29-34 include ensuring that information for completing the templates and including within it has been made clearer. This has been done through simplifying the language used as well as replicating the order in each template to correspond to the negative statutory instrument which should now make it easier to follow. Additionally, more emphasis has been placed on providing information on multiple workplaces, contact details and a more standardised structure to ensure that all parties have the relevant contacts and information to ensure timely completion and negotiations can take place.

In relation to Q34, while we understand that some respondents have called for an avoidance of duplication in setting out changes to the agreement, we have decided to continue with this approach. This is to ensure that the CAC and all parties have a clear audit trail of proposed or agreed changes. This is also designed to avoid potential issues or conflicts when an agreement is amended or varied.

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## Other

### Question 35

- Do you have any comments on any other areas of the Code? Please provide further information to support your answer.

**699 respondents (88.1%) answered Yes**, 48 respondents (6.1%) answered No, and 2 respondents (0.3%) answered Not Sure and 44 respondents skipped this (5.6%).

Of those who answered this question, 730 provided further information. Responses to Question 35 mainly focused on the overall proportionality and practicality of the Code, particularly for smaller employers. The most commonly raised themes were that the Code does not sufficiently differentiate between organisations of different sizes, resources or capacity, and that a one-size-fits-all approach may place a disproportionate burden on SMEs. Many respondents also pointed to the cumulative operational, administrative, compliance and enforcement impact of the Code as a whole.

A second group of responses called for stronger flexibility, proportionality and practical safeguards across the Code, so that requirements can be tailored to real workplace circumstances. Some respondents also said the threshold is too low, or that smaller employers should be exempt or subject to lighter requirements. A smaller number raised the need for clearer, simpler drafting and practical examples. Comments that mainly objected to the underlying policy, rather than the operation of the Code, were treated as out of scope.

### Question 36

- 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? Please provide further information to support your answer.

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23 respondents (2.9%) answered Yes, **713 respondents (89.9%) answered No**, and 20 respondents (2.5%) answered Not Sure and 37 respondents skipped this (4.7%).

Of those who answered this question, 735 provided further information. Responses to Question 36 mainly focused on whether the Code is practical and workable in real workplace settings, particularly for SMEs. The most commonly raised themes were that smaller employers may lack the HR, legal, administrative, management or infrastructure capacity needed to apply the Code effectively, and that the requirements could create operational disruption in day-to-day business. Many respondents said the Code should include greater proportionality, flexibility, safeguards or SME-specific scaling.

A second group of responses said the threshold or scope may be too low, and that the Code should provide clearer treatment of refusal grounds, legal risk and uncertainty. Some respondents also called for simpler drafting, clearer examples and more practical guidance to support consistent application. A smaller number considered the Code broadly clear or workable. Comments mainly objecting to the underlying policy, rather than the operation of the Code, were treated as out of scope.

## **Government response to question 35-36 (Other)**

The government is grateful to all those who responded to these questions. Having considered all these responses carefully, the Government has made a number of targeted adjustments across the Code to improve clarity, usability and consistency with the statutory access framework. This includes a limited number of consequential and clarificatory amendments to other parts of the Code such as Section A and the preamble. We considered it appropriate to make these changes in order to ensure that the introductory material remains accurate when the Code comes into force, and that it provides a clear and coherent explanation of the framework to which the remainder of the Code relates.

These changes include clarifying parts of the introductory text so that the Code more clearly explains the relationship between voluntary arrangements and the statutory framework, the principles relevant to CAC decisions on access, the forms that access may take, and the scope of the statutory process. In Section A, we have also made a small number of further amendments to improve precision and consistency with the underlying legislation, including clearer



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explanation of who may use the statutory process and how the scope of the framework applies in practice.

These changes do not alter the purpose of the Code or introduce new policy beyond the statutory framework. Rather, they are intended to ensure that the Code, taken as a whole, is clearer, more internally consistent, and easier to use in practice.

## Conclusion and next steps

The government would like to thank all those who responded to this consultation. The breadth and depth of views provided have been instrumental in shaping a Code of Practice that is clearer, more practical and better suited to the realities of modern workplaces.

The government has now laid before Parliament the draft Code of Practice, alongside the accompanying statutory instruments: the Trade Unions (Right to Access Workplaces) Regulations 2026 and the Trade Unions (Right to Access Workplaces) (Required Information) Regulations 2026. Together, these measures will establish the operational and procedural framework for a new statutory right of access, delivering on our commitment to strengthen fair and constructive industrial relations as part of the Make Work Pay Plan.

Both the draft Code and the Regulations will now be subject to parliamentary scrutiny in the House of Commons and the House of Lords. Following parliamentary approval, the Regulations will be made, and commencement orders will be laid to bring fully into force section 59 of the Employment Rights Act 2025, alongside the Code of Practice. We expect the right of access framework to come into force by October 2026.

Following implementation, the government will review the statutory access framework within 6 months of implementation to assess whether it is achieving the policy objective of enabling unions to engage with workers in person or digitally for the purposes of representation, support, recruitment, organisation, and collective bargaining. This will include consideration of whether the framework is delivering the access principles as set out in the section 70ZF(2) of the 1992 Act, including: *officials of a qualifying trade union should be able to physically enter a workplace or communicate with workers (or both) for any of the access purposes in any manner that does not unreasonably interfere with the employer's business.*

The review will include but not be limited to consideration of:

- effectiveness of the enforcement regime, including whether the levels of fines are proportionate and sufficient to encourage compliance with the policy, the pace of decision making and the factors the CAC must consider when determining the value of the fine
- scope of access to workplaces, including the 21-worker threshold. This is alongside the commitment to bring forward an exemption to that threshold in 2027 for statutorily backed national bargaining arrangements such as adult-

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social care in relation to the Fair Pay Agreement. The Government will engage with sector partners on this exemption as part of the review

- scope for CAC to refuse access
- costs incurred when seeking enforcement
- whether workers are adequately protected from loss of pay, any detriment and unfair practices by employers relating to access rights for trade unions
- operation and effectiveness of:
  - model terms
  - digital access
  - data sharing, including consideration of the option to appoint suitable independent persons
  - the framework for trade unions seeking joint access applications
  - the impact of the provisions for seafarers

The review will take place in the first 6 months of regulations taking effect. As part of the review process, we will bring forward a consultation on potential changes to the regulations and Code of Practice in early Spring 2027.

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