Royal College of Nursing submission to the consultation Making Work Pay: creating a modern framework for industrial relations

Link to consultation: Consultation on creating a modern framework for industrial relations

The Royal College of Nursing (RCN) is the largest professional body and trade union for nursing staff in the world. We represent around half a million members who are registered nurses, midwives, students, and nursing support workers across the United Kingdom and beyond.

1. **Do you agree or disagree that these principles should underpin a modern industrial relations framework? Is there anything else that needs consideration in the design of this framework?**

The Royal College of Nursing (RCN) supports the principles proposed for a modern industrial relations framework: collaboration, proportionality, accountability, and balancing the interests of workers, businesses, and the wider public. These principles are essential for fostering fair and constructive industrial relations that empower workers, enhance workplace conditions, and support broader economic and social goals.

However, the RCN emphasises that the principle of "balancing the interests of workers, businesses, and the wider public" must not be interpreted in a way that compromises workers' rights under the guise of pursuing economic growth or public convenience. Workers' rights and economic prosperity are not at odds; indeed, strong protections for workers contribute to higher productivity, better retention, and sustainable economic growth. The framework must focus on maximising rights for workers as a cornerstone of fair industrial relations.

2. **How can we ensure that the new framework balances interests of workers, business, and public?**

A genuine balance of the interests of workers, businesses, and the general public starts with recognising that protecting workers' rights is essential to a functioning and prosperous society. It is generally accepted that when workers are protected and empowered, productivity increases, leading to broader economic benefits that also support businesses and the wider public.[1] It is important to note that, in most cases, the general public are themselves workers, so strengthening protections for workers benefits society as a whole, both economically and socially.

The RCN believes that equity and inclusivity must be foundational considerations within the framework. Specific attention should be given to the needs of marginalised groups, such as internationally educated workers and women in predominantly female professions like nursing. These groups are often more vulnerable to exploitation, and ensuring their inclusion in protections is vital for achieving a fair and representative framework.

Furthermore, the framework must go beyond articulating rights to ensuring they are enforced effectively. Robust mechanisms are needed to safeguard workers from

[1] Strengthening the foundations: Why employers support stronger workers' rights | IPPR

exploitation and unfair treatment while holding employers accountable for meeting their obligations. A commitment to enforceability ensures that workers' rights are not just theoretical but meaningfully upheld.

By embedding these principles and protections, the framework can create a virtuous cycle where empowered workers contribute to stronger businesses, which in turn support a thriving economy and society. This is not about pitting interests against one another but recognising that protecting workers' rights is the foundation of shared prosperity.

3. **Do you agree or disagree with the proposal to extend the Code of Practice on access and unfair practices during recognition and derecognition ballots to cover the entire recognition process from the point where the Central Arbitration Committee accepts the union's application for statutory recognition? Please explain your reasoning and provide any evidence on cases that support your view.**

The Code of Practice is a guide that covers issues such as union access to workers and unfair practices during recognition and derecognition ballots in a workplace. Currently, the Code of Practice only provides protection against unfair practices from the point at which a bargaining unit has been agreed, and the Central Arbitration Committee has ordered a ballot.

The RCN agrees with the proposal to extend the Code of Practice on access and unfair practices during recognition and derecognition ballots to cover the entire recognition process from the point where the Central Arbitration Committee accepts the union's application for statutory recognition.

Extending the Code of Practice in this way ensures the process is fair and transparent from the outset, providing consistency and preventing employers from undermining union recognition efforts through unfair practices. A clear and enforceable code covering the full recognition process will help protect workers' rights to organise and collectively bargain, which is fundamental to fair industrial relations.

This extension would be particularly valuable in sectors like independent health and social care (settings outside the NHS including care homes, nursing agencies, private hospitals, etc.), where union access and recognition can be more challenging, ensuring that all workers have an equal opportunity to be represented.

4. **Do you agree or disagree with the proposal to introduce a requirement that, at the point the union submits its formal application for recognition to the CAC, the union must provide a copy of its application? Please explain your reasoning.**

The RCN is broadly supportive of the proposal, provided safeguards are in place to limit sensitive and/or identifiable information about members or small groups of members being shared. Protecting individual privacy is essential, particularly in smaller workplaces where identification risks are higher.

Any requirement for unions to provide a copy of an application to employers should be a straightforward process and not impose any undue administrative burden on unions or hinder their ability to represent workers effectively. Unions must not be penalised for inadvertent administrative errors in their application.

5. **Do you agree or disagree that the employer should then have 10 working days from that date to submit the number of workers in the proposed bargaining unit to the Central Arbitration Committee (CAC) which could not then be increased for the purpose of the recognition process? Please explain your reasoning.**

The RCN does not have a serious objection to allowing employers 10 working days to submit the number of workers in the proposed bargaining unit to the CAC, with no further increases permitted.

While we understand that employers may need some time to respond, it is reasonable to expect that they would already have this information given the stage of the process. It is important that this period is not extended further to avoid unnecessary delays.

6. **Can you provide any examples where there has been mass recruitment into a bargaining unit to thwart a trade union recognition claim? Please provide as much detail as you can**

The RCN is not aware of any examples affecting our members.

7. **Are there any alternative mechanisms that you consider would prevent mass recruitment into a bargaining unit for the purpose of thwarting union recognition applications? Please provide as much detail as you can**

   One mechanism to prevent mass recruitment into a bargaining unit for the purpose of thwarting union recognition applications could involve freezing the composition of the bargaining unit at a time defined in law (such as at the beginning of the preceding financial year) for the purpose of calculating whether the threshold for this process has been met. This would make artificially inflating the unit at short notice significantly harder and help ensure the integrity of the recognition process.

8. **Do you have any views on a possible alternative to place a new obligation on employers not to recruit into a proposed bargaining unit for the purpose of seeking to prevent a union from being recognised? How would this alternative work in practice?**

To ensure compliance, financial penalties could be imposed on employers found to have breached this obligation, with the fines proportionate to the size of the business and the severity of the infringement. This would act as both a deterrent and a meaningful sanction.

The RCN further suggests that consideration be given to introducing a summary-only offence, similar to that in section 194 of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA), for cases where employers engage in egregious behaviour designed to thwart statutory union recognition by deliberately circumventing the intent of the law.

Such an offence would require a high threshold, ensuring it applies only to the most extreme and deliberate tactics, with clear evidence that the individual held accountable was the real decision-maker and acted with the requisite mens rea. While the RCN does not envisage this being commonly prosecuted, it could serve as a deterrent against practices like mass recruitment into a bargaining unit solely to undermine union

recognition. This suggestion is put forward for further consultation and discussion to assess its feasibility and proportionality.

9. **Do you agree or disagree with the proposal to introduce a 20- working day window to reach a voluntary access agreement from the point when the Central Arbitration Committee (CAC) has notified the parties of its decision to hold a trade union recognition ballot?**

The RCN notes the proposal to introduce a 20-working day window to reach a voluntary access agreement. While this timeframe seems reasonable, it is important that it does not inadvertently delay the recognition process or create barriers to fair and timely outcomes.

10. **If no agreement has been reached after 20 working days, should the Central Arbitration Committee (CAC) be required to adjudicate and set out access terms by Order? If yes, how long should CAC be given to adjudicate?**

The RCN supports the idea that if no agreement is reached after 20 working days, the Central Arbitration Committee (CAC) should be required to adjudicate and set out access terms by Order. This would ensure the process continues without undue delay. A reasonable timeframe for the CAC to adjudicate could be 10 working days, balancing the need for timely resolution with adequate consideration of the issues. We believe that this could be practical, as we do not anticipate that this will be a frequent occurrence.

11. **Once 20 working days have expired, should the Central Arbitration Committee (CAC) be allowed to delay its adjudication in instances where both parties agree to the delay? Should this delay be capped to a maximum of 10 working days?**

The RCN supports allowing the CAC to delay adjudication for up to 10 working days if both parties agree. Provision could also be made for unions to request a longer extension by writing to the CAC with reasonable grounds. This flexibility is justified by the significant financial and resource asymmetry unions often face compared to large employers, particularly in accessing timely legal advice and support.

12. **Which (if any) of the options provided do you agree with in terms of the tests set for making an unfair practice claim? Please explain your reasoning.**

The RCN's clear preference is Option 1, which removes the second test from Schedule A1 to ensure that all unfair practices are addressed. This option removes the requirement to prove that an unfair practice changed or was likely to change voting behaviour, which has often been a significant barrier to successful complaints. Addressing unfair practices should focus on their occurrence rather than requiring evidence of their impact, making this the most straightforward and enforceable approach.

While Option 2, adopting a purposive approach with an objective test, has some merit in assessing whether a reasonable worker might have been influenced, it does not offer the same clarity and simplicity as Option 1.

13. **Should the Government extend the time a complaint can be made in relation to an unfair practice to within 3 months of the date the alleged unfair practice occurred?**

The RCN supports extending the time to make a complaint in relation to an unfair practice to within 3 months of the date the alleged unfair practice occurred. This would bring the timeframe in line with standard time limits for employment-related claims, such as those for unfair dismissal or discrimination, under the Employment Rights Act 1996 and the Equality Act 2010.

While this extension provides a reasonable opportunity for unions to gather evidence and prepare their case, it is worth noting that even a 3-month period remains relatively limited, particularly when compared to the longer timeframes allowed for other civil claims.

14. **Do you agree or disagree with the proposal to remove the 10-year requirement for unions to ballot their members on the maintenance of a political fund? Please provide your reasoning.**

The RCN does not maintain a political fund but generally opposes measures that use legislation to interfere in trade union affairs that are better addressed through unions' own internal processes. On this basis, the RCN would not object to the removal of the 10-year requirement for unions to ballot their members on the maintenance of a political fund. This requirement also creates an unnecessary administrative burden for unions, diverting resources that could be better spent representing their members.

15. **Should trade union members continue to be reminded on a 10- year basis that they can opt out of the political fund? Please provide your reasoning.**

The RCN does not see a strong need to retain a statutory 10-year reminder for trade union members about their right to opt out of the political fund. Members are typically informed about their rights when joining the union and through ongoing engagement. This statutory requirement adds an administrative burden without clear evidence that it significantly enhances transparency or member understanding.

16. **Regulations on political fund ballot requirements are applicable across Great Britain and offices in Northern Ireland belonging to trade unions with a head or main office in Great Britain. Do you foresee any implications of removing the 10-year requirement for unions to ballot their members on the maintenance of a political fund across this territorial extent?**

The RCN does not have a view on this question.

17. **How should Government ensure that our modern framework for industrial relations successfully delivers trade unions a meaningful mandate to support negotiation and dispute resolution?**

The RCN believes that a modern industrial relations framework must begin with the repeal of the Trade Union Act 2016, particularly Sections 2, 3 and 9, which impose unnecessarily restrictive thresholds for industrial action ballots and a shelf life on mandates. This repeal was a clear manifesto commitment and, as such, forms part of the Government's contract with the British people.

We also support the repeal of Minimum Service Levels (MSL) legislation, which further undermines workers' ability to take collective action. When these undue restraints are removed, industrial action becomes less likely, as a fairer playing field fosters

constructive dialogue underpinned by mutual respect. This approach would create a more balanced and effective industrial relations framework.

18. **Do you agree or disagree with the proposed changes to section 226A of the 1992 Act to simplify the information that unions are required to provide employers in the notice of ballot? Please explain your reasoning.**

The RCN agrees with the proposed changes to simplify the information unions are required to provide to employers in the notice of ballot under section 226A of the Trade Union and Labour Relations (Consolidation) Act 1992.

19. **Do you have any views on the level of specificity section 226A of the 1992 Act should contain on the categories of worker to be balloted?**

The RCN believes that the level of specificity required under section 226A of the 1992 Act on the categories of workers to be balloted should be proportionate and practical. Overly detailed requirements can create unnecessary administrative burdens and risks of procedural challenges, which can undermine legitimate industrial action.

A balanced approach would be to require unions to provide broad categories of workers, sufficient to give employers a clear understanding of who is being balloted, without requiring excessive granularity. This ensures transparency while allowing unions to focus on the substance of the ballot process rather than overly rigid compliance measures.

20. **What are your views on the proposal to amend the requirement that unions should provide information on the results of the ballot to those entitled to vote and their employers 'as soon as reasonably practicable'?**

The RCN would support the introduction of providing results of a ballot to those entitled to vote and their employers' as soon as reasonably practicable, but that period should be defined, realistic and reduces the need for unions to act hastily compared to the current statutory requirement, ensuring results are communicated accurately and efficiently. Further information pertinent to this question is included in the following answer. The use of the term reasonably practicable in other employment related claims is often interpreted narrowly against workers so a clear time frame would be preferable.

21. **What do you consider is a reasonable time requirement for unions to inform members and their employers of the outcome of the ballot?**

The RCN believes any reasonable time requirement for informing members and employers of the outcome of a ballot must account for practical challenges and responsibilities. Based on our recent experience, we have always endeavoured to communicate results promptly, but several important considerations make this process complex.

These include verifying the results for accuracy, developing communication strategies appropriate to the outcome, and consulting with senior elected lay membership to ensure decisions are genuinely member-led. A reasonable timeframe must therefore allow unions the flexibility to undertake these essential steps while maintaining the integrity and purpose of the process.

This time frame also needs to be relative to the size of the ballot. In small scale ballots involving one employer and one workplace, it may be reasonably practicable for unions to provide their results within 24 hours but in large industrial disputes involving hundreds of thousands of workers across multiple employers that is less feasible. We provided the results of our November 2022 ballot involving 229 employers and 300,000 members within 72 hours and that was challenged by the employers. We would suggest in those circumstances 5 working days may be more appropriate as the union will still be required to provide the employer with notice of action in any event.

22. **What do you consider are suitable methods to inform employers and members of the ballot outcome? Should a specific mechanism be specified?**

The RCN does not believe a specific mechanism should be mandated for informing employers and members of the ballot outcome. Unions should retain the flexibility to use the most appropriate methods for their membership and operational structures, such as email, secure member portals, or postal communication.

While it is reasonable to require unions to communicate results effectively and within a reasonable timeframe, directly prescribing communication methods would be excessive and fail to account for the diversity of union operations. This balance ensures unions can adapt their approaches to meet members' needs while maintaining transparency, subject to the considerations outlined in the previous answer.

23. **Do you agree or disagree with the proposal to simplify the amount of information that unions must provide employers in the industrial action notice? Please explain your reasoning.**

The RCN agrees with the proposal to simplify the amount of information that unions must provide employers in the industrial action notice. The current legislative mandate is excessive and unnecessary, and it risks undermining the effectiveness of industrial action, particularly in certain sectors.

The RCN has always met these standards in full and in addition always considers requests from employers for additional information if we felt it was important from a patient safety perspective and when our notices have been challenged. We have systems in place to facilitate this, as demonstrated during our recent periods of industrial action. This capability would be unaffected by this welcome reform.

24. **What are your views on the degree of specificity section 234A of the 1992 Act should contain on the categories of worker?**

The RCN believes that section 234A of the 1992 Act should be amended to require less specificity regarding the categories of workers involved in industrial action. The current level of specificity can undermine industrial action by placing an excessive administrative burden on unions. Additionally, it risks identifying individual workers, particularly in settings where there is only one nurse in a workplace, such as a school or small GP practice. This undermines the right of union members to take part in industrial action without fear of being singled out.

Reducing the level of detail required would maintain transparency for employers while protecting the rights of workers and ensuring the process is fair and proportionate.

25. Do you agree or disagree with the proposal to extend the expiration date of a trade union's legal mandate for industrial action from 6 to 12 months? Please explain your reasoning and provide any information to support your position.

The RCN is concerned by the framing of this proposal. There ought to be no expiration of a trade union's legal mandate for industrial action, provided the action is in furtherance of the same trade dispute, as defined by the Trade Union and Labour Relations (Consolidation) Act 1992, Section 244(1). We recommend reverting to the system in place before the 2016 Trade Union Act, where courts were entitled to interpret what they regarded as reasonable concerning the duration of such mandates in exceptional cases. This approach allowed for necessary flexibility and judicial discretion to reflect the complexities of industrial relations.

The introduction of a 6-month limit by the 2016 Trade Union Act, even with the possibility of extension to 9 months by agreement with the employer, imposed an arbitrary and unnecessary restriction on unions, making it harder to sustain pressure in long-running disputes. Extending this period to 12 months does not address the underlying problem of imposing a rigid limit and continues to constrain unions' ability to act effectively on behalf of our members. Furthermore, it does not lend itself to recent experiences involving large disputes in the NHS which persisted beyond 12 months without resolution.

We would also remind the government that their promise to the British people was to repeal the 2016 Trade Union Act in full, not to just amend or dilute its most draconian provisions. This proposal falls short of that commitment and does not adequately restore the balance in industrial relations.

26. What time period for notice of industrial action is appropriate? Please explain your reasoning.

The RCN believes a 7-day notice period for industrial action, as outlined in Article 118 of the Trade Union and Labour Relations (Northern Ireland) Order 1995, is appropriate. This timeframe provides sufficient opportunity for employers and unions to negotiate or implement necessary mitigations, without causing undue delays that undermine the effectiveness of industrial action and the fundamental freedom to strike.

In response to concerns about patient safety, particularly in the NHS, the RCN has consistently demonstrated its commitment to maintaining safety during industrial action. We have robust systems to negotiate derogations and ensure that urgent and emergency care continues. Furthermore, the Trade Union and Labour Relations (Consolidation) Act 1992, Section 240 already provides a legal safeguard by making it an offence to wilfully and maliciously breach a contract in a way that endangers human life or causes serious bodily injury. We believe that this restriction is sufficient.

A 7-day notice period strikes the right balance between allowing employers time to respond and protecting workers' rights to take timely and effective industrial action. We do not observe any palpable risks flowing from this in Northern Ireland, where we undertook strike action in 2019, 2022 & 2024.

27. Which (if any) of the options provided do you agree with in terms of modifying the law on repudiation? Please explain your reasoning.

- **Option One:** to only require a union to show that it had made “reasonable endeavours” in terms of giving the notice of repudiation to members and their employers.
- **Option Two:** to only require a union to show that it had issued a general notice of repudiation, posted on its website, and notified the officials and employers involved, instead of having to write to every member that could be involved in the unofficial action.
- **Option Three:** the requirement to ‘act without delay’ could be changed to requiring the notice of repudiation to take place within a set time frame, say within 3 working days.

The RCN supports a review of the law on repudiation and believes the current requirements are overly rigid and burdensome. Of the options provided, Option One would be preferable. Requiring unions to show "reasonable endeavours" in giving notice of repudiation offers a practical and proportionate approach. Realistically, the RCN would always make best endeavours to communicate effectively with members and employers, so this option aligns with our current practices and ensures clarity without unnecessary administrative burdens.

While Option Two also has merit, the RCN believes Option One strikes the best balance between practicality and accountability. It allows unions to fulfil their obligations while avoiding the logistical challenges of issuing individual notices in every case.

28. **Currently the notice by the union is prescribed by legislation. Do you think that prescription of the notice should remain unchanged? If not, what changes do you propose?**

The RCN supports a change in the requirements regarding notice, including the removal of a requirement for prescribed language in the notice. The RCN accepts that unions should be required to repudiate official industrial action explicitly and in good time when mandated by law. However, the current statutory wording under Section 21(3) of the Trade Union and Labour Relations (Consolidation) Act 1992 is unnecessarily rigid and legalistic. The prescribed language, including terms like "repudiation" and the explicit warning about dismissal, can appear overly formal and even threatening to members, undermining trust and effective communication.

While we agree that members should be reminded that taking part in unofficial industrial action constitutes a breach of their employment contract and may result in dismissal without recourse to unfair dismissal claims, this message could be conveyed in a clearer and more accessible way. The current statutory wording risks alienating members and detracts from the union’s ability to communicate effectively during critical situations. Additionally, and particularly in the NHS, our members have been recruited internationally to join the UK workforce and using this type of language, when English is often not a first language for those educated internationally, is not accessible,

We support modifying the law to allow unions greater flexibility in how they communicate repudiation while maintaining the requirement for clarity and transparency. This would ensure unions meet their legal obligations without undermining relationships with their members.

29. **Do you agree or disagree that the current legislation on repudiation should be left unchanged? Please explain your reasoning.**

The RCN disagrees that the current legislation on repudiation should be left unchanged. As outlined above, the existing requirements are overly rigid and burdensome, relying on legalistic language and processes that hinder effective communication with members and employers. A more practical and proportionate approach, such as the changes proposed under Option One, would better balance accountability with flexibility.

30. **Do you agree or disagree with the Government's proposal to amend the law on 'prior call' to allow unions to ballot for official protected action where a 'prior call' has taken place in an emergency situation? Please explain your reasoning.**

The RCN agrees with the Government's proposal to amend the law on 'prior call' to allow unions to ballot for official protected action following an emergency situation where members have walked out due to a genuine fear for their safety.

This amendment is a fair and logical step, recognising that emergency situations often require immediate action to protect the safety of workers. It ensures that unions are not unfairly penalised for responding to these circumstances and allows them to subsequently conduct a lawful ballot to address the underlying issues. Such a change aligns with the principles of fairness and worker protection while maintaining safeguards against unofficial action in non-emergency situations.

The proposal strikes an appropriate balance by continuing to require proper statutory ballots while providing flexibility in emergency contexts, ensuring unions can lawfully represent their members in these situations.

31. **What are your views on what should be meant by an "emergency situation"?**

The RCN believes that an "emergency situation" should be defined broadly to cover circumstances where workers reasonably believe there is a serious and imminent danger to their health, safety, or welfare, in line with Sections 44 and 100 of the Employment Rights Act 1996. Examples might include:

- Unsafe working conditions, such as inadequate personal protective equipment (PPE) or exposure to hazardous substances.
- Immediate threats to physical safety, such as violence, structural instability, or fire risks.
- Health risks, including infectious disease outbreaks or dangerously low staffing levels that jeopardise patient or service-user safety.

The recent issues surrounding RAAC (reinforced autoclaved aerated concrete) and asbestos in health and social care buildings highlight the importance of this flexibility. Emergencies often arise in unforeseen ways, and workers must be empowered to respond to genuine safety concerns without undue barriers. A framework that allows for flexible interpretation is essential, given the unpredictable nature of emergencies, to ensure protections are effective in rapidly evolving or complex situations.

Clear guidance could ensure consistency in applying the definition while maintaining the necessary adaptability to address specific and unforeseen risks.

32. **Are there any risks to the proposed approach? For example increased incidences of unofficial action or of official action which does not have the support of a ballot and is taken without the usual notice to employers? Please explain your reasoning and provide any information to support your position.**

The RCN does not believe the proposed approach carries significant risks. Emergency situations are, by nature, exceptional and unlikely to lead to a substantial increase in unofficial action. The requirement for a subsequent ballot ensures that official action would still need member support and comply with statutory processes, including notice to employers, mitigating the risk of misuse.

However, technical guidance on the assessment of what amounts to an emergency situation i.e. is it subjective or objective needs to be provided. Consideration also needs to be given to issues such as what would happen if there was a dispute as to whether an emergency situation has arisen. For example, who would determine that dispute and what impact might any such delay have on the official and subsequent ballot? Further clarification is required in this area.

33. **Do you agree or disagree with the proposed approach for the CAC to enforce access agreements? Please explain your reasoning.**

The RCN agrees with the proposed approach for the CAC to enforce access agreements. However, we believe further steps are needed to ensure this framework is effective. Clear guidance should be provided on the grounds upon which employers can object to access requests, as the current proposals lack sufficient detail to prevent arbitrary restrictions.

We also advocate for enshrining a statutory right to workplace access, rather than merely a right to request access. Workplace access is a fundamental right for trade union representatives, particularly in health and care, where staff are often dispersed across multiple settings, including public, private, agency, and IHSC sectors. Access is essential for unions to support and organise workers, and to negotiate improvements in pay and conditions.

This right should include physical access to workplaces, subject only to reasonable restrictions, and access to essential communication tools, such as staff lists and the ability to contact workers confidentially through company-provided email addresses, phone numbers, or digital platforms like WhatsApp and Teams. These tools must remain accessible during disputes to ensure unions can effectively represent their members. Guaranteeing these rights across all sectors would strengthen the framework and support fair and meaningful engagement between unions and workers.

34. **Do you have any initial views on how the penalty fine system should work in practice? For example, do you have any views on how different levels of penalty fines could be set?**

The RCN believes that any penalty fine system should be fair, transparent, and proportionate, with clear criteria for how different levels of fines are determined. It is important that penalties are sufficient to act as a deterrent while not being excessively punitive. We would welcome further consultation and detailed proposals on this issue to

ensure that the system achieves its intended purpose without unintended consequences. Penalties should be relative to an employer's size and resources.

35. **Do you think the proposal for a penalty fine system is proportionate or not, and would it be effective? Please explain why.**

Yes. Employers who deny workplace access must face substantial statutory penalties, ensuring compliance with the law and upholding workers' rights to representation. This enforcement is crucial in preventing employers from undermining union recruitment activities and isolating staff from collective bargaining.

36. **Do you consider there to be any alternative enforcement approaches the government should consider? For example, should a Central Arbitration Committee (CAC) order requiring specific steps to be taken (Step 2 above) be able to be relied upon as if it were a court order? What other approaches would be suitable?**

The RCN supports exploring alternative enforcement approaches to ensure compliance with access agreements. Allowing a Central Arbitration Committee (CAC) order to be enforceable as if it were a court order could be a practical and efficient solution, reducing delays associated with additional legal processes.

This approach would strengthen the CAC's authority and ensure timely resolution of disputes, particularly in cases where workplace access is critical, such as in health and care settings. We would welcome further consultation on other potential enforcement mechanisms to identify the most effective approach.

37. **Are there any wider modernising reforms relating to trade union legislation that you would like to see brought forward by the government? If yes, please state these and why.**

The RCN believes the full repeal of the Trade Union Act 2016 should be a priority for modernising trade union legislation. This Act imposes unnecessarily restrictive measures on trade unions, such as excessive ballot thresholds, which undermine the ability of unions to represent their members effectively. Repealing the Act in its entirety would restore fairness in industrial relations and support the rights of workers to organise and take collective action.

Additionally, we call for the repeal of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (the Lobbying Act), particularly those sections that restrict the voice of trade unions in election years. The Act's administratively burdensome requirements and the threat of significant fines discourage unions from participating fully in democratic debates and advocating on behalf of their members during critical times. Removing these restrictions would ensure unions can continue to provide a strong and independent voice in shaping public policy and defending the interests of workers.