



# Homecare Association response: duty to inform workers of their right to join a trade union

Submitted online 11 December 2025

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

A business representative organisation (please specify)

Homecare Association

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

Not applicable

**Which region are you located in?**

London

**What sector are you based in?**

Human Health and social work activities

**If responding as an employer, are you a:**

- End hirer of an umbrella company employee
- Umbrella company
- None of the above

**Do you agree that the following types of information should be included in the statement provided to workers?**

**Please consider each item below:**

- A brief overview of the functions of a trade union
  - Yes/No
- A summary of the statutory rights in relation to union membership
  - Yes/No
- A list of all trade unions that the employer recognises (if any)
  - Yes/No
- A signpost to a GOV.UK page with list of trade unions

- Yes/No
- Add other types of information (please specify)
  - Yes/No

**Please explain your answer.**

We agree that the statement should include a brief overview of the functions of a trade union, a summary of statutory rights in relation to union membership, and information about any trade unions recognised by the employer.

- Descriptions of the function of a trade union and statutory rights must be neutral, succinct and in plain English. 2023 [Department of Education data](#) suggests that 1 in 6 UK adults have a low literacy level with an earlier survey showing an average reading [age of 9-11 years old](#) amongst UK adults. Readers may not understand complex legal language.
- There should be a requirement to include information that explains what a recognised union is, and what recognition means in practice for workers (for example, collective bargaining and representation).
- If there are multiple recognised unions that cover different staff groups, the statement must be clear about which unions cover which staff groups.

Where an employer already recognises one or more trade unions, we do not think it is helpful to signpost workers to a general GOV.UK list of unions in addition. We recommend sharing this GOV.UK information only where no recognised union is in place. Having multiple small unions operating in a workplace is unlikely to have the desired impact for employees and may create confusion about routes for representation and collective bargaining.

**Do you agree the statement should be a standardised statement provided by the government?**

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

**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

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

- Yes
- No, it should be delivered indirectly

**If no, please explain your answer.**

We discussed this with a Special Interest Group of homecare employers. Approaches to providing the statement to employees will vary depending on the procedures in place in any given workplace. Some employers would be happy to send the statement with the employment particulars directly. However, others would like to have the option of meeting the requirement by including the statement in the staff handbook or with the company's employment policies and procedures (for example, on the staff intranet site) rather than only in the employment particulars.

This is because:

- The statement should be consistent for all staff groups.
- New workers should familiarise themselves with the staff handbook / policies and procedures, which means including the statement as part of any induction process.
- When staff are reviewing a staff handbook or policies, they are more likely to be in a receptive frame of mind.
- There is a risk that if it is with the employment particulars, employees may focus on reviewing and completing the paperwork that they need to secure employment without stopping to read a statement on trade unions.
- In low pay sectors, like care, staff may also be less keen to consider joining a union until they have received their first pay cheque and are clearer on their financial position, so including the statement in an induction process could be more effective than putting it only in pre-employment paperwork.

**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

**Please explain your answer.**

We agree that employers should be able to deliver the statement either directly or indirectly to existing workers. We would prefer for employers to have the option of making the statement continuously available, for example, through a staff handbook

or intranet site alongside other policies. This would make the statement easy to find, should employees wish to reference it, and would mean that administration related to informing workers of their right to join a trade union could sit alongside the employer's existing processes for managing internal policies. In homecare, where many staff work remotely in the community and may not regularly access work email, this flexibility is particularly important.

Having the statement continuously available would:

- Reduce the administrative burden on employers
- Ensure the statement is available to employees at all times
- Ensure the statement is salient to employees at times when they are looking through an employer's policies about employment issues, when they might consider union membership
- Avoid the statement being an unsolicited email, which they may not read
- Avoid prioritising the sending of the statement over other information on harassment, discrimination, mental wellbeing at work and other matters of employment rights that could be equally as important
- An employer's primary route of communicating with staff may not always be by letter or email, but could be through other messaging platforms that do not lend themselves to lengthy statements

Employers should also have the flexibility to communicate the statement through other means, for example, as part of the annual appraisal process.

**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)

**Please explain your answer**

We do not think employers should be required to email a separate statement or reminder to all workers on an annual basis. If an annual statement is required to be emailed to employees, it suggests that indirect communication of the statement is not a viable option and that direct communication is required. There is a real risk that such emails would simply disappear into colleagues' inboxes.

We would prefer for employers to have the option of including this information in staff handbooks or with company policies and procedures (for example, on the staff intranet) and circulated following updates. This would allow:

- Staff to be notified if the employer updates the statement following changes to recognised unions active in the workplace

- Staff may receive reminders to look at these policies more frequently than annually
- Staff are used to processing information in this way
- Staff will look for this kind of information in policies and procedures (whether in a staff handbook or elsewhere)

As previously, it will also:

- Reduce the administrative burden on employers
- Ensure the statement is available to employees at all times
- Ensure the statement is salient to employees at times when they are looking through an employer's policies about employment issues, when they might consider union membership
- Avoid the statement being an unsolicited email that employees may not read
- Not prioritise the sending of the statement over other information on harassment, discrimination, mental wellbeing at work and other matters of employment rights that could be equally as important
- An employer's primary route of communicating with staff may not always be by letter or email, but could be through other messaging platforms that do not lend themselves to lengthy statements

**Do you agree that a standardised frequency should apply to organisations regardless of sector or size?**

Yes/No

**If you selected 'no', please explain your answer.**

Legislation on trade union access and recognition has an exception for employers with fewer than 21 workers. We suggest the government apply a similar principle to this statement. It is unlikely that trade unions will be active in very small businesses and they may be less able to assist. Small businesses are less likely to have in-house HR functions and so will have lower capacity to comply with this requirement.

The Government should consider carefully whether this duty should apply to very small employers (for example, recipients of Direct Payments who employ Personal Assistants). If it does apply, local authorities will need to support people in receipt of Direct Payments with their responsibilities, and the government must include this in implementation plans.

**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 Homecare Association would like clear guidance from the Government on exactly what employers must do to comply with this responsibility.

- The guidance should take into account the different sizes of employers and show proportionality in the approaches that employers may take. Small to medium employers are unlikely to have in-house HR teams and may have fewer formal, written policies and procedures. In homecare, many providers are small or medium-sized organisations supporting people to live at home, and their staff often work remotely in the community, so any new duty must be realistic and workable in this context.
- The Government should agree on a proportionate method of enforcement and penalties with business representatives and communicate these clearly.