

Royal College of Nursing response to Department for Business and Trade consultation on Trade union duty to inform

About the Royal College of Nursing

With a membership of over half a million registered nurses, midwives, health visitors, nursing students, health care assistants and nurse cadets, the Royal College of Nursing (RCN) is the voice of nursing across the UK and the largest professional union of nursing staff in the world. RCN members work in a variety of hospital and community settings in the NHS and the independent sector. The RCN promotes patient and nursing interests on a wide range of issues by working closely with the Government, the UK parliaments and other national and European political institutions, trade unions, professional bodies and voluntary organisations.

1. Introduction

Question 1

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

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):

- **Assurance that joining a union will not result in detriment or discrimination.**
- **Reference to ACAS guidance for further information.**
- **Signposting to GOV.UK and the RCN for sector-specific advice.**

We agree that the statement should include clear and comprehensive information about the legal right to join a trade union. This is fundamental to ensuring workers understand their entitlements and can make informed decisions.

The statement should explicitly confirm that joining a union is voluntary and cannot result in any detriment or discrimination, as protected under Section 146 of the Trade Union and Labour Relations (Consolidation) Act 1992.

It should also outline the benefits of union membership, such as access to representation, professional advice, and collective bargaining. Furthermore, the statement should provide links to impartial resources, including GOV.UK guidance and contact details for recognised unions, where applicable.

In the health and social care sector, where employment structures can be complex, clarity is essential to prevent misinformation. Including this information promotes transparency and strengthens trust between employers and employees.

It also aligns with the UK's international obligations under ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organise.

By ensuring workers receive accurate and accessible information, this measure will help foster a culture of respect and fairness in workplaces, ultimately benefiting both staff and service delivery.

Question 2

The Employment Rights Bill requires that workers be given a written statement setting out their right to join a trade union.

The government is considering whether the statement should be a standard statement provided by government, or drafted by employers in line with the content requirements set out by government

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

Yes

No

A standardised, mandatory government statement ensures messaging for employees that is neutral and consistent. It also limits the ability of employers to formulate wording that is potentially misleading and could deter union membership.

We strongly support the use of a standardised statement provided by the government. A uniform approach guarantees consistency across all sectors and prevents employers from omitting or altering critical details.

Standardisation reduces administrative burden and ensures compliance, particularly for smaller employers who may lack legal expertise. It also mitigates the risk of bias or misrepresentation, which could undermine workers' confidence in the information provided.

For nursing staff, who often work in diverse settings including NHS community care, independent health and social care organisations, consistency is vital. A government-issued statement reinforces impartiality and credibility, ensuring that all workers receive the same clear message about their rights.

This approach also simplifies enforcement and monitoring, as regulators can easily verify compliance. While employers should retain flexibility in delivery methods, the content must remain uniform to uphold fairness.

A standardised statement is the most effective way to safeguard workers' rights and promote transparency across the nursing workforce. This recommendation aligns with principles in the Employment Rights Act 1996 and supports the government's stated aim of making work pay.

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

If option B is adopted, we agree that the government should provide a model statement for employers to adapt. However, there should be core components which employers should not be permitted to remove or edit – see our response to question 2.

This ensures that even where customisation is permitted, the core legal requirements remain intact. A model statement would serve as a benchmark, reducing the risk of omissions or inaccuracies.

Employers could tailor the statement to reflect sector-specific contexts, such as including details of recognised unions in health and social care, while remaining compliant with statutory obligations under the Trade Union and Labour Relations (Consolidation) Act 1992.

For nursing staff, clarity and accuracy are paramount, given the complexity of employment arrangements. Providing a model statement also supports smaller employers, such as in social care, who may lack resources to draft compliant documents independently.

It promotes consistency while allowing flexibility, striking a balance between standardisation and practicality. Ultimately, this approach would help achieve the policy's objectives without imposing undue burdens on employers, while ensuring the nursing workforce receives accurate and meaningful information about their rights.

Question 4

The government proposes that employers should be able to deliver the statement to existing workers through indirect or direct methods, without the requirement for a reminder.

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

Yes

No, it should be delivered directly

We agree that the written statement should be delivered directly to new workers. Direct delivery ensures that individuals receive the information personally and promptly, reinforcing its importance.

For nursing staff, who often begin roles in high-pressure environments, clarity at the outset is critical. Providing the statement during onboarding guarantees that nurses understand their rights from day one, reducing the risk of confusion or misinformation.

This approach also demonstrates employer commitment to transparency and fairness, fostering trust and engagement. Delivery should be in a durable format, such as email or printed copy, to allow workers to retain and reference the information.

In sectors like health care, where staff may work across multiple sites or shifts, direct delivery is the most reliable method to ensure accessibility. By embedding this requirement into the onboarding process, employers can normalise discussions about rights and representation, contributing to a positive workplace culture.

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 * With comment

Employers should be able to use both methods, but the RCN insists that indirect delivery alone is insufficient for many nursing roles.

For nursing staff, many of whom do not have regular access to office facilities, employers must ensure that alternative channels, such as email or postal delivery, are available.

We recommend annual direct communication alongside continuous indirect availability (intranet, noticeboards) to reach shift workers, bank staff and those without regular digital access.

Clear guidance should specify that indirect delivery is acceptable only where workers can easily access and retain the information.

These recommendations are consistent with obligations under the Employment Rights Act 1996 and international labour standards promoting equal access to information.

Question 6

The government proposes that the statement provided through direct methods should be delivered annually to existing workers.

The government believes that this proposal would help ensure workers are reminded within a reasonable timeframe and would be reasonable for employers to comply with.

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 six months

No, it should be another frequency

Regular reminders reinforce awareness and accommodate workforce changes, such as new starters or role transitions.

In health and social care, where turnover can be high and employment patterns varied, communication every six months ensures that all staff remain informed. This measure also reflects best practice in maintaining transparency and promoting engagement.

Employers should have flexibility in timing, but the frequency should be consistent to avoid confusion. Reminders can be integrated into existing communication cycles, such as appraisal periods or compliance updates, minimising disruption.

For nursing staff, ongoing awareness of rights is essential to safeguarding professional autonomy and wellbeing. By institutionalising this practice, employers can demonstrate their commitment to fair treatment and compliance with statutory obligations for the nursing workforce.

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

Yes

No

A baseline frequency of every six months should apply to all sectors. There should also be flexibility that is sector-specific, that takes into account characteristics of that sector, such as high turnover rates in areas such as social care, and agency workers.

We believe the frequency should reflect the realities of sectors with high workforce mobility, such as nursing and health care. The nursing workforce includes permanent staff, agency workers, and those on zero-hours or short-term contracts, many of whom experience frequent changes in employment status.

This view aligns with broader union consensus for regular, proactive communication and supports inclusivity across diverse employment arrangements.

The Institute for Employment Rights frames the duty as part of a modern industrial relations framework that should promote collective bargaining and worker voice.

They stress that without strong union representation, workers cannot achieve meaningful collaboration or fairness, and they call for principles that explicitly reference collective bargaining and international labour standards (ILO conventions).

A flexible approach is one that best suits the nursing workforce.

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?

We recommend that implementation guidance explicitly address atypical work arrangements, such as bank staff, agency nurses, and zero-hours contracts.

Digital delivery should be permitted as the default method, with alternatives for those without digital access. Awareness campaigns and employer education should accompany the policy to promote understanding and compliance.

The materials produced should also be provided in multiple languages and formats (large print, audio), to reflect the diverse nature of the nursing workforce.

Initial enforcement should prioritise support rather than punitive measures, fostering a collaborative approach. Monitoring and reporting mechanisms should be transparent to build trust and accountability.

For nursing staff, who often work in complex and fragmented environments, clarity and accessibility are paramount. By adopting these measures, the government can ensure that the duty to inform is effective, proportionate, and aligned with the overarching goal of empowering the nursing workforce and promoting fair workplaces.

On enforcement, there should be proportionate compliance measures (guidance, notices, penalties for persistent noncompliance) and clear remedies for detriment. And to monitor awareness, membership uptake and employer compliance, a review after a predetermined period of time (12–18 months) should take place.

These recommendations reflect obligations under ILO Convention No. 87 and UK employment legislation, reinforcing the principle of freedom of association and the right to organise.

For further information, please contact:
Seamus Colclough, seamus.colclough@rcn.org.uk

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