



## **Terms of Reference for Independent Review into Electronic Balloting for Trade Union Industrial Action Ballots**

### **Introduction**

The Trade Union Act 2016 requires the Secretary of State to commission an independent review on the delivery of secure methods of electronic balloting for the purpose of ballots held under Section 226 of the Trade Union and Labour Relations (Consolidation) Act 1992 (requirement of ballot before industrial action by a trade union). The specific process as set out in the Act can be found at Annex A.

### **Purpose**

The review should take into account issues, including but not exclusively:

- The electronic and physical security of e-balloting methods, including risks of interception, impersonation, hacking, fraud or misleading or irregular practices
- If any system can safeguard against risk of intimidation of union members and protect anonymity of ballot responses
- The security and resilience of existing practices of balloting union members
- The aims of the Trade Union Act 2016 to ensure strikes and related disruption to the public only happen as a result of a clear, positive decision by those entitled to vote.

### **Timing and deliverables**

The final report shall be presented to the Secretary of State and, in due course, laid before each House of Parliament and not later than December 2017.

## **Annex A**

### **Section 4 of the Trade Union Act 2016 specifies:**

4. *Provision for electronic balloting: Review and piloting scheme*
  - (1) *The Secretary of State shall commission an independent Review, the report of which shall be laid before each House of Parliament, on the delivery of secure methods of electronic balloting for the purpose of ballots held under section 226 of the 1992 Act.*
  - (2) *The use of pilot schemes shall be permitted to inform the design and implementation of electronic balloting before it is rolled out across union strike ballots.*
  - (3) *The Secretary of State must consider the report and publish and lay before each House of Parliament his or her response to it.*
  - (4) *For the purpose of preparing the response under subsection (3), the Secretary of State must consult relevant organisations including professionals from expert associations to seek their advice and recommendations.*
  - (5) *The Review under subsection (1) shall be commissioned within six months of the passing of this Act.*