



Institute of Directors

116 Pall Mall

London

SW1Y 5ED

18/12/2025

Department for Business and Trade

Old Admiralty Building

Admiralty Place

London

SW1A 2DY

IoD response to Make Work Pay: Duty to inform workers of their right to join a trade union

About the IoD

The IoD is an independent, non-party political organisation representing 20,000 company directors, senior business leaders, and entrepreneurs. It is the UK's longest-running organisation for professional leaders, having been founded in 1903 and incorporated by Royal Charter in 1906. Its aim is to promote good governance and ensure high levels of skills and integrity among directors of organisations. It campaigns on issues of importance to its members and to the wider business community with the aim of fostering a climate favourable to entrepreneurial activity in the UK.

The IoD welcomes the opportunity to respond to this consultation on the duty to inform workers of their right to join a trade union. Making the Employment Rights Bill as workable for employers as possible is of considerable interest to the IoD and its membership, and we are therefore pleased to present our views.

Question 1: Do you agree that the following types of information should be included in the statement provided to workers? Please consider each item below:

- A. A brief overview of the functions of a trade union. Yes No
- B. A summary of the statutory rights in relation to union membership. Yes No
- C. A list of all trade unions that the employer recognises (if any). Yes No
- D. A signpost to a GOV.UK page with list of trade unions Yes No
- E. Add other types of information (please specify)

Question 1f: Please explain your answer.

Informing employees of their statutory rights relating to trade union membership and listing any unions recognised by the employer – the latter of which may not be available in the public domain – is consistent with the stated aims of this policy.

Any requirement for employers to in effect promote trade union membership to employees – whether by including a description of the services they offer to customers or by pointing them to a list of all trade unions – would be inappropriate.

Feedback from IoD members frequently emphasised their support for an individual’s right to choose to join a union. However, the notion that employers may be required to actively promote the services of private organisations which wish to sell their services to employees is of serious concern.

“Employers should not have to bear the cost and admin responsibility for union recruitment, and if unions are not able to communicate their value or engage people (as any organisation would be expected to do through marketing and communications) that is an issue for them.” – 0-1 employees, Information and communication, South East England

“This is a poor idea. Unions can do their own canvassing and employees are more than capable of contacting unions that they may be interested in joining. This shouldn’t be the responsibility of the employer.” – 100-249 employees, Manufacturing, East Midlands

“I think employees can make their own minds up about this. The suggestion companies should play an active role in spreading politicised messages is to be resisted. This has nothing to do with business and is unnecessary red tape.” – 2-9 employees, Professional, scientific and technical activities, London

Question 2: Do you agree that the statement should be a standardised statement provided by the government?

Yes. No, it should be drafted by employers Other (please specify)

Question 2a: If no, please explain your answer.

An IoD survey of 680 business leaders in November 2025 found no clear consensus on this question, with 42% favouring a standardised statement provided by government and 43% favouring employers having the ability to draft the statement (Figure 1).

Figure 1: IoD Policy Voice results: November 2025, 680 responses

The Bill will also introduce a duty on employers to give a written statement to their workers informing them of their right to join a trade union at the start of their employment. Do you agree that the statement should be a standardised statement provided by the government?

| | |
|---------------------------------------|-------|
| No, it should be drafted by employers | 43.1% |
| Yes | 41.5% |
| Other | 15.4% |

Our favoured approach would therefore be for government to provide a model statement which employers *may, but are not required*, to use.

We consider it likely that a majority of employers would opt to use a government-provided statement, given that it would significantly reduce the risk of their receiving legal challenges relating to their implementation of this right.

However, it remains important that employers who wish to alter the text while remaining compliant with the law are able to do so. Our research found that the key concern of employers relating to the implementation of this right is being required to promote the services of private organisations – which often aim to disrupt business operations while having little, if any, understanding of said operations – to their employees. Without sight of the exact text of the proposed government statement, therefore, the concern is that the final text will resemble more of a sales pitch than an objective statement of facts.

Employers may also wish to provide additional information specific to their organisation’s circumstances which is not covered in the standardised statement.

The statement drafted by government should be subject to consultation with both business representatives and trade unions.

Question 3: *If the proposal for an employer-drafted statement (option B) is chosen, do you agree that the Government should provide a model statement that employers can adapt?*

Yes. No.

Question 4: *Do you agree that the written statement should be delivered directly to new workers?*

Yes. No, it should be delivered indirectly (please specify)

Question 5: *Do you agree that employers should be able to deliver the statement indirectly or directly to existing workers?*

Yes. Yes, but employers should also provide a reminder to ensure workers are aware of it. No, it should only be delivered directly.

Question 5a: *Please explain your answer.*

Providing the statement to new workers alongside employment particulars should be relatively straightforward for employers because it aligns with the existing requirement to provide new employees with a statement of employment particulars.

For existing employees, however, there is no equivalent obvious means of mandating direct delivery without significantly increasing the administrative burden for employers in the minority of cases where employees do not have work email addresses. Giving employers the flexibility to decide whether to provide the statement directly on a one-off basis or ensuring continuous, reasonable, indirect access would enable them to choose the approach that most suits the needs of their workers and workplace.

Question 6: *Do you agree that employers should be required to provide workers with the statement, or reminder, on an annual basis?*

Yes. No, it should be every 6 months. No, it should be another frequency (please specify).

Question 6a: Please explain your answer.

Employers should not be required to provide employees with the statement, or a reminder, on any kind of ongoing basis. An IoD survey of 680 business leaders found that half (50%) believe that the statement should be provided on a one-off basis, while a third (33%) chose annually and just 2% believe it should be provided every six months (Figure 2).

Figure 2: IoD Policy Voice results: November 2025, 680 responses

Employers will also be required to provide existing workers with the statement. How frequently do you think employers should be required to do this?

| | |
|------------------|-------|
| Annually | 32.8% |
| Every six months | 1.8% |
| One off basis | 49.7% |
| Other | 15.7% |

Any requirement to regularly remind employees of the right is devoid of precedent; employers are not required to remind employees of the myriad other employment rights they have, and government has not provided a compelling case as to why this right should differ.

Furthermore, no evidence has been provided that providing employees with regular reminders is likely to have a marked impact on awareness as opposed to providing the statement on a one-off basis. What is clear is that such a requirement would significantly increase the administrative burden for employers of implementing this right, most acutely for SMEs.

“What is being proposed is significant administrative burden on SMEs, many of whom do not have in-house HR expertise.” – 2-9 employees, Professional, scientific and technical activities, East of England

“A one-off statement prepared by the employer should be the maximum” –100-249 employees, Construction, Northern Ireland

“There should not be notification other than in the contract of employment.” – 0-1 employees, Electricity and/or gas supply, North West England

Question 7: Do you agree that a standardised frequency should apply to all organisations regardless of sector or size?

Yes. No.

Question 7a: If you selected ‘no’, please explain your answer.

Employers of all sizes should be required to provide employees with the statement on a one-off basis.

Question 8: Do you have any further comments on how the duty to inform workers of their right to join a trade union should be implemented?

The implementation of this requirement is an opportunity for government to demonstrate to the business community that it is, as it has often claimed, intent on enacting the Employment Rights Bill in a way which minimises the burden on employers where possible. Giving employers flexibility in how they deliver the statement and not requiring them to provide reminders would make this change significantly more workable for employers.

I hope you have found our comments helpful. If you require further information about our views, please do not hesitate to contact us.

With kind regards,



Alex Hall-Chen

Principal Policy Advisor for Employment

Email: Alexandra.Hall-Chen@iod.com