

Respond to Acas consultation as an employer or organisation

Acas consultation on the updated draft Code of Practice on time off for trade union duties and activities

Use this document to respond to the Acas consultation, if you're not able to use the [online response form](#).

Please email your response to consultations@acas.org.uk

If you need to submit your response in another way, email us to request an alternative format.

To make your submission as helpful as possible, please:

- read the [consultation page](#) before responding
- read the [draft Code of Practice](#) before responding
- keep your response concise and to the point – we suggest a limit of 500 words for each open text question
- keep your response as plain text only

Consultation closes: 5pm, Tuesday 17 March 2026

Your details

Which of the following best describes your organisation? (required)

- Employer representative organisation, employer organisation or industry association

About your organisation

Your organisation's name (required)

CIPD

How many people does your organisation employ? (optional)

This is the number of people working in the whole organisation.

- More than 250

How would you classify your organisation? (optional)

- Another type of organisation: Professional body for HR and people development

If you are an employer representative organisation, employer organisation or industry association, approximately how many organisations do you represent? (optional)

160,000 HR professionals

If you are a trade union or other employee representative organisation, approximately how many individual members do you represent? (optional)

Section A: Guidance on equality representatives' right to time off

Detail and clarity of the Code

The Employment Rights Act 2025 introduces a legal right for union equality representatives to take paid time off to carry out specified duties. Qualification for this right mirrors the existing right for trade union learning representatives to take time off.

Acas has added guidance to the draft Code setting out and explaining the new legal requirements for union equality representatives to take time off.

These additions include:

- the duties for which union equality representatives must be allowed reasonable time off (paragraph 23)
- a definition of equality in the workplace for the purposes of union equality representatives' right to time off (paragraph 24)
- guidance on training for equality representatives (paragraphs 41 to 46)
- wording on relevant previous experience for equality representatives (paragraphs 47 to 50)

Acas has focused on setting out these general principles in the draft Code, allowing for a clear understanding of the standards it sets out. Acas's accompanying non-statutory guidance will expand on these principles and give further detail.

Question 1

Does the draft Code provide sufficient detail on the legal requirement for union equality representatives' right to reasonable time off?

- Yes

Please explain the reason for your answer. If you answered no, please also identify where further detail could be added to the guidance along with suggested detail.

There is sufficient and helpful detail with examples given in the Code.

Question 2

Is the guidance on union equality representatives' right to time off sufficiently clear?

- Yes

Please explain the reason for your answer. If you answered no, please also identify where the Code could be clearer.

There is helpful explanation and guidance provided in the guide relating to equality rights and responsibilities under the law, ie the Equality Act. The training requirement is clearly explained. It's very important to underpin the role of the union equality representative and right to time off in this way but could there also be reference to fair treatment and preventing bullying which is a key aspect of building inclusive workplaces?

Combining guidance on union equality representatives and union learning representatives

The new right for union equality representatives to take reasonable time off closely mirrors the existing right to reasonable time off for union learning representatives.

Acas believes there are sufficient similarities to integrate references to union equality representatives alongside references to union learning representatives in the same section. This is particularly the case in paragraphs 41 to 50.

Acas recognises presenting the guidance in this way could risk confusion between the two types of representatives. However, Acas believes that:

- where there are differences between the two types of representatives, this is made sufficiently clear
- presenting the guidance in this way prevents significant duplication of information and overall lengthening of the draft Code

Question 3

Do you agree the guidance on union equality representatives should be provided in the same sections as the guidance on union learning representatives?

We are particularly interested in your views on paragraphs 41 to 50.

- Yes

Please explain the reason for your answer. If you answered no, please also explain how it should be introduced.

We agree there are sufficient similarities to integrate references to union equality representatives alongside references to union learning representatives in the same section. Indeed, it's helpful to present the information in this way as it will hopefully support employers and unions to develop a framework for implementing the law in a fair and consistent way for both types of representative. We believe the similarities and differences are clearly outlined in paras 41 to 50.

Duties covered by the right to time off

The Employment Rights Act 2025 sets out the purposes for which the right to time off for a trade union equality representative will apply.

At paragraph 46 in the draft Code, Acas has sought to set out practical examples of those duties – it is not intended to be an exhaustive list. These examples aim to help users interpret the types of activities that could fall within the right to time off, without making the Code overly prescriptive or unnecessarily long.

Question 4

Do you agree that the examples set out in paragraph 46 of the draft Code will help users of the Code to understand the duties for which union equality representatives have the right to time off?

- Unsure

Please explain the reason for your answer. If you answered no, please also explain why. For example, should something be elaborated on further?

Broadly, we believe the examples given from (a) to (e) provide a good balance in terms of the range of types of activity that a union equality representative could undertake, and avoid being overly prescriptive. However, some of our members felt that there could be clearer parameters set out in terms of which types of equality activities the new category of representative should be engaged in promoting, in terms of examples with what these activities mean in practice. It could also be worth emphasising how much these duties will vary according to the organisational context and the union's objectives.

Question 5

Does paragraph 46 of the draft Code provide a sufficiently broad set of examples of the main types of activities to which the right to time off could apply?

- Yes - broadly

Please explain the reason for your answer. If you answered no, please also set out additional examples of activities that should be covered.

See response to Question 4. Further, we would like to add that some union representatives could potentially wear more than one representative 'hat', eg act as a union representative and an equality representative? It would be helpful if the Code could clarify whether there are circumstances where this scenario could arise and, if so, how the right to time off would apply operationally.

Training for union equality representatives

The Employment Rights Act 2025 sets out that the right for union equality representatives to take time off to carry out their duties applies if both:

- the trade union gives notice in writing that the employee is an equality representative of the union
- the employee has met the training condition

To satisfy this training condition, an employee will need to be able to demonstrate that they have received sufficient training to enable them to operate competently as a union equality representative.

Paragraphs 44 to 48 of the draft Code are intended to set out practical guidance on how an employee could demonstrate to their union that they have received sufficient training. This guidance should also help a union to understand the evidence that might be acceptable for this purpose.

Question 6

What are your views on the guidance in the draft Code (paragraphs 44 to 48)?

For example, does it sufficiently explain how an employee can show they've had sufficient training to operate competently as a union equality representative?

It could be a bit clearer that a union equality representative or union learning representative [as the paras refer to both] could still be undergoing the required training (within the specified six month period) whilst still legally eligible for time off to carry out their duties, ie the training may not be yet completed. Paras 47 to 48 are good at explaining the different ways in which an employee can demonstrate that they have undergone training or have gained relevant expertise to be competent in a representative role. However, could the expertise and experience gained (eg for an equality representative, the learning acquired from leading employee networks) be considered equivalent to having taken part in formal training? It would be helpful to be explicit about this, and whether there are specific criteria that need to be considered when a judgement is made as to whether the employee has received sufficient training.

Section B: Guidance on accommodation and other facilities

There is currently no general duty on employers to provide accommodation and facilities for union representatives. However, there are specific requirements in this regard for representatives engaged in duties related to collective redundancies and TUPE.

The [existing Code](#) includes good practice guidance on the provision of facilities for union representatives (paragraphs 46 to 47). It also includes guidance on including facilities for union representatives in formal agreements on time off between an employer and trade union (paragraphs 56 to 61).

The Employment Rights Act 2025 introduces a new right requiring the employer to 'provide the employee with such accommodation and other facilities for carrying out of duties (or undergoing relevant training) as is reasonable in all the circumstances, having regard to any relevant provisions of a Code of Practice issued by Acas'. The right will apply to trade union representatives including union learning representatives and union equality representatives. The right will be triggered where the employee requests accommodation or facilities.

Acas has updated the draft Code to reflect this new statutory right and set out practical guidance in paragraphs 72 to 75. Acas has focused on setting out general principles in the draft Code, allowing for a clear understanding of the standards it sets out. Acas's accompanying non-statutory guidance will expand on these principles and give further detail.

Question 7

Does the guidance in the draft Code (paragraphs 72 to 75) provide sufficient detail on the provision of accommodation and other facilities?

- No

Please explain the reason for your answer. If you answered no, please also explain why. For example, what should be changed, removed or added to this guidance?

Broadly, paras 72 to 75 are clear and provide helpful detail on employers' new obligations to provide accommodation and other facilities under the law. It's good that the Code points out that what is reasonable to provide may be different depending on the circumstances. However, we feel there should be more information and clarity on how the Code should apply to organisations with virtual/hybrid working arrangements as not all employers now have predominantly physical workplaces.

Further, it would be helpful to include some practical examples where it may not be reasonable to supply certain accommodation requests in certain circumstances, eg for smaller employers who may not have the physical space to offer private meeting rooms on a regular basis, and/or where there are financial constraints on providing accommodation/facilities. We appreciate this area may be more fully explained and practical examples provided in the guidance that is currently being updated by Acas. However, it is the Code of Practice, and not the accompanying non-statutory guidance, that will carry

weight with employers and as part of any formal process that may arise in the event of a dispute.

On para 75, there could be other examples of agreed procedures that representatives would need to comply with, particularly if the accommodation is a physical space, eg health and safety, security considerations.

Question 8

Is the guidance on the provision of accommodation and other facilities in the draft Code (paragraphs 72 to 75) sufficiently clear?

- No

Please explain the reason for your answer. If you answered no, please also, where appropriate, set out additional examples that you would like to see.

Please see response to Question 7 where it would be helpful to expand with practical examples on what could be considered 'reasonable' in certain circumstances.

Section C: Guidance for smaller organisations

Acas is keen to ensure that the guidance contained in the draft Code provides appropriate practical recommendations for employers and trade unions in smaller organisations. As such, Acas is seeking views on the guidance in paragraph 82 of the draft Code. This has been adapted from the wording in paragraph 61 of the current Code.

Acas recognises that agreements between employers and trade unions in smaller organisations may benefit from:

- reaching a mutual understanding on how to make requests for time off, accommodation and other facilities, and the relevant factors to consider when requests are made

- agreeing more flexible arrangements that can be adapted to their specific circumstances

This approach is intended to provide for flexibility and proportionality in organisations where a less flexible agreement setting out a mandatory set procedure may not be practical. Acas would like to understand:

- whether the Code remains appropriate and effective for smaller organisations
- whether providing any additional detail would help smaller employers apply the principles in the Code

Question 9

Does paragraph 82 provide appropriate practical guidance for smaller employers?

- No

Please explain the reason for your answer. If you answered no, please also identify what further detail could be provided and where in the Code it could be added.

It's very good that the Code acknowledges the needs of smaller employers in implementing these rights for union representatives. However, we are of the view that the first bullet on 'reaching a mutual understanding' is a principle that should apply to all employers and union representatives. Further, flexibility could be needed in these arrangements whatever the size of the company, as the operations of a very large company could be complex and influence decisions and agreements about providing accommodation at different times. Therefore, to make this section more meaningful for how smaller employers could be impacted differently and respond to the new rights/requests it would be helpful to have more practical detail in the Code, as well as expanding on it in the accompanying guidance.

Section D: Restructure of the existing Code

While Acas's existing Code requires updating due to changes in the law, we also see this as a welcome opportunity to carry out a full review of the Code's layout, structure, phrasing and formatting. Website accessibility

and usability standards have moved on since the Code was last updated in 2010.

With this in mind, Acas has sought to update the layout, structure, phrasing and formatting of the Code of Practice in line with the public sector accessibility regulations introduced in 2018. At the same time, we have sought to ensure that:

- the draft Code allows for a clear understanding of the practical guidance that it sets out
- the meaning and interpretation of the good practice principles already contained in the existing Code are maintained in the draft Code

Question 10

Do the changes to the layout, structure, phrasing and formatting in the draft Code make clearer your understanding of the good practice principles when compared with the existing Code?

- Yes

Please explain the reason for your answer.

Question 11

Do the changes to the layout, structure, phrasing and formatting in the draft Code change your interpretation of any of the good practice principles contained in the existing Code?

- No