Draft Regulations laid before Parliament under section 293(4) and (5) of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2026 No.

TRADE UNIONS

The Trade Unions (Right to Access Workplaces) Regulations 2026

Made - - - -	*****
Coming into force - -	*30th October 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 70ZC, 70ZE(5)(b), 70ZF(3), (4), (5) and (6), 70ZJ, 70ZN and 293(1) and (2) of the Trade Union and Labour Relations (Consolidation) Act 1992(**a**).

A draft of these Regulations was laid before Parliament in accordance with section 293(4) and (5) of the Trade Union and Labour Relations (Consolidation) Act 1992 and approved by a resolution of each House of Parliament.

PART 1
GENERAL

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Trade Unions (Right to Access Workplaces) Regulations 2026 and come into force on 30th October 2026.

(2) These Regulations extend to England and Wales and Scotland.

Interpretation

2. In these Regulations—

"the 1992 Act" means the Trade Union and Labour Relations (Consolidation) Act 1992;

"CAC" means the Central Arbitration Committee(**b**);

(**a**) 1992 c. 52. Chapter 5ZA (comprising sections 70ZA to 70ZN) of that Act was inserted by section 59 of the Employment Rights Act 2025 (c. 36).
(**b**) Section 259 of the 1992 Act makes provision in relation to the CAC.

"union" means "unions" in cases where two or more unions make a joint application for an access agreement;

"working day" means any day which is not a Saturday or Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971(**a**).

PART 2

PRIOR TO ENTERING INTO AN ACCESS AGREEMENT: TIME PERIODS

Response period

3.—(1) This regulation applies where a qualifying trade union(**b**) gives an employer an access request(**c**).

(2) The response period prescribed for the purposes of section 70ZC(a)(**d**) of the 1992 Act ends at the end of the 15th working day after the day on which the access request is given.

Negotiation period

4.—(1) This regulation applies where an employer gives a union a response notice(**e**).

(2) The negotiation period prescribed for the purposes of section 70ZC(b)(**f**) of the 1992 Act ends at the end of the 25th working day after the day on which the response notice is given.

Application period for a determination by the CAC

5.—(1) This regulation applies where—

(a) a qualifying trade union gives an employer an access request, and

(b) section 70ZE(1)(determinations by the Central Arbitration Committee) of the 1992 Act applies(**g**).

(2) The period prescribed for the purposes of section 70ZE(5)(b)(**h**) of the 1992 Act ends at the end of the 55th working day after the day on which the access request is given.

(3) But where the CAC is satisfied that it was not reasonably practicable for a party to apply for a determination under section 70ZE of the 1992 Act before the end of that period, the period prescribed ends at the end of the 70th working day after the day on which the access request is given.

(**a**) 1971 c. 80.
(**b**) See section 70ZA(3) of the 1992 Act for the definition of "qualifying trade union".
(**c**) See section 70ZB(6) of the 1992 Act for the definition of "access request".
(**d**) Section 70ZC(a) of the 1992 Act provides that the response period begins with the day on which the access request is given.
(**e**) See section 70ZB(6) of the 1992 Act for the definition of "response notice".
(**f**) Section 70ZC(b) of the 1992 Act provides that the negotiation period begins with the day on which the response notice is given. See section 70ZB(6) of the 1992 Act for the definition of "response notice".
(**g**) Section 70ZE(1) provides for the circumstances where an application can be made to the CAC for a determination.
(**h**) Section 70ZE(5)(b) of the 1992 Act provides that an application to the CAC for a determination under section 70ZE may not be made after the end of a prescribed period.

PART 3

DETERMINATIONS BY THE CAC

Chapter 1

CIRCUMSTANCES IN WHICH ACCESS MUST BE REFUSED

Access must be refused - general

6.—(1) This regulation applies where an application for a determination is made under section 70ZE (determinations by the CAC) of the 1992 Act.

(2) The CAC must make a determination to refuse access, as described in section 70ZF(4)(b) (determinations by the CAC: further provision) of the 1992 Act, where one or more of the following regulations applies—

(a) regulation 7 (number of workers);

(b) regulation 8 (national security);

(c) regulation 9 (avoiding prejudice regarding offences);

(d) regulation 10 (notice period);

(e) regulation 11 (duration of agreement).

Number of workers

7.—(1) This regulation applies where the employer, taken with any associated employer(**a**) or employers, employs—

(a) fewer than 21 workers on the day on which the employer receives the access request made under section 70ZB(1) of the 1992 Act; and

(b) an average of fewer than 21 workers in the 13 weeks ending with that day.

(2) To find the average for the purposes of paragraph (1)(b)—

(a) take the number of workers employed in each of the 13 weeks (including workers not employed for the whole of a week);

(b) aggregate the 13 numbers; and

(c) divide the aggregate by 13.

(3) For the purposes of paragraph (1)(a) any worker employed by an associated employer in a company incorporated outside Great Britain must be ignored unless the day on which the request was made fell within a period during which that worker ordinarily worked in Great Britain.

(4) For the purposes of paragraph (1)(b) any worker employed by an associated employer in a company incorporated outside Great Britain must be ignored in relation to a week unless the whole or any part of that week fell within a period during which that worker ordinarily worked in Great Britain.

(5) For the purposes of paragraphs (3) and (4) a worker who is employed on board a ship registered in the register maintained under section 8 of the Merchant Shipping Act 1995(**b**) shall be treated as ordinarily working in Great Britain unless—

(a) the ship's entry in the register specifies a port outside Great Britain as the port to which the vessel is to be treated as belonging;

(**a**) See section 297 of the 1992 Act for the definition of "associated employer".
(**b**) 1995 c. 21.

(b) the employment is wholly outside Great Britain, or

(c) the worker is not ordinarily resident in Great Britain.

(6) Paragraph (7) applies to an agency worker whose contract within regulation 3(1)(b) of the Agency Workers Regulations 2010 (contract with the temporary work agency)(**a**) is not a contract of employment.

(7) For the purposes of paragraphs (1) and (2), the agency worker is to be treated as having a contract of employment with the temporary work agency for the duration of the assignment with the employer (and "assignment" has the same meaning as in those Regulations).

National security

8. This regulation applies where the CAC considers it necessary in the interests of national security to determine that officials of the union are not to have access(**b**).

Avoiding prejudice regarding offences

9. This regulation applies where the CAC considers it necessary for the purpose of the prevention, detection or prosecution of criminal offences to determine that officials of the union are not to have access.

Notice period

10.—(1) This regulation applies where the proposed access agreement(**c**) would enable officials of the union to have access to workers at any time during the notice period described in paragraph (2).

(2) For the purposes of paragraph (1), the notice period begins on the day on which the CAC makes a determination under section 70ZE of the 1992 Act and ends at the end of the fifth working day after that day.

(3) This regulation also applies where the proposed access agreement provides for physical entry into a workplace and for communication with workers by means not involving physical entry into a workplace but does not also state whether the first occasion of access is to involve physical entry into a workplace.

Duration of agreement

11.—(1) This regulation applies unless the proposed access agreement satisfies the requirements of paragraph (2).

(2) The requirements of this paragraph are satisfied where the proposed access agreement makes provision that the access agreement automatically expires no later than two years after the date on which—

(a) it is entered into; or

(b) it is treated as having been entered into under section 70ZE of the 1992 Act.

(3) The requirements of paragraph (2) are still satisfied where the proposed access agreement makes provision for the extension of the access agreement beyond that two year period, by agreement between the parties, and in accordance with the requirements of section 70ZG(**d**) of the 1992 Act.

(**a**) S.I. 2010/93, amended by S.I. 2011/1941; there are other amending instruments but none is relevant.
(**b**) See section 70ZA(4) of the 1992 Act for the definition of "access".
(**c**) See section 70ZA(2) of the 1992 Act for the definition of "access agreement".
(**d**) Section 70ZG provides for the variation of access agreements.

Chapter 2

CIRCUMSTANCES IN WHICH IT IS TO BE REGARDED AS REASONABLE TO REFUSE ACCESS

Reasonable for CAC to refuse access - general

12.—(1) This regulation applies where an application for a determination is made under section 70ZE (determinations by the CAC) of the 1992 Act.

(2) A CAC determination to refuse access is to be regarded as reasonable, in accordance with section 70ZF(4)(a) of the 1992 Act, where one or more of the following regulations applies—

(a) regulation 13 (overlapping access arrangements);

(b) regulation 14 (multiple access requests);

(c) regulation 15 (health and safety).

Overlapping access arrangements

13.—(1) This regulation applies where the CAC considers that a determination that officials of the union are to have access is likely to result in overlapping access arrangements.

(2) For the purposes of paragraph (1) overlapping access arrangements occur where—

(a) one or more of paragraphs (3), (4) and (5) applies; and

(b) at least one worker who is within the scope of the access request is also within the scope of the—

(i) recognition referred to in paragraph (3);

(ii) request described in paragraph (4); or

(iii) access agreement described in paragraph (5).

(3) This paragraph applies where the employer recognises(**a**) a qualifying trade union but does not recognise the union which made the access request.

(4) This paragraph applies where—

(a) the employer has received a valid request, in accordance with paragraphs 5 to 8 in Part 1 (Recognition) of Schedule A1 (Collective Bargaining Recognition) to the 1992 Act, seeking recognition under paragraph 4 of that Schedule; and

(b) there are further steps(**b**) that can be taken under Part 1 of Schedule A1 to the 1992 Act in respect of the request seeking recognition, or any application to the CAC which relates to that request.

(5) This paragraph applies where the employer has an access agreement with a qualifying trade union.

(6) For the purposes of paragraph (2)(b) a worker is within the scope of—

(a) an access request referred to in the opening words of paragraph (2)(b), where the access purpose(**c**) of the access requested indicates (or, as the case may be, the access purposes of the access requested indicate) that the access agreement sought would provide for communication between the union and that worker;

(**a**) Section 178(3) of the 1992 Act defines recognition, in relation to a trade union, as meaning the recognition of the union by an employer, or two or more associated employers, to any extent, for the purpose of collective bargaining; and "recognised" and other related expressions shall be construed accordingly.

(**b**) There are references to "further steps" in paragraphs 10(1), 10(4), 14(10), 15(4)(c), 16(2)(b) and 17(2) of Part 1 of Schedule A1 to the 1992 Act.

(**c**) See section 70ZA(6) of the 1992 Act for the definition of "access purposes".

(b) the recognition referred to in paragraph (2)(b)(i), where the worker is within a bargaining unit which is the subject of that recognition;

(c) the request referred to in paragraph (2)(b)(ii), where the worker is within the proposed bargaining unit identified in that request;

(d) the access agreement referred to in paragraph (2)(b)(iii), where that access agreement provides for communication between the union and that worker.

(7) For the purposes of this regulation the reference to—

(a) "bargaining unit" in paragraph (6)(b) is to the group of workers (or the groups taken together) to which the agreement for recognition to which paragraph (3) applies relates;

(b) "proposed bargaining unit" in paragraph (6)(c) is to the group of workers (or the groups taken together) to which the request for recognition to which paragraph (4) applies relates.

Multiple access requests

14.—(1) This regulation applies where, in addition to the access request(**a**) which is the subject of the application referred to in regulation 12(1), there is at least one access request to which both paragraphs (2) and (3) apply.

(2) This paragraph applies if—

(a) the access request is made to the same employer as the access request which is the subject of the application referred to in regulation 12(1); and

(b) at least one worker who is within scope of the access request is also within scope of the access request that is the subject of the application referred to in regulation 12(1).

(3) This paragraph applies if the access request is outstanding.

(4) An access request is outstanding unless one or more of the following occur in respect of that request—

(a) an access agreement is entered into under section 70ZD of the 1992 Act;

(b) the period prescribed for the purposes of section 70ZE(5)(b) of the 1992 Act ends without an application for a determination under section 70ZE of the 1992 Act having been made;

(c) the CAC makes a determination under section 70ZE(2)(**b**) of the 1992 Act.

(5) For the purposes of paragraph (2)(b) a worker is within the scope of an access request where the access purpose of the access requested indicates (or, as the case may be, the access purposes of the access requested indicate) that the access agreement sought would provide for communication between the union and that worker.

Health and safety

15. This regulation applies where the CAC considers that, if officials of the union were to have access, that might jeopardise the health or safety of any person.

(**a**) See section 70ZB(6) of the 1992 Act for the definition of "access request".
(**b**) Section 70ZE(2) provides that the CAC can make a determination that officials of the union are or are not to have access.

Chapter 3

ADDITIONAL MATTERS

Additional matters

16. The CAC must have regard to the following matters, where relevant, when considering an application for a determination under section 70ZE of the 1992 Act—

(a) existing arrangements for visitors generally to any workplace covered by the proposed access agreement;

(b) the type of workplace covered by the proposed access agreement;

(c) whether safeguarding provision needs to be included in the proposed access agreement;

(d) where there is a third party whose co-operation is required in order for access to take place, whether the employer has contacted that third party, and taken reasonable steps in order to secure that co-operation.

Chapter 4

TERMS OF AN ACCESS AGREEMENT

Terms that would not unreasonably interfere with an employer's business

17. The CAC must consider that a term of an access agreement that meets the requirements specified in regulation 18 (frequency of access) would not unreasonably interfere with an employer's business, in accordance with section 70ZF(3)(a) of the 1992 Act.

Frequency of access

18.—(1) The requirements of this regulation are met where a term of an access agreement provides that union officials can have weekly access to workers.

(2) For the purposes of paragraph (1)—

(a) where an access agreement makes provision for access only by physical entry into a workplace, weekly access means that physical entry is permitted once every week for the duration of the access agreement;

(b) where an access agreement makes provision for access only by means not involving physical entry into a workplace, weekly access means that meeting with workers and communicating with them by means not involving physical entry is permitted once every week for the duration of the access agreement;

(c) where an access agreement makes provision for access both by physical entry into a workplace and by means not involving physical entry into a workplace, weekly access means that, once every week for the duration of the access agreement, access is permitted by physical entry or by meeting with workers and communicating with them by means not involving physical entry.

(3) Where an access agreement makes the provision described in paragraph (2)(c), it may provide that it is for the union to decide whether the access each week is to be by physical entry or by meeting with workers and communicating with them by means not involving physical entry.

(4) For the purposes of this regulation a week must include at least four working days.

Terms that would constitute reasonable steps for an employer

19. The CAC must consider that a term of an access agreement that meets the requirements specified in regulation 20 (accommodation and other facilities) or 21 (privacy) is a term that

would constitute a reasonable step or (as the case may be) reasonable steps that an employer should take to facilitate access, in accordance with section 70ZF(3)(b) of the 1992 Act.

Accommodation and other facilities

20. The requirements of this regulation are met where a term of an access agreement provides that the employer must make available such existing accommodation and other facilities as is reasonable in all the circumstances to enable access to take place in accordance with the access agreement.

Privacy

21. The requirements of this regulation are met where a term of an access agreement provides that the employer must ensure, so far as is reasonably practicable, that direct communications between workers and union officials are private.

Terms that it would be reasonable for a union to comply with

22. The CAC must consider that a term of an access agreement that meets the requirements specified in regulation 23 (notice of access) or regulation 24 (identification and other instructions) is a term that it would be reasonable for a union to comply with, in accordance with section 70ZF(3)(c) of the 1992 Act.

Notice of access

23.—(1) Subject to paragraph (2), the requirements in this regulation are met where—

(a) a term of an access agreement requires that the union provides a minimum of two working days' notice to the employer prior to each occasion of access taking place; and

(b) where an access agreement provides for physical entry into a workplace and also communication with workers by means not involving physical entry into a workplace, the notice described in sub-paragraph (a) must also state whether the access is to be via physical entry to the workplace or by other means.

(2) Paragraph (1) does not apply to the first occasion on which access is to take place under an access agreement(**a**) and, on that occasion, the requirement in this regulation is met where a term of the access agreement requires that the union provides a minimum of five working days' notice to the employer prior to access taking place.

Identification and other instructions

24. The requirements of this regulation are met where a term of an access agreement requires that a union official seeking access must comply with all reasonable instructions given by the employer, which may include an instruction that a union official must provide identification when requested.

(**a**) See also regulation 10 for the notice required in relation to the first occasion of access taking place.

PART 4
PENALTIES

Maximum penalty

25. The amount payable to the CAC under section 70ZI(5)(b) of the 1992 Act in relation to an access agreement may not—

(a) in the case of the first order made by the CAC under that subsection in relation to that access agreement, exceed £75,000;

(b) in the case of the second order made by the CAC under that subsection in relation to that access agreement, exceed £150,000;

(c) in the case of the third or any subsequent order made by the CAC under that subsection in relation to that access agreement, exceed £500,000.

Penalty amount - matters to which the CAC must have regard

26.—(1) When considering what amount is payable under an order requiring a person to pay an amount to the CAC under section 70ZI(5)(b) of the 1992 Act in relation to an access agreement, the CAC must have regard to the following matters—

(a) the gravity of the failure;

(b) the period of time over which that failure occurred;

(c) the reason for that failure;

(d) the number of workers affected by that failure;

(e) the size and resources of the person; and

(f) whether there have been any previous failures by the person to comply with any requirements under any access agreement entered into under section 70ZD of the 1992 Act or treated as having been entered into under section 70ZE of the 1992 Act.

(2) Where the person described in paragraph (1) is a party to that access agreement the failure referred to in paragraph (1)(a) is the failure to comply with either or both of the following—

(a) that access agreement;

(b) any order made by the CAC under section 70ZH(3)(c) of the 1992 Act requiring that person to take specified steps for the purposes of ensuring that access takes place in accordance with that agreement.

(3) Where the person described in paragraph (1) is not a party to that access agreement, and was the subject of the initial complaint made under section 70ZH(1)(b) of the 1992 Act in relation to that access agreement, the failure referred to in paragraph (1)(a) is the failure to do either or both of the following—

(a) enable access, by taking steps to prevent access or otherwise preventing access from taking place in accordance with that access agreement;

(b) comply with any order made by the CAC under section 70ZH(3)(c) of the 1992 Act requiring that person to take specified steps for the purposes of ensuring that access takes place in accordance with that access agreement.

PART 5

Review

Review

27.—(1) The Secretary of State must from time to time—

(a) carry out a review(**a**) of these Regulations;

(b) set out the conclusions of the review in a report; and

(c) publish the report.

(2) The report must in particular—

(a) set out the objectives intended to be achieved by these Regulations;

(b) assess the extent to which those objectives are achieved; and

(c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(3) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.

(4) Subsequent reports under this regulation are to be published at intervals not exceeding five years.

Name
Title
Date Department for Business and Trade

(**a**) Section 28 of the Small Business, Enterprise and Employment Act 2015 (c. 26) makes provision for a statutory review clause.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations form part of the package of legislation that provides for access agreements between trade unions and employers, which enable trade union officials to physically enter workplaces or to communicate with workers by other means. For these purposes, communication with workers includes the provision of information to workers by any means, whether direct or indirect.

Part 1 makes general provision.

Part 2 prescribes the relevant time periods: a) within which an employer must respond to an access request; b) that the parties have to negotiate an access agreement; c) for applying to the Central Arbitration Committee ("the CAC") for a determination on access (where the parties have not agreed an access agreement).

Chapter 1 of Part 3 sets out the circumstances in which the CAC must refuse access. Chapter 2 sets out the circumstances in which it is to be regarded as reasonable for the CAC to refuse access. Chapter 3 sets out additional matters to which the CAC must have regard. Chapter 4 makes provision in relation to terms of an access agreement, and sets out which terms the CAC must consider are terms that: a) would not unreasonably interfere with an employer's business; b) would constitute reasonable steps for an employer to take; and c) it would be reasonable for a union to comply with.

Part 4 deals with the maximum penalties that can be imposed by the CAC, and matters to which the CAC must have regard when considering the level of any penalty imposed.

Part 5 provides for a review of these Regulations, in line with the requirements of section 28 of the Small Business, Enterprise and Employment Act 2015.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. A de minimis assessment has been produced and is available at www.gov.uk. Printed copies can be obtained from the Department for Business and Trade, Old Admiralty Building, Admiralty Place, London, SW1A 2DY.

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