Good Work Lab

FREE EMPLOYER GUIDE / NOVEMBER 2026

Trade Union Recognition: 18 Employer FAQs

Voluntary and statutory recognition, bargaining units, the Central Arbitration Committee and the decisions employers need to make.

THE ESSENTIAL DISTINCTION

Workplace access gives a qualifying union a route to communicate with workers. Recognition establishes a collective bargaining relationship. They are separate legal processes, with different thresholds, timetables and consequences.

UPDATED FOR THE APRIL 2026 STATUTORY RECOGNITION REFORMS

Practical guidance for employer decision-makers. Prepared from Good Work Lab's Industrial Relations materials and the statutory recognition framework.

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01 / UNDERSTANDING RECOGNITION

What employers need to understand

01 What does trade union recognition actually mean?

Recognition means the employer accepts that a trade union may bargain collectively on behalf of a defined group of workers, known as the **bargaining unit**. It is not the same as acknowledging that workers belong to a union, consulting union representatives informally or providing workplace access. Recognition creates an organised relationship for negotiating specified employment matters. Under the statutory route, the core bargaining topics are **pay, hours and holidays**; voluntary agreements can cover a wider negotiated scope.

TULRCA 1992, sections 178 and 179; Schedule A1, paragraph 3.

02 Is workplace access the same as recognition?

No. Under the separate workplace access regime, a qualifying independent union can seek arrangements to meet or communicate with workers without being recognised for collective bargaining. Access may support recruitment or organising, but **access alone does not confer recognition**. A recognition request must be considered under its own legal route. Employers should use different procedures and deadline registers for access requests and recognition requests, rather than treating them as interchangeable.

TULRCA 1992, Chapter 5ZA and Schedule A1.

03 What is the difference between voluntary and statutory recognition?

Voluntary recognition arises through an agreement negotiated between employer and union. The parties can determine the appropriate workforce group, scope of bargaining, machinery, facilities and dispute arrangements. **Statutory recognition** is a prescribed route under Schedule A1 where a qualifying independent union seeks recognition and, failing agreement, may apply to the Central Arbitration Committee (CAC). The statutory process can result in recognition without employer agreement if the legal tests are satisfied.

TULRCA 1992, sections 178-179 and Schedule A1, Parts I-II.

02 / SCOPE AND BARGAINING UNITS

Who is covered and who bargains

04 Which employers and unions can use the statutory recognition route?

The request must come from an **independent trade union** with the necessary certificate of independence. The employer-size test looks at the employer together with any **associated employers**: it is met where there are at least 21 workers on the request date **or** an average of at least 21 across the relevant 13 weeks. A single employing company or site with fewer than 21 workers should not assume that it is excluded without checking the associated-employer and counting rules.

Schedule A1, paragraphs 5-9; relevant associated-employer provisions.

05 Does the proposed bargaining unit have to cover the whole organisation?

No. A bargaining unit may be defined by occupation, role, location or another identifiable grouping. It need not include everyone employed by the organisation. If the parties disagree, the CAC assesses whether the proposed unit is compatible with **effective management**, considering relevant matters such as existing bargaining arrangements, workforce characteristics, locations and the desirability of avoiding fragmented units. Employers should support their position with organisational evidence, not simply argue that a larger unit would be preferable.

Schedule A1, paragraphs 19A-19B.

06 What should a valid statutory recognition request contain?

The union's request must be **in writing**, identify the union and proposed bargaining unit, and state that it is made under Schedule A1. It must be received by the employer, and the relevant independence and employer-size conditions must be satisfied. Record the request, any attachments and the date and method of receipt immediately. If the proposed unit is unclear, identify the issue promptly and seek advice before responding. The definition matters because a later CAC application must match the qualifying request.

Schedule A1, paragraphs 4-9; CAC guidance on recognition applications.

03 / THE FIRST RESPONSE

The first ten working days

07 How quickly must an employer respond to a recognition request?

The initial statutory period is **10 working days**, beginning with the day after receipt of a valid request. Within that period an employer may accept recognition, reject it while indicating willingness to negotiate, or reject it without offering negotiations. Where the employer is willing to negotiate, a further **20-working-day** period generally follows, which the parties may extend by agreement. These are recognition rules; do not confuse the initial 10-day period with the separate 15-working-day response deadline for workplace access requests.

Schedule A1, paragraph 10.

08 Can an employer simply refuse to recognise the union?

An employer can decline a request for **voluntary** recognition, but that does not necessarily end the matter. If a qualifying independent union satisfies the statutory gateway and the parties do not agree recognition, the union may be able to apply to the CAC. Ignoring a request can accelerate rather than avoid a formal process. The practical response is to establish whether the request is valid, identify decision-making authority, assess the proposed unit and decide whether constructive negotiation is preferable.

Schedule A1, paragraphs 10-12 and 33-42.

09 What should employers do in the first ten working days?

Appoint an Industrial Relations lead, verify the union's independence and the size test, preserve the written request, identify the proposed bargaining unit, and map existing recognition or collective agreements. Obtain reliable workforce and organisational information and settle an authorised response. If negotiating, determine who has authority to commit the organisation and what can be offered. Keep a dated record of the statutory clock and the reasons underpinning the employer's position. A facilities or HR-only response without clear authority creates avoidable risk.

Good Work Lab employer practice checklist; Schedule A1, paragraphs 4-12.

04 / SUPPORT AND CAC DECISIONS

Membership, ballots and thresholds

10 How much membership support does the union need?

For applications governed by the post-6 April 2026 rules, the CAC assesses whether the union meets the statutory **required percentage** of membership in the relevant bargaining unit. The source materials reviewed for this edition indicate that the operative percentage remains **10%**, although legislation allows it to be changed by regulations within a 2-10% range. The previous additional requirement to show that a majority would be likely to favour recognition was removed for applications covered by the April reforms. Check the applicable rules and transitional provisions in live proceedings.

Schedule A1, paragraphs 36, 45 and 171B; SI 2026/323.

11 Will the CAC always require a workforce ballot?

No. If the CAC is satisfied that **more than half of the workers in the bargaining unit are union members**, it will ordinarily declare recognition without a ballot. There are statutory exceptions, including where a ballot is appropriate in the interests of good Industrial Relations or credible membership evidence creates doubt about workers' wishes. Where majority membership is not established but the application otherwise proceeds, the CAC ordinarily arranges a secret ballot.

Schedule A1, paragraphs 22-23.

12 What changed in recognition ballots from 6 April 2026?

For ballots governed by the new rules, recognition requires **a majority of the workers who vote** to support the union. The former separate condition requiring support from at least 40% of everyone in the bargaining unit no longer applies to those cases. Transitional provisions preserve the former rule where the CAC had informed the parties before 6 April 2026 that a ballot would take place. Employers should not rely on older summaries or apply the new rules indiscriminately to proceedings already underway before the reform.

Schedule A1, paragraph 29; SI 2026/323, transitional provisions.

05 / EXISTING ARRANGEMENTS AND WORKER CHOICE

Protecting legitimate process

13 What if another trade union is already recognised?

An existing collective agreement recognising a union may prevent a competing statutory application concerning the same workers, depending on the agreement's scope and the statutory conditions. This requires careful examination of **what rights were actually granted**, which workers they cover and whether the agreement remains in force. Reforms effective from April 2026 also require certain recognition agreements made during a restricted period to be disregarded for relevant CAC admissibility and validity decisions. Do not create a hurried agreement solely to obstruct another application.

Schedule A1, paragraphs 35 and 44, as amended by the Employment Rights Act 2025.

14 Can the employer communicate directly with workers during the process?

Yes, but communication must be lawful, accurate and consistent with workers' freedom to choose whether to join or support a union. Employers should avoid threats, inducements, coercive campaigning or other conduct that may fall within the statutory unfair-practices regime. Keep managers aligned on approved messages, distinguish factual explanations from pressure and preserve records. Be particularly alert to protections against detriment and dismissal connected with statutory recognition activity. Where a CAC process is underway, check the specific procedural rules in force at that stage.

Schedule A1, provisions on recognition ballots, unfair practices and worker protections.

15 Does a recognition application automatically give the union access to workers?

No unrestricted entry or communication right arises simply because recognition has been requested. There are procedural arrangements for union communications in CAC recognition cases and, separately, the statutory workplace access framework may apply independently of recognition. Employers need to identify **which legal route** is being invoked, what terms are proposed and who is responsible for implementation. Privacy, confidentiality, digital communications and worker availability should be addressed through the applicable process rather than imposed as blanket barriers.

Schedule A1, recognition communications provisions; TULRCA 1992, Chapter 5ZA.

06 / AFTER RECOGNITION

Making recognition work

16 What should a voluntary recognition agreement include?

A workable agreement should identify the parties and bargaining unit, specify matters for collective bargaining and consultation, and establish the negotiating forum, representative arrangements, information exchange, facilities, meeting frequency, dispute resolution, review, variation and termination provisions. Distinguish consultation from negotiation and state who can bind each organisation. For employers operating across locations or shifts, ensure that administrative arrangements are deliverable. The agreement should be a functioning Industrial Relations operating document, not just a statement of goodwill.

TULRCA 1992, sections 178-179; recognised good-practice agreement structure.

17 Does recognition mean the union can dictate pay or block organisational change?

No. Recognition establishes a right to engage in **collective bargaining** within the agreed or statutory scope; it does not automatically guarantee agreement on every proposal or give the union unilateral control of business decisions. However, the employer must respect applicable collective agreements, any statutory bargaining machinery and separate information, consultation or change obligations. The quality of negotiating preparation, authority, evidence and communication is often decisive in maintaining a workable relationship.

TULRCA 1992, sections 178-179; Schedule A1, statutory bargaining arrangements.

18 Can recognition later be reviewed, changed or ended?

Potentially, but not simply by withdrawing recognition overnight. The route depends on whether recognition is voluntary or statutory, the terms of any collective agreement, applicable statutory derecognition procedures and any relevant organisational change or TUPE circumstances. Some Schedule A1 situations involve restrictions and three-year periods. Before proposing derecognition or restructuring a bargaining unit, establish the source of recognition, the applicable process and whether collective terms have become incorporated into individual contracts. Obtain case-specific advice.

Schedule A1, Parts II-V; TULRCA 1992; TUPE 2006 where relevant.

GOOD WORK LAB / EMPLOYER ACTION CHECKLIST

A request has arrived. What now?

The governing discipline is **Compliance, Control and Collaboration**: respect the statutory route, keep decision authority clear, and build a workable relationship wherever possible.

- **Record the request.** Preserve the original written request and establish when it was received.
- **Check scope.** Confirm union independence, the employer and associated employers, and the proposed bargaining unit.
- **Start the recognition clock.** Record the initial 10-working-day response period and any subsequent negotiation deadlines.
- **Secure authority.** Assign a lead negotiator and obtain approval for the employer's position and possible terms.
- **Gather the right evidence.** Validate workforce numbers, organisational structure, existing agreements and relevant operational arrangements.
- **Protect worker choice.** Keep communications measured, factual and free of threats, inducements or adverse treatment.
- **Plan beyond the decision.** Consider how bargaining, information sharing, facilities and dispute resolution will actually operate.

HOW GOOD WORK LAB CAN HELP

We advise employers on trade union recognition strategy, proposed bargaining units, recognition negotiations, CAC proceedings, collective bargaining arrangements and ongoing Industrial Relations governance. **Discuss Your Industrial Relations Challenge** at goodworklab.co.uk.

LEGAL FRAMEWORK AND EDITORIAL BASIS

Primary framework: Trade Union and Labour Relations (Consolidation) Act 1992, especially sections 178-179 and Schedule A1; Employment Rights Act 2025, section 60 and Schedule 6; Employment Rights Act 2025 (Commencement No. 2 and Transitional and Saving Provisions) (Amendment) Regulations 2026 (SI 2026/323).

Prepared using Good Work Lab's recognition materials and legal reference documents held in its working library. This edition addresses the 6 April 2026 reforms. Additional reforms have staged commencement and should be checked against operative legislation and transitional arrangements for any specific case.

Important: This guide provides general information for employers, not legal advice on an individual matter. Legislative provisions, thresholds and processes may change. Verify the law and procedural requirements applicable when a request is made.