



UK Government

Make Work Pay:

Consultation - Draft Code of Practice on Electronic and Workplace Balloting for Statutory Union Ballots

19 November 2025

Closing Date: 28 January 2026 11:59pm

Foreword

The government's top priority is to grow the economy and improve living standards. We are clear that you cannot build a strong economy whilst having people in insecure work. We were elected on a promise to make work pay and secure a new deal delivered in partnership with employers, workers, and trade unions. That's why, within our first 100 days, we delivered on our commitment to introduce the Employment Rights Bill.

However, the Employment Rights Bill is only the first step to ensuring that we deliver for working people. At present, the law requires almost all statutory trade union ballots to be conducted solely by post. This is outdated, reduces democratic participation, and serves to dampen the voice of working people. We want to make participation easier, modernise the balloting process, and ensure ballot results truly reflect the voices of working people.

Therefore, as part of the first step to delivering on this commitment, we will be introducing electronic and workplace balloting for statutory union ballots via secondary legislation. This will bring worker participation in line with modern voting practices already widely used in political parties and listed companies and deliver toward our commitment made in Make Work Pay. This is only the first step, and we will work with stakeholders to expand the electronic voting methods further over the course of 2026 and beyond.

Robust safeguards will apply. The new methods will allow all eligible members to vote, ensure secrecy of the ballot, and minimise the risk of unfairness and malpractice. They will ensure democratic participation is facilitated, while security is assured.

To ensure these new voting methods are applied legally, fairly, and securely, we are introducing a new statutory Code of Practice. The Code will provide clear and detailed guidance on how electronic and workplace ballots should operate in practice, giving all parties confidence that union ballots are carried out to a high standard.

This consultation is an opportunity to shape that Code. We want to hear from unions, employers, workers, scrutineers, and the wider public to ensure it is clear, balanced and understandable.

By working together to get this right, we will modernise trade union ballots in a way that strengthens the voice of workers, provides certainty for employers, and helps deliver the fairer, stronger economy that we promised at the general election.



The Rt Hon Peter Kyle MP

*Secretary of State for Business and
Trade and President of the Board of
Trade*

A handwritten signature in blue ink that reads "Peter J. Kyle".

Kate Dearden MP

*Minister for Employment Rights and
Consumer Protection*

A handwritten signature in blue ink that reads "Kate Dearden.".

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Introduction

The Plan to Make Work Pay

The Plan to Make Work Pay sets out an ambitious agenda to deliver our Plan for Change by ensuring employment rights are fit for a modern economy, empowering working people and contributing to economic growth.

The Employment Rights Bill will bring our employment rights legislation into the 21st century, extending employment protections already given by the best British companies to millions more workers across the country.

Our phased approach to implementation provides clarity and time to prepare, while raising standards across the board creating a level playing field, improving staff retention, leading to a happier, more secure and productive workforce.

The government will continue to undertake comprehensive engagement on the implementation of Make Work Pay and the Employment Rights Bill, to ensure that these changes work for businesses of all sizes.

We want to continue to hear the perspectives of employers, workers, trade unions and other stakeholders on how these changes will affect existing systems and processes, and the steps that will need to take place to adapt to these reforms.

As the Employment Rights Bill Implementation Roadmap makes clear, we're committed to working in partnership with employers to ensure these reforms are not just ambitious, but achievable.

As we move into the implementation phase, this consultation will play a critical role in shaping how the Make Work Pay reforms are delivered, ensuring they are practical, inclusive, and responsive to the needs of employers and workers alike.

The proposals in this consultation document relate to a draft Code of Practice that will accompany a Statutory Instrument (SI). Both the Code and the SI will require Parliament's approval before they can be brought into force. Therefore, it will only be possible for the proposed measures outlined here to take effect once the necessary parliamentary processes have been completed.

Electronic and Workplace Balloting

Under the current legislative system, statutory trade union ballots conducted under the Trade Union and Labour Relations (Consolidation) Act 1992 ("the 1992 Act") must be held by post. This includes ballots for:

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- Industrial action
- Political Funds / Resolutions
- Union elections
- Union Mergers

Statutory Recognition and Derecognition ballots may be carried out using postal or workplace balloting.

The Plan to Make Work Pay set out a government commitment to allow unions to use modern and secure electronic and workplace balloting for statutory ballots, bringing union participation in line with modern voting practices that political parties and listed companies already use. Allowing these additional methods could increase participation, make it easier for members to have their voices heard, and support strong democratic mandates.

The government will introduce these changes through a statutory instrument (SI) under Section 54 of the Employment Relations Act 2004. Section 54 provides the legal power for expanding the voting methods for union ballots and elections conducted under the 1992 Act. It allows the Secretary of State for Business and Trade to authorise additional voting methods, provided that postal voting remains available as one of these options.

Before authorising new voting methods under Section 54, the Secretary of State must be satisfied that the new methods allow the statutory ballot to be conducted in a way which meets the “required standards”:

- a) That those entitled to vote have an opportunity to do so;
- b) Votes cast are secret;
- c) The risk of unfairness and malpractice is minimised.

In line with these standards, the government plans to permit three new voting methods, in addition to postal ballots, for certain statutory ballots. All the permitted methods can be used in combination with other permitted methods, or individually, to ensure maximum utility:

1. ‘Pure’ electronic balloting (fully digital) – where the distribution of the voting pack, the casting and return of the votes, take place entirely through electronic means.

This could be used to conduct:

- a. Industrial Action Ballots
- b. Political Fund / Resolution Ballots
- c. Union Election Ballots
- d. Union Merger Ballots

2. Hybrid electronic balloting – where voting materials are distributed by post, with members able to return their vote either by post or electronically (i.e. casting their vote online in an internet portal or website administered by the scrutineer). This could be used to conduct:

- a. Industrial Action Ballots

- b. Political Fund / Resolution Ballots
 - c. Union Election Ballots
 - d. Union Merger Ballots
 - e. Statutory Recognition and Derecognition Ballots, and Part III (changes affecting the bargaining unit) ballots
3. Workplace balloting – where members cast their vote in person at the workplace, via a physical ballot box and paper, or at an off-site location (should it be infeasible to conduct the ballot on-site) with all balloting arrangements agreed in advance on a voluntary basis between the union, scrutineer, and employer. This could be used to conduct:
- a. Industrial Action Ballots only

In all circumstances, statutory union ballots can only be conducted with one of the new methods using an independent scrutineer named in either the Trade Union Ballots and Elections (Independent Scrutineer Qualifications) Order 1993 or the Recognition and Derecognition Ballots (Qualified Persons) Order 2000 depending on the type of statutory ballot. Scrutineers involved in electronic balloting will also be required to meet robust cyber security standards, including Cyber Essentials Plus certification, and to create and maintain appropriate audit logs throughout the electronic balloting process.

The order will be made by statutory instrument and will be subject to parliamentary approval, as will the Code of Practice we are consulting on. This consultation is seeking views on the draft Code of Practice and is not a consultation on the policy intent of electronic and workplace balloting, or the Order itself. Where the Order is referenced in the Code of Practice, it is referred to as [Future SI]. The outline of the Future SI is summarised in Annex A and is detailed in the section of this document titled ‘Our approach to secondary legislation.

Looking forward

Delivery of electronic and workplace balloting is something we are committed to and want to deliver quickly and securely. Modernised balloting methods are expected to make participation in statutory ballots more accessible and improve representation of workers.

We will progress this work in three phases:

- **Phase 1:** we will deliver the methods for the specific union ballots as set out in the section above. We also intend to set up a Senior Oversight Board for electronic and workplace balloting. This board will comprise businesses, unions, cyber security experts, and independent scrutineers that will provide expert advice and oversight over the implementation of electronic and workplace balloting.

- **Phase 2:** the ‘pure’ electronic balloting method will be expanded to include statutory recognition and derecognition ballots, and updates will be made to the unfair practices legislation under Schedule A1 to the 1992 Act to permit use of this method, with the intent of delivering this change by the end of 2026.
- **Phase 3:** ongoing work with the Senior Oversight Board to assess implementation and scope enhancements to the electronic balloting and workplace balloting regime.

Why we are consulting now

Alongside the statutory instrument permitting these new voting methods, the government will introduce a new statutory Code of Practice on electronic and workplace balloting.

The Department for Business and Trade is consulting to gather views on the draft statutory Code of Practice, in line with the statutory requirement under Section 204 of the 1992 Act. In accordance with Section 204(1), the government has consulted the Advisory, Conciliation and Arbitration Service (Acas) prior to preparing and publishing the draft code.

This new Code will serve as the principal source of practical guidance on the conduct of ballots using these new methods. It will give employers, unions and named independent scrutineers more detail on the use of electronic and workplace balloting. It will include guidance on the requirements for each party involved in a statutory union ballot to ensure a ballot meets the required standards, factors to be considered when choosing a voting method, and good practice in the conduct of statutory union ballots using these new voting methods.

Once the Code and the measures in the statutory instrument are in place, workers will be able to participate in ballots more easily, helping both unions and employers ensure ballots are conducted to a high standard, supporting robust and democratic outcomes in industrial relations.

This is a public consultation and is open to all.

Consultation details

Issued: 19 November 2025

Respond by: 28 January 2026 11:59 pm

Enquiries and Responses to:

tradeunionpolicy@businessandtrade.gov.uk

Write to:

Trade Union Policy, Employment Rights Directorate
Department for Business and Trade
Old Admiralty Building
Admiralty Place
London
SW1A 2DY

Consultation reference:

Draft Code of Practice on Electronic and Workplace Balloting for Statutory Union Ballots

Audiences:

- Independent scrutineers
- businesses
- trade unions
- business groups or representatives
- consumers
- non-governmental organisations
- members of the public
- all other interested parties

Territorial extent

This Code of Practice will apply in England, Wales and Scotland. It will not apply in Northern Ireland, where employment law is devolved.

How to respond

Respond online: [here](#)

or

Email to: tradeunionpolicy@businessandtrade.gov.uk

or

Write to:

Trade Union Policy, Employment Rights Directorate

Department for Business and Trade
Old Admiralty Building
Admiralty Place
London
SW1A 2DY

We strongly encourage that responses are made via the online platform. Using the online survey will assist our analysis of the responses, enabling more efficient and effective consideration of the issues raised.

If you are responding in writing, please make it clear which question or paragraph number each comment relates to.

When responding, please state whether you are responding as an individual or representing the views of an organisation.

Your response will be most useful if it is framed in direct response to the questions posed, though further comments and evidence are also welcome.

Confidentiality and data protection

Information you provide in response to this consultation, including personal information, may be disclosed in accordance with UK legislation (the Freedom of Information Act 2000, the Data Protection Act 2018 and the Environmental Information Regulations 2004).

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If you want the information that you provide to be treated as confidential, please tell us, but be aware that we cannot guarantee confidentiality in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not be regarded by us as a confidentiality request.

We are trialling Artificial Intelligence (AI) solutions to support the delivery of our functions. Unless made expressly clear to you, we will not use AI to either make or inform decisions about you. We will apply effective data minimisation techniques to all such uses of your data.

Your responses, including any personal data, may be shared with a third-party provider, or other government department or organisation acting on behalf of the Department for Business and Trade under contract or an equivalent agreement, for the purpose of analysis and summarising responses for us and may use technology, such as artificial intelligence. Further detail on how AI is used, including its scope and safeguards, and third-party sharing, is available in our Privacy Notice.

An anonymised version of responses in a list or summary of responses received, and in any subsequent review reports may be published. We may also share your personal data where required to by law. You can leave out personal information from your response entirely if you would prefer to do so.

Wherever possible avoid including any additional personal data in free-text responses beyond that which has been requested or which you consider it necessary for DBT to be aware of.

We will process your personal data in accordance with all applicable data protection laws. See our [privacy policy](#).

We will publish a government response on GOV.UK.

Quality assurance

This consultation has been carried out in accordance with the governments [consultation principles](#).

If you have any complaints about the way this consultation has been conducted, please email: enquiries@businessandtrade.gov.uk

About you

Please provide the following information to help us understand the context of your response:

Question 1: Please indicate whether you are responding as:

- ☐ An individual
- ☐ An academic, or on behalf of an academic or research organisation
- ☐ An employer
- ☐ A legal representative
- ☐ A business representative organisation (please specify)
- ☐ A trade union or staff association (please specify)
- ☐ A charity or interest group
- ☐ An Independent Scrutineer
- ☐ Other

Question 2: If responding as an employer, business, business owner, or business representative approximately what is the size of your business? If responding as an individual or worker, what size workplace are you employed in?

- ☐ Micro (fewer than 10 employees)
- ☐ Small (11 to 50 employees)
- ☐ Medium (51 to 250 employees)
- ☐ Large (250+ employees)
- ☐ Don't know

Question 3: What sector are you based in?

- ☐ Advanced manufacturing/engineering
- ☐ Aerospace
- ☐ Agriculture, horticulture, fisheries and pets
- ☐ Airports
- ☐ Automotive
- ☐ Business services

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- [] Chemicals
- [] Construction
- [] Creative industries
- [] Critical minerals
- [] Defence
- [] Education and training
- [] Energy
- [] Environment
- [] Financial services
- [] Food and drink
- [] Healthcare services
- [] Hospitality
- [] Independent Scrutineer
- [] Logistics
- [] Maritime
- [] Medical devices and equipment
- [] Mining
- [] Nighttime economy
- [] Pharmaceuticals and biotechnology
- [] Professional services
- [] Railways
- [] Retail and consumer
- [] Security
- [] Space
- [] Sports economy
- [] Steel
- [] Technology and digital
- [] Trade Unions
- [] Water
- [] Other *[add free text]*

Our approach to secondary legislation

To help respondents understand the Code of Practice and answer the consultation questions the government's planned approach to the statutory instrument (SI) to permit the new voting methods is set out in **Annex A**.

The government has committed to permit electronic and workplace balloting methods for statutory union ballots that are similar to those widely used by political parties and listed companies. The intended outline approach of the Statutory Instrument is provided in **Annex A** of this document. It provides further detail of the new voting methods as it is to be set out in secondary legislation and will support respondents in their assessment of the draft Code of Practice.

It should be noted, however, that changes may be made to the government's proposed approach to the SI before it is laid in Parliament.

Additionally, there are wider minor consequential changes to the 1992 Act that are specific to each ballot method (e.g. ballot address requirements in the case of a virtual ballot, and report requirements for the scrutineer's report) that are not detailed in **Annex A** which focuses specifically on the proposed new voting methods and requirements for said methods.

Consultation

We are consulting on a draft of a new Code of Practice concerning the use of electronic and workplace balloting in statutory trade union ballots. This consultation is focused only on the content of the Code itself and does not seek views on the underlying policy to permit new voting methods. We strongly encourage respondents to be aware of this distinction in making specific comments and suggestions in response to the following questions.

Each of these questions relate to specific components of the associated Code of Practice to which this consultation is referencing. It is recommended that respondents have the Code of Practice to hand when considering each question, so that it is clear as to what area of the code is being referred to.

The paragraph(s) in the Draft Code of Practice that the questions relate to are detailed after each question.

Terminology

This section defines the key terms used throughout the Code. Understanding these definitions is essential for interpreting the requirements and guidance set out in the subsequent sections of the Code.

SECTION - Terminology

Q1 Are there any definitions that are unclear? (Paragraph 17)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q1.1 Please provide further information to support your answer.

[FREE TEXT BOX]

Q2 Are there any other terms you would like to see defined? (Paragraph 17)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q2.1 Please provide further information to support your answer.

[FREE TEXT BOX]

Responsibilities and requirements

This section outlines the main responsibilities of each party involved in statutory ballots. This includes the trade union, scrutineer, and employer, and for statutory recognition and derecognition ballots, the Central Arbitration Committee. It provides guidance to ensure compliance and effective delivery of ballots.

SECTION – Responsible Person

Q3 Is the detail of who the responsible person is for each ballot method clear? (Paragraph 23 – 26)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q3.1 Please provide any further information to support your answer above.
[FREE TEXT BOX]

SECTION – Trade Unions

Q4 Are the details of the responsibilities of the Trade Unions clear? (Paragraph 27 – 31)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q4.1 Please provide any further information to support your answer above.
[FREE TEXT BOX]

Q5 Are there any further responsibilities that should be included for the Trade Unions? (Paragraph 27 – 31)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q5.1 Please provide any further information to support your answer above.
[FREE TEXT BOX]

SECTION – Scrutineers

Q6 Are the details of the responsibilities of the Scrutineers clear? (Paragraph 32 – 34)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q6.1 Please provide any further information to support your answer above.

[FREE TEXT BOX]

Q7 Are there any further responsibilities that should be included for Scrutineers? (Paragraph 32 – 34)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q7.1 Please provide any further information to support your answer.

[FREE TEXT BOX]

SECTION – Employers

Q8 Are the details of the responsibilities of the Employers clear? (Paragraph 35 – 39)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q8.1 Please provide any further information to support your answer.

[FREE TEXT BOX]

Q9 Are there any further responsibilities that should be included for the Employers? (Paragraph 35 – 39)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q9.1 Please provide any further information to support your answer.

[FREE TEXT BOX]

SECTION – Central Arbitration Committee (CAC)

Q10 Are the details of the responsibilities of the Central Arbitration Committee (CAC) clear? (Paragraph 40 – 43)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q10.1 Please provide any further information to support your answer.

[FREE TEXT BOX]

Q11 Are there any further responsibilities that should be included for the Central Arbitration Committee (CAC)? (Paragraph 40 – 43)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q11.1 Please provide any further information to support your answer.

[FREE TEXT BOX]

Electronic balloting requirements

This section details the standards and procedures for conducting electronic ballots, including security, distribution and audit requirements.

SECTION – Scrutineer Standards

Q12 Are the standards required of scrutineers for conducting electronic balloting clear? (Paragraph 47 – 52)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q12.1 Please provide any further information to support your answer.

[FREE TEXT BOX]

SECTION - Voter Access and Distribution: *Pure electronic balloting*

Q13 Are the provisions for distributing pure electronic ballots to eligible voters clear? (Paragraph 53 – 64)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q13.1 Please provide any further information to support your answer.

[FREE TEXT BOX]

SECTION - Voter Access and Distribution: *Hybrid electronic balloting*

Q14 Are the provisions for distributing hybrid electronic ballots to eligible voters clear? (Paragraph 53 – 56, and 65 – 68)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q14.1 Please provide any further information to support your answer.

[FREE TEXT BOX]

SECTION - Ballot Requirements

Q15 With respect to electronic balloting, are the requirements for the operation of the virtual ballot clear? (Paragraph 69 – 76)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q15.1 Please provide any further information to support your answer.

[FREE TEXT BOX]

SECTION - Electronic Balloting Platform Requirements, and Cybersecurity: *Voter Platform Requirements*

Q16 Are the voter platform requirements for electronic balloting clear? (Paragraph 77 – 82)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q16.1 Please provide any further information to support your answer.

[FREE TEXT BOX]

Q17 Do you agree that encryption should be to the AES256 standard to ensure the confidentiality and integrity of the ballot? (Paragraph 80)

Q17.1 Please provide any further information to support your answer.

[FREE TEXT BOX]

**SECTION - Electronic Balloting Platform Requirements, and Cybersecurity:
Ballot Access Method Requirements**

Q18 Are the Unique Identifying Number requirements clear? (Paragraph 83 – 90)

☐ Yes

☐ No

☐ Not sure

Q18.1 Please provide any further information to support your answer.

[FREE TEXT BOX]

Q19 Are the User Database, and Voter Database requirements clear? (Paragraph 84 – 85)

☐ Yes

☐ No

☐ Not sure

Q19.1 Please provide any further information to support your answer.

[FREE TEXT BOX]

Q20 Are the provisions for the use of the ballot access method by eligible voters clear? (Paragraph 86 – 90)

☐ Yes

☐ No

☐ Not sure

Q20.1 Please provide any further information to support your answer

[FREE TEXT BOX]

SECTION - Ballot Access Vote Requirements

Q21 Are the Ballot Access Vote Requirements for electronic balloting clear and understandable? (Paragraph 91 – 95)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q21.1 Please provide any further information to support your answer.

[FREE TEXT BOX]

SECTION - Database Integrity and Access Controls

Q22 Are the controls as specified under the heading Database Integrity and Access Controls clear? (Paragraph 96 – 100)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q22.1 Please provide any further information to support your answer.

[FREE TEXT BOX]

SECTION - Electronic Balloting System Security

Q23 Are the requirements regarding the security of the electronic balloting system clear? (Paragraph 101 – 112)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q23.1 Please provide any further information to support your answer.

[FREE TEXT BOX]

Q24 Are the requirements regarding the monitoring of the electronic balloting system clear? (Paragraph 103 – 107)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q24.1 Please provide any further information to support your answer.
[FREE TEXT BOX]

SECTION - Audit Trail and Data Retention

Q25 Are the audit requirements to verify the outcome of the ballot clear? (Paragraph 113 – 120)

- ☐ Yes
☐ No
☐ Not sure

Q25.1 Please provide any further information to support your answer.
[FREE TEXT BOX]

OTHER - Electronic Balloting Requirements

Q26 Do you have any other comments to raise about the Electronic Balloting section of the Code of Practice?

[FREE TEXT BOX]

Workplace balloting requirements

This section outlines the standards and procedures for conducting industrial action ballots in the workplace. It covers the required agreements between union and employer, site arrangements, and safeguards to ensure workplace ballots are secure and accessible.

SECTION - Scrutineer Standards

Q27 Are the standards required of the scrutineers to conduct workplace balloting clear? (Paragraph 126 - 132)

- ☐ Yes
☐ No
☐ Not sure

Q27.1 Please provide any further information to support your answer.
[FREE TEXT BOX]

SECTION - Ballot Requirements

Q28 Are the ballot requirements clear? (Paragraph 133 – 139)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q28.1 Please provide any further information to support your answer

[FREE TEXT BOX]

Q29 Are there any further responsibilities that should be included for the parties involved in workplace balloting? (Paragraph 133 – 139)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q29.1 Please provide any further information to support your answer

[FREE TEXT BOX]

SECTION - Voluntary Access Agreement and Contingency Planning

Q30 Is there anything else you think the Code should recommend to be included in a voluntary access agreement? (Paragraph 140 – 143)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q30.1 Please provide any further information to support your answer.

[FREE TEXT BOX]

SECTION - Voter Access and Identification

Q31 Is there anything else that you think the Code should recommend to be included in the provisions as set out for voter identification? (Paragraph 144)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q31.1 Please provide any further information to support your answer.

[FREE TEXT BOX]

SECTION - Site Requirements

Q32 Do you consider this section on the requirements on sites used for workplace balloting clear? (Paragraph 145 – 150)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q32.1 Please provide any further information to support your answer.

[FREE TEXT BOX]

Q33 Should the Code include any other recommendations in relation to the requirements set out for each site location to ensure secrecy of the ballot? (Paragraph 145 – 150)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q33.1 Please provide any further information to support your answer.

[FREE TEXT BOX]

OTHER – Workplace Balloting Requirements

Q34. Do you have any other comments to raise about the Workplace Balloting section of the Code of Practice?

[FREE TEXT BOX]

Responsible person – factors and criteria

This section explains key factors and criteria that the responsible person must consider when selecting the appropriate balloting method for a statutory union ballot. It provides a structured approach to decision making to ensure legal requirements are met before the ballot is conducted.

SECTION – Explanation

Q35 Are the requirements of the Responsible Person clear? (Paragraph 161 – 165)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q35.1 Please provide any further information needed to support your answer.

[FREE TEXT BOX]

SECTION – Factors and Criteria for Each Ballot Method

Pure Electronic Balloting

Q36 Are the factors specified for the responsible person for pure electronic balloting to support decision making when choosing the appropriate ballot method(s) clear? (Paragraph 166a)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q36.1 Please provide any further information needed to support your answer.

[FREE TEXT BOX]

Q37 Do you think the Criteria specified for the responsible person for pure electronic balloting are clear ? (Paragraph 166b)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q37.1 Please provide any further information needed to support your answer.

[FREE TEXT BOX]

Hybrid Electronic Balloting

Q38 Are the Factors specified for the responsible person for hybrid electronic balloting to support decision making when choosing the appropriate ballot method(s) clear? (Paragraph 167a)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q38.1 Please provide any further information needed to support your answer.

[FREE TEXT BOX]

Q39 Do you consider the Criteria specified for the responsible person for hybrid electronic balloting are clear? (Paragraph 166b)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q39.1 Please provide any further information needed to support your answer.

[FREE TEXT BOX]

Workplace Balloting

Q40 Are the Factors specified for the responsible person for workplace balloting to support decision making when choosing the appropriate ballot method(s) clear? (Paragraph 168a)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q40.1 Please provide any further information needed to support your answer.

[FREE TEXT BOX]

Q41 Do you consider the Criteria specified for the responsible person for workplace balloting are clear? (Paragraph 168b)

- ☐ Yes
- ☐ No
- ☐ Not sure

Q41.1 Please provide any further information needed to support your answer.

[FREE TEXT BOX]

Q42 Do you have any other comments to raise about the Responsible Person section of the Code of Practice?

[FREE TEXT BOX]

Compliance and enforcement

This section outlines reporting obligations for scrutineers, complaint procedures, and the roles of the relevant parties in addressing breaches or disputes during the ballot.

SECTION – Scrutineer Reporting Obligations

Q43 Are the additional scrutineer reporting requirements clear? (Paragraph 172 – 173)

☐ Yes

☐ No

☐ Not sure

Q43.1 Please provide any further information needed to support your answer.

[FREE TEXT BOX]

Q44 Do you think the Code should include any other recommendations with respect to the additional requirements in scrutineer reports for ballots conducted with the new permitted methods? (Paragraph 172 – 173)

☐ Yes

☐ No

☐ Not sure

Q44.1 Please provide any further information needed to support your answer.

[FREE TEXT BOX]

Other

Q45 Are there any areas in the Code of Practice that you think would benefit from further guidance?

☐ Yes

☐ No

☐ Not sure

Q45.1 Please provide any further information needed to support your answer.

[FREE TEXT BOX]

Q46 Do you have any comments on the overall structure of the Code?

☐ Yes

☐ No

☐ Not sure

Q46.1 Please provide any further information needed to support your answer.

[FREE TEXT BOX]

Next steps

This consultation will close on 28 January 2026. Following the closure of this consultation we will analyse the responses and consider any views expressed and representations made before publishing a government response in due course.

Where evidenced, responses to this consultation may inform amendments to the draft Code of Practice.

The responses provided will help to ensure that the Code of Practice on Electronic and Workplace Balloting for Statutory Trade Union Ballots provides suitable detail to support its role in providing practical guidance to support understanding and delivery of the electronic and workplace balloting requirements of the underlying legislation in [Future SI] and to promote the improvement of industrial relations and good practice in the conduct of trade union statutory ballots and elections by electronic, or workplace means.

The government will bring forward the [Future SI] and the final draft Code of Practice for parliament's consideration, and subject to parliamentary approval, the SI permitting the use of electronic and workplace balloting will come into force.

Annex

Annex A - Electronic Balloting SI Requirements

Ancillary Matters

1. The arrangement of any electronic (pure or hybrid) ballot will be conducted by the chosen scrutineer. This will be at the expense of the union, except for statutory recognition and derecognition ballots which are overseen by the CAC and are conducted at the expense of both employer and union.
2. The union may not be involved in the industrial action electronic ballot setup or operation process other than by commissioning the scrutineer and providing the scrutineer with the relevant information (e.g. voters contact information).

Who can conduct electronic balloting?

3. Electronic balloting can only be conducted by a scrutineer expressly named in the Trade Union Ballots and Elections (Independent Scrutineer Qualifications) Order 1993 for union ballots, or in the Recognition and Derecognition Ballots (Qualified Persons) Order 2000 in the case of recognition and derecognition ballots.¹

What scrutineer specifications are required?

4. For the scrutineer to provide electronic balloting, they must also:
 - a. be successfully audited against Cyber Essentials Plus (CE+) or an equivalent standard.
 - b. Hold an in-date certification for CE+ or an equivalent standard for the duration of the electronic ballot.
 - c. Meet the technical and process controls as specified in the SI and explained further in the Code of Practice.

What requirements must the electronic balloting platform meet?

5. The electronic balloting system must be compliant with all existing data protection and computer handling legislation.
6. The scrutineer must provide a plain English description of the electronic voting system to voters alongside any ballot held by electronic means.
7. The electronic balloting system must comply with the detailed requirements as described in the SI.

How is the e-balloting platform accessed by voters?

8. The scrutineer may distribute the ballot access method through a combination of the following:
 - a. Personal email address

¹ We intend to run to review the 1993 and 2000 Orders after the establishment of the new voting methods.

- b. SMS associated with a personal telephone number
 - i. Virtual internet message associated to the same SMS number
 - c. Post
9. The ballot access method must only enable an individual to vote once.

Distribution of electronic ballot access method by e-mail

- 10. The email address must be a personal email address and cannot be an email provided by an employer or union.
- 11. The email address must be unique and not a shared mailbox.
- 12. The union will need to review emails before providing them to the scrutineer to ensure that the emails are not workplace or union emails. The scrutineer will also need to review emails.

Distribution of electronic ballot access method by SMS / Internet messaging

- 13. The SMS number must be a personal number.
- 14. The contact method must be by SMS or internet messaging that requires SMS verification to create.
- 15. The SMS number must be unique and not shared with another voter.

Distribution of electronic ballot access method by post

- 16. The postal address requirements are the same as that of the 1992 Act.
- 17. The individual must receive a physical ballot that can be returned by post, and a ballot access method that enables them to return their ballot electronically.

Electronic ballot system – security standards

- 18. All voter data, voting platforms, and relevant ballot information must be encrypted to a secure standard that ensures a level of security appropriate to the risk posed and assures the confidentiality and integrity of the ballot. A recommended standard is AES256 or a suitable higher standard as identified by the Scrutineer to assure the security of the ballot.
- 19. The scrutineer must put in place appropriate and proportionate technical and organisational measures to manage risks posed to the security of the network and information systems on which their electronic balloting service relies.
- 20. There must be security information and event management tools in place to continually monitor the platform and alert any intrusion. Logs from this monitoring must be reviewed to detect anomalies or security threats in real time.
- 21. There must be in place a contingency arrangements that ensure a ballot can continue in the case of interference, power outages, data failure, data corruption, or other issue that delays or interrupts the ballot.
- 22. There must be clear, defined, and audited back up procedures in place to ensure continuity and recovery of data.
- 23. There must be measures in place to monitor for, detect and raise the alert to suspicious activity including but not limited to suspect voting patterns, voting times, and voting IP addresses.

- a. Capturing the IP address associated with a vote will be expressly permitted and required for audit and investigation purposes and must be held in line with all relevant associated data protection requirements.
 - b. Users IP addresses must be held alongside the wider logs of the ballot for at least 12 months.
- 24. The voting platform and voter database must be regularly backed up with both full and incremental backups stored securely

Electronic ballot vote return

- 25. Encryption must be used for the entire electronic balloting system.
- 26. End to end encryption must be used for any vote transmission.

Vote Requirements

- 27. Each eligible voter must be assigned a unique, randomly generated, identifying number or numbers (a 'unique identifying number') for internal scrutineer handling.
- 28. The unique identifying number when associated with the voters personal information, must be held separately from their vote, in a distinct User Database.
- 29. Each voter must be provided an electronic ballot access method to enable them to access the electronic balloting voting platform for the ballot in which they are eligible to vote. This access method must be tied to the individual eligible voter through the unique identifying number not the voters personal information.
 - a. The electronic ballot access method must have the potential to be re-issued without compromising the security of the ballot.
 - b. Each electronic ballot access method must be deactivated after use, or at the closure of the ballot.
- 30. After voting electronically, each voter must be displayed a screen confirming that their vote has been received, with a unique reference number.

Database Integrity

- 31. Every vote cast by electronic means must be stored exactly as cast, without modification, and with a timestamp in the 'voter database' alongside the unique identifying number and the ballot access method used.
- 32. It must not be possible for anyone other than the scrutineer to identify how or whether an individual has voted.
- 33. Access to the user database, voter database, and voting platform administrative functions before, during, and after the ballot must be strictly controlled by the scrutineer. Only named individuals, with unique multi-factor authentication methods may be permitted to access any data related to the ballot.
- 34. Role based access controls to all ballot data must be in operation at the Scrutineer organisation with multi factor authentication.
- 35. Any changes to the electronic balloting system and/or administration of the voting platform throughout the period in which the ballot is 'active', that would enable editing of live vote data must be reported in the scrutineer's report (a document produced by the independent scrutineer following the conclusion of a ballot).

36. Any access to the electronic balloting system, that would enable the changing or deleting of already cast votes throughout the operation of the ballot, must be reported in the scrutineer report and justified.
37. Any access to the voter database by an individual or organisation unauthorised to access said data, whether an employee of the scrutineer or not, must be reported by the scrutineer to all parties, and any relevant enforcement body, and will invalidate the ballot, and require the process to be restarted with all existing ballots discarded.

Database Specifications

38. All voter information (user database), and ballot returns (voter database) must be stored in encrypted storage which must be encrypted to a secure standard that ensures a level of security appropriate to the risk posed and assures the confidentiality and integrity of the ballot.
39. The underlying database or cloud infrastructure must be hosted in a secure location with at minimum:
 - a. Have 24/7 physical security and access controls with timestamped logs of access attempts whether successful or not.
 - b. Have 24/7 digital monitoring, security and access controls with timestamped logs of access attempts whether successful or not.
 - c. Be based in a GDPR compliant country or equivalent.

Auditability of the electronic balloting process

40. The scrutineer must collect secure and transparent audit logs of the electronic balloting system / process throughout the entire balloting process (from provision of email addresses from the union to the scrutineer – to closure of the ballot and distribution of the result to the union). The logs must be detailed enough to enable an independent third-party audit that can verify any disputed results or accusations of interference with the ballot.
41. The scrutineer must take steps to ensure the audit logs are not amended and are a true and accurate reflection of the conduct and operation of the statutory ballot .
42. The audit logs must include information at minimum that covers:
 - a. Administration of the electronic balloting system
 - i. Creation and configuration of each ballot, including a description of setting up the ballot, processes for creating the system, the numbers of voters, and any amendments to the configuration of the ballot after launch (issuing of ballot methods).
 - ii. Any permission and access changes to who can access the electronic balloting system following the launch of the ballot (issuing of ballot access methods).
 - iii. Detail of ballot parameters covering at minimum:
 1. Duration of ballot and changes to the duration
 2. Questions or options, or any changes, being voted on in a ballot.
 - iv. Generation and delivery of the unique identifier numbers and access methods including any reissue, reset, editing or allocation of unique identifier numbers and access methods.

- v. Record the downloading of individual votes of the ballot, and the combining of voters from different voting methods to generate the final result of the ballot.
 - vi. Record of the availability of the whole system for the duration of the ballot, including periods of uptime and downtime.
 - b. Voting
 - i. All complaints lodged by voters.
 - ii. All voting failures and retry attempts.
 - iii. Log every access attempt to the voter platform using a voting credential (ballot access method).
 - iv. The IP address associated with each cast vote/ballot.
 - c. Development and Platform Security
 - i. Any access to audit logs.
 - ii. Any attempts to edit audit logs
 - iii. All developer, administrative, or other user access to the live voter database.
 - iv. Record of security events including failed attempts to log on to the voting platform, suspected cyber-attacks or other security events which have the effect of overwhelming or causing a failure or requiring a shutdown of the e-balloting system, and details of any un-planned instances where the e-balloting system is not operational during the ballot.
 - d. Any other information the scrutineer considers valuable to assure an enforcement body of court of the integrity, confidentiality, and accessibility of the ballot.
43. At the close of the ballot, the voter database, the user database (including email addresses), and all audit logs collected must be duplicated, encrypted, stored securely for 12 months from the end of the ballot, and made available upon request by a relevant authority.

Platform Availability

44. The electronic balloting system must have in place technical controls to ensure that the voting platform is available for the entire duration of the ballot.

Technical Support

45. All technical support required by voters for the use of the voting platform must be provided by the scrutineer for the duration of the ballot.

Annex B - Workplace Balloting SI Requirements

Ancillary Matters

1. This method of balloting can only be used for Industrial Action Ballots
2. The arrangement of any workplace ballot for industrial action ballots will be conducted by the chosen scrutineer at the expense of the union.
3. The union may not be involved in the industrial action workplace ballot setup or operation process other than by commissioning the scrutineer, agreeing the voluntary agreement, and providing the scrutineer with the relevant information.
4. The union staff and the employer's staff (who are not participating in the ballot) must not access the specific voting location for the duration of the ballot period unless for the purpose of themselves voting in the ballot.

Who can conduct workplace balloting?

5. Workplace balloting can only be conducted by a scrutineer named in Article 7 of the Trade Union Ballots and Elections (Independent Scrutineer Qualifications) Order 1993.

Workplace balloting requirements

6. Conducting of workplace balloting must be with the voluntary consent of the employer. This applies irrespective of voting location.
7. The scrutineer must be provided by the employer (where possible and with the agreement of the employer) with a location on site of the workplace for the conduct of the workplace ballot (Option 1 below). If that is not possible, then with the agreement of the employer, and at the expense of the union (via the scrutineer) an alternative controlled environment at the employer's location may be used (Option 2 below), or an off-site nearby location may be used (Option 3).
8. The workplace location (Option 1):
 - a. Should be (wherever possible) out of direct sight of senior management or team leaders.
 - b. Must be securable by the scrutineer to the exclusion of all persons whenever the scrutineer is not present.
 - c. Should not, as far as possible, be monitored by the employer by CCTV, or other methods.
 - d. Must be accessible by all voters.
9. The controlled environment (Option 2) must be provided by the scrutineer and placed at the employer's site (e.g. a car park or outside space) by the scrutineer.
 - e. This can include but is not limited to, a temporary structure, a vehicle, a portacabin, or other movable private structure controlled by the scrutineer.
 - f. The same conditions as for a workplace location must be applied.
10. The off-site location (option 3) must be provided by the scrutineer at the expense of the union.
 - g. This can include a nearby village hall, or off site portacabin or secure environment.
 - h. The same conditions as for a workplace location must be applied.

- i. The off-site location must be within a reasonable distance of the relevant employer's site and agreed with the employer.
- 11. The workplace balloting method used must be the marking of a physical ballot paper and placing of this marked paper into a secure tamper proof box in the possession of the scrutineer.
- 12. The scrutineer must ensure the security of the ballot box(es) throughout the entirety of the ballot process.

Workplace Ballot Process Requirements

- 13. All ballots marked in the workplace by an eligible voter must be placed immediately into a tamper evident box under the observation and control of the scrutineer.
- 14. The scrutineer, union, and employer must agree the terms of voluntary access and operation before any ballot can commence. This must include at minimum:
 - a. Access to the workplace by the scrutineer (if applicable)
 - b. Operating hours of the ballot and duration of the ballot.
 - c. Emergency arrangements regarding access to the voting room if held on site of the employer.
 - d. Whether the employer will permit workers specific time off to vote or whether votes must be done at lunch or before/after shifts.
 - e. The location of the ballot
 - f. Agreement from the employer to not unreasonably withhold staff from voting (i.e. tell them it is too busy for them to go and vote).
 - g. Agreement from the employer to not monitor the balloting location via CCTV or other methods.
 - h. Agreement from the employer to engage in good faith and not withdraw consent unreasonably.
 - i. Contingency agreements if the employer withdraws access consent after the commissioning of the scrutineer including at minimum:
 - i. Who pays for the scrutineer to return?
 - ii. What happens to the rest of the ballot?
 - iii. Whether the ballot is continued via another suitable method?
 - iv. What happens with votes already cast?
 - j. Anything else the employer, union, or scrutineer considers should be agreed before a ballot is conducted.

Workplace Ballot Distribution

- 15. The scrutineer will print the ballot papers in line with the requirements for industrial action ballots set out under the 1992 Act.
- 16. The scrutineer will maintain possession of all the unmarked ballot papers other than when providing a single ballot paper to an eligible voter for the purposes of their vote being cast.

Voter Requirements

17. The voter must mark the ballot paper within the voting location. The ballot paper must not be removed from the voting location.
18. Removal of the ballot paper from the voting location by the voter will count as their ballot being 'spoiled'
19. The count of the ballot papers must be done off-site, by the scrutineer, away from the workplace the ballot was conducted in.

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