

EQ

UITY

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

December 2025

About

Equity is the largest creative industries trade union with 50,000 members united in the fight for fair terms and conditions across the performing arts and entertainment. Our members are actors, singers, dancers, designers, directors, models, stage managers, stunt performers, circus performers, puppeteers, comedians, voice artists, supporting artists and variety performers. They work on stages, TV and film sets, runways, in studios, in night clubs and in circus tents.

Contact

For further information about this response, please contact Dugald Johnson (Policy Officer, Employment Rights), djohnson@equity.org.uk.

Introduction

1. Equity agrees with the government's aims to address low rates of unionisation in large parts of the economy. The benefits of a strong union to both worker and employer are well set out in the TUC response, along with new polling data showing limited awareness of unions, particularly among young workers. The introduction of this duty to inform workers of their right to join a union is a welcome step in the right direction: it will help to make sure workers know what a union is for, their rights as a member, and can find out which union they can join.
2. However, it is but one small step in reversing decades of decline in union power, caused largely by an onslaught of anti-union legislation which remains intact. To improve unionisation in the private sector and realise the benefits of collective bargaining for workers and employers, it will require the repeal of this mesh of anti-union measures. That includes, for example, repealing the Trade Union Act 2016 and allowing e-balloting, as the government has committed to do in the Employment Rights Bill, but also removing complex ballot and notice requirements for industrial action and ending the ban on secondary action. Besides law reforms, work by the government to convene employers and unions at a sectoral level – as the government is beginning to do in social care – is also key to improving the coverage and presence of unions, particularly in the private sector.
3. Despite the general picture, Equity stands as a relatively unusual example of sectoral collective bargaining in the private sector: our collective agreements in the entertainment industry cover over 90% of productions in British film, TV and theatre. Equity has longstanding and constructive relationships with key employer associations representing those core subsectors. In areas where our presence is less well established – including commercials, audio, video games, some variety and smaller theatre work – this new duty, if implemented effectively, will complement our organising efforts to build engagement with the union.

Question responses

1

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

4. Equity agrees that all the proposed types of information should be included in the statement provided to workers.

A brief overview of the functions of a trade union

5. As explained in the TUC's response, many workers, most of all young workers, do not have a good understanding of what a trade union does or how it can help them. This is, therefore, an important part of the statement.
6. It is important that this overview includes a balanced and accurate depiction of a union's work, which can be adapted to reflect the particular features of a union where an employer recognises that particular union. Strikes and industrial conflict receive far greater coverage than the daily work of unions representing workers in grievance and disciplinary processes, providing insurance, giving legal advice, and negotiating better pay and conditions.

A summary of the statutory rights in relation to union membership.

7. It is important that the statement sets out rights in relation to union membership, including that workers must not suffer detriment based on their union membership, in order to give workers confidence about joining the union and address any concerns about their employer's reaction.

A list of all trade unions that the employer recognises (if any).

8. Recognised trade unions should be listed in the statement, including contact details for the relevant union representatives.
9. Any additional information relevant for workers considering joining – for example, that union A is recognised for one group workers while union B is recognised for another group of workers – should also be included.

A signpost to a GOV.UK page with list of trade unions

10. We support the statement including a link to a GOV.UK page with a list of trade unions but the list should contain additional information that helps workers to figure out which union is most appropriate for their occupation.
11. Equity supports the TUC's request that the government include on that webpage a link to the TUC's Union Finder. The TUC represents the majority of unions in the UK and has developed an easy tool for workers to find out information about unions relevant to them.

Add other types of information (please specify)

12. Employers should be prohibited from including any anti-union statements next to or alongside the statement to be provided under this duty.

2

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

13. Yes, for employers who do not recognise or bargain with a particular trade union, the government should stipulate a standardised statement to be used. This is crucial to address the risk that an employer hostile to unions frames the statement in a way that discourages workers. A standardised statement also brings the benefit of making it easier for employers to meet the duty and be confident their statement is compliant. That is a particular attraction for small employers, which are frequent employers of our members across the entertainment industry.

14. Where an employer recognises a trade union for a group of workers, that employer and union should be free to agree as part of their normal collective bargaining a statement that meets the particular needs of that industry and workplace. The statement could then expressly identify the union (rather than point them to a long list) and identify specific benefits offered by that union, such as public liability insurance and access to occupational health services.

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?

15. Equity is opposed to option B. It would invite great variation in the quality and accuracy of the statements and significantly weaken the impact of this reform.

16. The government notes that option B would be in line with the approach elsewhere in employment law, such as notification of pension scheme enrolment. There is, however, considerably greater risk that an employer will seek to misrepresent or minimise information about trade union compared to information on pension rights. There are strong grounds, then, to treat this area differently by prescribing a standardised statement, except where a union is recognised as above.

17. If option B were to be adopted, the provision of a model statement would provide some limited control on an employer's ability to undermine the statement but would not be sufficient to make this an acceptable route to implementation.

4

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

18. Yes, the statement should be delivered direct to workers, alongside their employment particulars which employers already have a duty to provide. It is worth noting that there remains widespread non-compliance with the duty to provide employment particulars in the entertainment industry, particularly in variety (such as drag performance and comedy), for

supporting artists on very short-term engagements. There is a clear risk of significant non-compliance with this new duty too, unless the government equips regulators, such as the new Fair Work Agency, to effectively enforce it.

| | |
|-----------|---|
| 5 | <i>Do you agree that employers should be able to deliver the statement indirectly or directly to existing workers?</i> |
| 5a | <i>Please explain your answer.</i> |

19. The statement will be most effective if delivered directly, including to existing workers. It is, of course, helpful to have the statement available on an intranet, in circumstances where our members have access to it, or a noticeboard. However, it is no substitute for direct delivery on a regular basis. It may be easily missed, especially in the often highly pressured and busy setting of a theatre or filmset.
20. Given the freelance and short-term pattern of our members' work, there will be limited cases where there are relevant indirect means for the employer to communicate the statement, meaning that direct delivery will usually be required.

| | |
|----------|--|
| 6 | <i>Do you agree that the written statement should be delivered directly to new workers?</i> |
|----------|--|

21. Equity agrees with the proposal for an annual reissuing of the statement. In practice, the majority of our members' engagements are for significantly less than a year (with the exception, in some cases, of continuing drama or long-running theatre shows), meaning they will receive the statement more frequently than this as they begin work with various employers.

| | |
|----------|--|
| 7 | <i>Do you agree that a standardised frequency should apply to all organisations regardless of sector or size?</i> |
|----------|--|

22. Yes, the frequency should not vary according to the size of the organisation. The duty does not represent a major administrative burden for the employer, not least because, if the government proceeds with a standardised statement, the employer need not expend time and effort on the content. Further, if the duty sits alongside the existing duty to give employment particulars, it will add little in the way of administrative cost to the employer.

| | |
|----------|--|
| 8 | <i>Do you have any further comments on how the duty to inform workers of their right to join a trade union should be implemented?</i> |
|----------|--|

23. Equity underlines the importance of effective and robust enforcement action to ensure compliance with this duty. In some areas of the industry, members often report not receiving employment particulars and other breaches of their basic employment rights, often owing to a misunderstanding about their employment status. If this new duty is to meet its policy

objectives, it is crucial that the government equips and resources labour market enforcement bodies to monitor and investigate compliance.