



UK Government

# **Make Work Pay: Consultation on (1) the revised Code of Practice on Access and Unfair Practices and (2) unfair practices in electronic ballots**

4 February 2026

Closing Date: 1 April 2026 23:59pm

## **Foreword**

The Government has set the country on the path of national renewal, building a Britain for all on the firm foundations of security, respect and opportunity.

That means creating an economy that delivers for businesses and for working people.

The Government's plan to Make Work Pay will bring our employment rights legislation into the 21st century, extending the employment protections already given by the best British companies to millions more workers across the country.

A crucial part of this is supporting the right of workers to organise for the purposes of collective bargaining.

That's why the Employment Rights Act makes several changes to the statutory trade union recognition scheme so that working people have a more meaningful right to organise through trade unions. This includes removing the 40% support threshold in ballots unions currently have to meet in order to be recognised for collective bargaining. We are also streamlining the process for unions to obtain access to workers earlier in the recognition process.

The government is now consulting on an updated Code of Practice on access and unfair practices during recognition and derecognition processes.

The changes made to this Code of Practice will help ensure that the process of statutory recognition and derecognition for trade unions is clearer and affords workers across the country greater opportunity to organise within the workplace.

As a separate part of this consultation, the government is also consulting on potential updates to the law on unfair practices, that would enable the use of electronic balloting via workplace email addresses for statutory recognition and derecognition ballots. This forms part of our commitment to modernise trade union ballots in a way that strengthens the voice of workers via the balloting process.

We want to thank you for your participation in this consultation. Your views will be essential to shaping these reforms – to building stronger workplaces, stronger workforces, and ultimately a stronger economy, too.



**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".

**The Rt Hon Kate Dearden MP**

*Minister for Employment Rights,  
Competition and Markets*

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.

Our Employment Rights Act (ERA) will help create a modern, fairer labour market—where workers are better protected, more empowered, and supported through every stage of working life.

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 ERA, to ensure that these changes work for businesses of all sizes.

The government wants 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. Your insights are vital. As the ERA 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, consultations 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.

## **Code of Practice on access and unfair practices**

The government believes that strong trade unions are essential for tackling insecurity, inequality, discrimination, enforcement and low pay. When workers are empowered to act as a collective, they can secure better pay and conditions. That is why the government is committed to strengthening collective bargaining rights and trade union recognition.

We are delivering on this ambition through the ERA 2025 which will reform our trade union framework to strengthen the collective voice in the workplace and enhance worker representation. As part of this, the Act will update the legal framework around statutory trade union recognition so that workers have a meaningful right to organise through trade unions.

This includes removing the requirement for a union to demonstrate at the application stage that it is likely there will be a majority for union recognition and the requirement for a union

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to have at least 40% of the workforce in the appropriate bargaining unit supporting union recognition.

The Act also makes changes to provide better access arrangements for unions and deal more effectively with unfair practices during the recognition and derecognition processes. It also seeks to prevent mass recruitment into the bargaining unit, which may be intended to thwart the union's recognition application, by freezing the bargaining unit at the point a recognition application is submitted to the CAC.

The government is now updating the Code of Practice on access and unfair practices during the recognition process so that it reflects these changes and to help foster a new partnership of cooperation between trade unions and employers.

This first part of the consultation is only on the revised Code of Practice not on the legislative amendments in the ERA 2025, which are now of course finalised. The remit of this Code is to provide statutory guidance on the legislative requirements in relation to access and unfair practices during the recognition and derecognition process, as amended by the ERA 2025. We will publish further guidance on the whole recognition and derecognition process when we implement the provisions in the ERA 2025 and this Code later this year.

The access and unfair practices provisions reflected in the revised Code relate solely to the recognition and derecognition process. They are separate and distinct from the new general access provisions in the ERA 2025, which are being consulted on separately.

### **Electronic balloting during recognition and derecognition ballots**

In the Plan to Make Work Pay, the government committed 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 policies, parties and listed companies already use. Those statutory ballots include recognition and derecognition ballots.

The government plans to provide for two methods of electronic balloting for unions. These are pure e-balloting, where both ballots are distributed and voting is done electronically, and hybrid e-balloting, where ballots are distributed via post and voting is done either electronically or via post.

The government is delivering on this commitment in a phased approach. Phase one will allow hybrid electronic balloting to be used for all statutory union ballots, and pure e-balloting to be used for all statutory union ballots other than recognition and derecognition ballots.

Phase two will allow pure electronic balloting to be used in recognition and derecognition ballots. Before this happens, the government wants to ensure that the necessary safeguards are in place to stop interference in these ballots. The second part of this consultation seeks views on government proposals to legislate for new unfair practices to prevent interference in electronic recognition and derecognition ballots.

Some stakeholders may be interested to respond to the first part of this consultation but not the second, or vice-versa. The government welcomes all such responses.

## **Consultation Details**

**Issued:** 4 February 2026

**Respond by:** 1 April 2026 (It is standard practise for consultations to close at 11:59pm)

**Enquiries and Responses to:**

tradeunionpolicy@businessandtrade.gov.uk

**Write to:**

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

**Consultation reference:**

Consultation on (1) the revised Code of Practice on Access and Unfair Practices and (2) unfair practices in electronic ballots

**Audiences:**

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

## **Territorial extent**

The measures under the Trade Union and Labour Relations (Consolidation) Act 1992, including statutory recognition and derecognition, extend and apply to Great Britain only.

## **How to Respond**

**Respond** online – [https://ditresearch.eu.qualtrics.com/jfe/form/SV\\_6F0BioGm8z7w2ai](https://ditresearch.eu.qualtrics.com/jfe/form/SV_6F0BioGm8z7w2ai)

If you have any queries, please contact [Surveys@businessandtrade.gov.uk](mailto:Surveys@businessandtrade.gov.uk) team

or

**Email to:** [tradeunionpolicy@businessandtrade.gov.uk](mailto:tradeunionpolicy@businessandtrade.gov.uk)

or

### **Write to:**

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

When responding, please state whether you are responding as an individual or representing the views of an organisation in the section above under the heading of

### **‘Audiences’.**

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.

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.

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

Please note that where changes in the Code of Practice are necessary to accurately reflect the legislative changes arising from the Employment Rights Act 2025, we will not be able to consider representations on these.

## 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).

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 government's [consultation principles](#). If you have any complaints about the way this consultation has been conducted, please email: [enquiries@businessandtrade.gov.uk](mailto: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
- Other – please specify

**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 (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250+ employees)
- Don't know

**Question 3:** Which region are you located in?

- North-East
- North-West
- Yorkshire and The Humber
- East Midlands
- West Midlands
- East of England
- London
- South-East
- South-West
- Wales
- Scotland
- Northern Ireland

**Question 4:** What sector are you based in?

- [ ] Agriculture, forestry and fishing
- [ ] Mining and quarrying
- [ ] Production
- [ ] Manufacturing
- [ ] Electricity, gas, steam and air conditioning supply
- [ ] Water supply; sewerage, waste management and remediation activities
- [ ] Construction
- [ ] Wholesale and retail trade; repair of motor vehicles and motorcycles
- [ ] Services Sector
- [ ] Transportation & storage
- [ ] Accommodation & food service activities
- [ ] Information & communication
- [ ] Financial & insurance activities
- [ ] Real estate activities
- [ ] Professional, scientific and technical activities
- [ ] Administrative & support service activities
- [ ] Public administration & defence; compulsory social security
- [ ] Education
- [ ] Human Health and social work activities
- [ ] Arts, entertainment and recreation
- [ ] Other service activities
- [ ] Activities of households as employers; undifferentiated goods and services-producing activities of households for own use
- [ ] Other

## **Part one - Code of Practice**

The government intends to commence the changes made by the ERA in relation to statutory trade union recognition, derecognition and related processes later this year. Before all the changes can come into effect the Code of Practice on access and unfair practices during the recognition and derecognition process (“the Code”) must also be updated to reflect the legislative changes.

The government has redrafted the existing version of the Code and is now seeking views on these changes before the Code is finalised and brought into effect. Before it can be brought into effect, the finalised revised Code requires approval in Parliament in accordance with section 204 of the Trade Union and Labour Relations (Consolidation) Act 1992.

This consultation document sets out specific parts of the updated Code the government is seeking views on; however, the government would like to hear views stakeholders have about any part of the Code, including those not specifically cited in this consultation document.

There have been three broad categories of changes made to the Code in this draft.

- First, many of the changes to the Code are to reflect the changes being made to the statutory recognition and derecognition process by the ERA. The Code has been updated so that it accurately reflects the updated legal framework and provides practical guidance to all parties on how to comply with the updated framework.
- Second, the structure of the Code has been changed to reflect the legislative changes made by the ERA, including to make the revised Code of Practice applicable to the full recognition and derecognition process and not just the ballot stage.
- Third, other changes have been made to the Code unrelated to the changes in the ERA. These include updating the guidance in the Code so that it accurately reflects modern working practices and language

# Changes to the Code to reflect legislative amendments being made by the Employment Rights Act

## **Background**

The current version of the Code provides practical guidance on how employers, unions and workers can comply with the existing legal framework around trade union recognition and derecognition. This legal framework is being changed by the ERA and so the guidance in the Code needs to be updated to reflect the updated framework.

## **Proposal**

The Code has been updated throughout to reflect the changes being made to the statutory recognition and derecognition process by the ERA. The key legislative changes that are reflected in the revised Code are as follows:

1. The point at which the prohibition on unfair practices applies will be brought forward to when the CAC notifies parties that it has accepted a 'relevant application'.
2. The point at which unions will be able to seek access to the workforce will be brought forward to when the CAC notifies parties that it has accepted a 'relevant application'.
3. A 'relevant application' is the term used in the Code to refer to the processes to which the revised law on access and unfair practices applies. These are applications for recognition, derecognition and Schedule A1, Part III applications (changes affecting the bargaining unit).
4. The timetable for negotiations on access will be changed and shortened. Upon the CAC notifying the parties that they have accepted the union's application for statutory recognition, the union will have up to 5 working days to indicate whether it seeks access to the relevant workers. There will then normally follow a 15 working days negotiation period for the parties to agree access. Where there is no agreement, the CAC will have 10 working days to determine an access agreement. These timescales are extendable should both parties request it or should the CAC decide that it needs to do so.
5. The time during which an unfair practice allegation can be made after the close of a recognition or derecognition ballot will be extended from 1 working day to 5 working days after the close of the recognition ballot.
6. When the CAC makes determinations on whether an unfair practice has occurred, they will only have to consider whether an unfair practice has occurred and will no longer have to consider the effect it may have had on the ballot outcome.

**Question 1: Do you have any comments about the changes to the Code to reflect the updated legal framework?**

*You may wish to comment on whether the changes are clear, comprehensive, and practical to implement, or suggest areas that could be improved.*

[FREE TEXT BOX]

## **Changes to the structure of the Code to reflect changes being made by the Employment Rights Act**

### **Background**

Under the current legal framework, the trade union access and unfair practices provisions apply during the ballot phase. The ERA amends this so that these provisions apply from when the CAC notifies parties that a relevant application has been accepted. Relevant application means applications for recognition, derecognition and those applications relating to changes to the bargaining unit.

### **Proposal**

The structure of the Code has been revised to reflect this, as well as to reflect the provisions of the ERA requiring the agreement or determination of an access agreement.

**Question 2: How well do the structural changes to the Code reflect the changes being made by the Employment Rights Act?**

**Please highlight practical difficulties and suggest specific improvements or solutions to enhance clarity, usability, or effectiveness.**[FREE TEXT BOX]

## **Other changes to the Code not directly related to the Employment Rights Act**

### **Frequency of meetings**

## Background

In the current iteration of the Code, a frequency of every 10 working days is suggested as the minimum frequency the employer should allow the union to hold meetings during the access period, which all workers or a substantial proportion of them are given the opportunity to attend. The access period will normally extend for several weeks from the point an access agreement is agreed by the parties or determined by the CAC and will usually run until the close of the ballot.

Our reforms to the recognition and derecognition process seek to give unions improved access rights to the workplace. As part of this, we believe that unions should have the opportunity for more frequent access meetings to ensure they have enough time to make their case to workers.

## Proposal

The Government is considering increasing the suggested minimum frequency of these meetings to every 5 working days to allow for greater engagement between the trade union and the workers in the bargaining unit.

The Government would be grateful for views on frequency of meetings to ensure that the determined frequency operates in a manner that fosters good relations and does not impede on or harm business practices.

**Question 3: Do you agree that the suggested minimum frequency of meetings during the access period should be once every 5 working days?**

Yes

No

[FREE TEXT BOX] please explain your reasoning or give an alternative.

## **Duration of meetings**

### Background

The current Code of Practice advises that employers should allow the union to hold each meeting during the access period for at least 30 minutes, which all or a substantial proportion of workers in the bargaining unit are given the opportunity to attend. The Code outlines potential scenarios where flexibility may be needed. For example, if a union official may be unexpectedly away on urgent business or if an employer may wish to re-arrange an event if the selected meeting room is unexpectedly and unavoidably needed for other important business purposes. In such a circumstance, a suitable alternative room in the same building may be used and notification should be given by the employer to the union with at least 24 hours advanced notice of the relevant meeting. The parties should consider whether such flexibility is needed and provide for it in the access agreement.

Proposal

The government is considering extending the suggested minimum to 45 minutes and this is reflected in the draft revised Code. This is with the purpose of providing sufficient time for discussions and questions to take place to ensure all members of the proposed bargaining unit are appropriately informed during the statutory recognition and derecognition processes.

A meeting length of 45 minutes is being proposed as the current main option, but we would be interested in gathering views from respondents as to whether the status quo should be maintained, or if it would be beneficial to extend beyond the proposed 45 minutes.

**Question 4: Do you agree that the suggested minimum duration of meetings be increased from 30 minutes to 45 minutes?**

Yes

No

[FREE TEXT BOX] please explain your reasoning or give an alternative.

**Digital communication**

Background

As the Code was last updated 20 years ago, there are currently very few existing references to the use of digital communication during the recognition process. In this draft revised Code, we have sought to encourage a more prevalent use of digital communication.

Proposal

The draft Code throughout encourages a more general use of digital communications. This includes the use of intranet pages alongside the use of notice boards to allow unions to display material, the dissemination of information via email, and the use of virtual meetings alongside or instead of physical meetings.

**Question 5: Do you think the updates to the Code appropriately reflect the increased use of digital communication in workplaces?**

Yes

No

[FREE TEXT BOX] please explain your answer

**Role of the Central Arbitration Committee**

The Central Arbitration Committee (CAC) plays a significant role in regulating the application process for statutory recognition, derecognition and changes to the bargaining unit. Throughout the draft revised Code of Practice, reference has been made to the role

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that the CAC plays in handling applications, coordinating the process, and resolving disputes.

Whilst every effort has been made to explain the role of the CAC in adequately resolving disputes within the Code, we would be interested in receiving feedback on this from respondents along with any suggestions for what additional guidance may be useful in explaining the CAC's function.

**Question 6: Do you think the role of the CAC in resolving disputes is adequately explained in the Code?**

Yes

No

[FREE TEXT BOX] Please explain your answer. If your answer is no, what additional guidance would you suggest?

To ensure that this consultation is effective as possible, we have inserted the following questions in an effort to understand where more guidance may be needed. We ask that you are as specific as possible in relation to any topic area where you feel further guidance is needed to enable us to review any suggestions effectively.

**Question 7: Do you think that the Code includes sufficient information in relation to Section D of the Code which covers the elements in an access agreement?**

Yes

No

[FREE TEXT BOX] Please explain your answer. If your answer is no, please explain what additional information would be useful.

**Question 8: - Do you think the Code provides sufficient guidance on how unfair practices might be used to influence the outcome of an application?**

Yes

No

[FREE TEXT BOX] Please explain your reasoning.

**Question 9: – Are there any areas or topics of the Code of Practice which relate to access that you think would benefit from further guidance?**

Yes

No

[FREE TEXT BOX] Please explain your reasoning or give an alternative

**Question 10: – Are there any areas or topics of the Code of Practice which relate to unfair practices that you think would benefit from further guidance?**

Yes

No

[FREE TEXT BOX] Please explain your reasoning or give an alternative

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## Part two - unfair practices relating to electronic balloting

This part of the consultation does not relate to the Code of Practice on Access and Unfair Practices. This part of the consultation seeks your views on proposed changes to the legislation on unfair practices to facilitate the use of electronic balloting methods for recognition and derecognition ballots.

### Background

Under the current legislation, statutory recognition and derecognition ballots may be carried out by a scrutineer appointed under the remit of the Central Arbitration Committee (CAC) using postal or workplace balloting.

*The Plan to Make Work Pay* set out a government commitment to allow the use of modern and secure electronic and workplace balloting for statutory ballots.

The government intends to provide for two types of electronic voting:

1. **‘Pure’ Electronic Balloting** – where the distribution of the voting pack, the casting and return of the votes, take place entirely electronically.
2. **‘Hybrid’ Electronic Balloting** – where voting materials are distributed by post, with voters able to return their vote either by post or electronically.

The government intends to introduce electronic balloting in phases. In phase one, unions will be able to use either voting method for all statutory union ballots and elections, other than for recognition and derecognition ballots.

Recognition and derecognition ballots involve the balloting of workers who are not union members, which differentiates them from other statutory union ballots. It means that any use of ‘pure’ electronic balloting for a recognition or derecognition ballot would involve the use of workers’ workplace emails, as unions and employers may not have personal email addresses for the entire potential bargaining unit.

In phase two, the government intends to allow for the use of e-balloting during recognition ballots, but before this happens two further changes to legislation will be required.

The first is an amendment to Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”), using the power provided to the Secretary of State under Section 54 of the Employment Relations Act 2004, to allow the CAC to request workplace email addresses for all workers in a bargaining unit from employers. The second is an addition to the list of unfair practices that parties are prohibited from engaging in during recognition and derecognition ballots set out in Schedule A1 to the 1992 Act. This would probably involve the Secretary of State making an order under the powers in paragraph 166B of Schedule A1.

Unfair practices refer to actions taken by either the employer or the union that improperly influence the outcome of a ballot related to union recognition or derecognition. Either party may complain to the CAC if they feel that another party is using unfair practices to influence the ballot.

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Where CAC finds that unfair practices were used, they may ultimately:

1. reschedule the ballot,
2. cancel the ballot and declare that the union is derecognised or not entitled to be recognised, or
3. cancel the ballot and declare that the union is recognised or refuse the application for derecognition.

The government considers that the existing list of unfair practices would be sufficient to protect parties from any undue influence or other unfair practice with regard to the implementation of hybrid electronic balloting. This is because the hybrid option mirrors much of the existing postal system structures, whereby a ballot is sent by post to a home address, which unfair practices already cover.

However, the use of pure electronic balloting would bring the operation of a ballot within the scope of an employer's email systems. This could present new opportunities for employers to interfere in the ballot.

While most employers would not seek to interfere in the ballot, unscrupulous employers might seek to do so via techniques that would not be prevented by the existing unfair practice legislation.

While there is already a requirement in 26(2) of Schedule A1 of the 1992 Act for the employer to co-operate generally with the ballot, the government does not consider this is specific enough to prevent possible employer interference with a pure electronic ballot.

## Proposals

The government is considering changing unfair practice legislation so that it would prohibit employers or (in some instances) unions from interfering in pure electronic ballots. We are interested in views on how this could be done without unintended consequences. Some possible options are set out below, on which we would also like views.

The government could legislate to provide duties preventing parties:

1. interfering with the delivery of a ballot provided to an eligible voter;
2. seeking to determine how or whether a worker participated in a ballot;
3. seeking to interfere with a ballot or submit a vote on behalf of a worker; or
4. misleading a worker about the secrecy or anonymity of their vote to discourage participation in a ballot in which they are eligible to vote.

The duties would apply to parties during ballots conducted via any ballot method, but the interference they seek to prevent is more likely to occur during pure electronic ballots.

### **Q1. Do you think that the existing requirements in Schedule A1 are sufficient to prohibit interference with a pure electronic ballot?**

Yes

No

Not sure

[FREE TEXT BOX] *Please explain your answer*

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**Q2. Do you agree that the government should add a duty prohibiting interference with the delivery of a ballot to eligible voters (proposed duty 1) to the list of unfair practices for pure electronic ballots?**

Yes

No

Not sure

[FREE TEXT BOX] *Please explain your answer*

**Q3. Do you agree that the government should add a duty to prevent parties seeking to determine how or whether a worker participated in a ballot (proposed duty 2) to the list of unfair practices to prohibit interference with a pure electronic ballot?**

Yes

No

Not sure

[FREE TEXT BOX] *Please explain your answer*

**Q4. Do you think the government should add a duty to prevent parties from seeking to interfere with a ballot or submit a vote on behalf of a worker (proposed duty 3) to the list of unfair practices to prohibit interference with a pure electronic ballot?**

Yes

No

Not sure

[FREE TEXT BOX] *Please explain your answer*

**Q5. Do you think the government should add a duty to prevent parties from misleading a worker about the secrecy or anonymity of their vote to discourage participation in a ballot in which they are eligible to vote (proposed duty 4) to the list of unfair practices to prohibit interference with a pure electronic ballot?**

Yes

No

Not sure

[FREE TEXT BOX] *Please explain your answer*

**Wider Questions.**

**Q6. Do you have any other comments on the government's proposals for unfair practices for electronic balloting?**

[FREE TEXT BOX]

## **Next Steps**

The Consultation will close on 1 April 2026 and following the closure of this consultation, we will analyse all responses and publish a government response in due course.

# Summary of consultation questions

## Consultation on Code of Practice

Question 1: Do you have any comments about the changes to the Code to reflect the updated legal framework?

*You may wish to comment on whether the changes are clear, comprehensive, and practical to implement, or suggest areas that could be improved.*

[FREE TEXT BOX]

Question 2: How well do the structural changes to the Code reflect the changes being made by the Employment Rights Act?

Please highlight practical difficulties and suggest specific improvements or solutions to enhance clarity, usability, or effectiveness.

[FREE TEXT BOX]

Question 3: Do you agree that the suggested minimum frequency of meetings during the access period should be once every 5 working days?

Yes

No

[FREE TEXT BOX] please explain your reasoning or give an alternative.

Question 4– Do you agree that the suggested minimum duration of meetings be increased from 30 minutes to 45 minutes?

Yes

No

[FREE TEXT BOX] please explain your reasoning or give an alternative.

Question 5: Do you think the updates to the Code appropriately reflect the increased use of digital communication in workplaces?

Yes

No

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[FREE TEXT BOX] please explain your answer.

Question 6: Do you think the role of the CAC in resolving disputes is adequately explained in the Code?

Yes

No

[FREE TEXT BOX] Please explain your answer. If your answer is no, please explain what additional information would be useful.

Question 7: Do you think that the Code includes sufficient information in relation to Section D of the Code which covers the elements in an access agreement?

Yes

No

[FREE TEXT BOX] Please explain your answer. If your answer is no, please explain what additional information would be useful.

Question 8: Do you think the Code provides sufficient guidance on how unfair practices might be used to influence the outcome of an application?

Yes

No

[FREE TEXT BOX] Please explain your reasoning.

Question 9: –Are there any areas or topics of the Code of Practice which relate to access that you think would benefit from further guidance?

Yes

No

[FREE TEXT BOX] Please explain your reasoning or give an alternative

Question 10: – Are there any areas or topics of the Code of Practice which relate to unfair practices that you think would benefit from further guidance?

Yes

No

[FREE TEXT BOX] Please explain your reasoning or give an alternative

## **Consultation on Unfair Practice**

Q1. Do you think that the existing requirements in Schedule A1 are sufficient to prohibit interference with a pure electronic ballot?

Yes

No

Not sure

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

[FREE TEXT BOX]

Q2. Do you agree that the government should add a duty prohibiting interference with the delivery of a ballot to eligible voters (proposed duty 1) to the list of unfair practices for pure electronic ballots?

Yes

No

Not sure

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

[FREE TEXT BOX]

Q3. Do you agree that the government should add a duty to prevent parties seeking to determine how or whether a worker participated in a ballot (proposed duty 2) to the list of unfair practices to prohibit interference with a pure electronic ballot?

Yes

No

Not sure

Q3.1 Please provide any further information to support your answer above.

[FREE TEXT BOX]

Q4. Do you think the government should add a duty to prevent parties from seeking to interfere with a ballot or submit a vote on behalf of a worker (proposed duty 3) to the list of unfair practices to prohibit interference with a pure electronic ballot?

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Yes

No

Not sure

Q4.1 Please provide any further information to support your answer above.

[FREE TEXT BOX]

Q5. Do you think the government should add a duty to prevent parties from misleading a worker about the secrecy or anonymity of their vote to discourage participation in a ballot in which they are eligible to vote (proposed duty 4) to the list of unfair practices to prohibit interference with a pure electronic ballot?

Yes

No

Not sure

Q5.1 Please provide any further information to support your answer above.

[FREE TEXT BOX]

Q6. Do you have any other comments on the government's proposals for unfair practices for electronic balloting?

Yes

No

Not sure

Q 6.1 Please provide any further information to support your answer above.

[FREE TEXT BOX]

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We are trialling Artificial Intelligence (AI) solutions to support the delivery of our functions. In accordance with data protection law and ICO guidance, we will not use AI alone to make decisions about you, or to inform decisions about you, unless this has been made expressly clear to you in advance. Any use of AI will be subject to appropriate human oversight.

We will apply effective data minimisation techniques to all uses of your personal data, ensuring that only the minimum necessary information is processed.

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- (ii) another government department, or
- (iii) an organisation acting on behalf of the Department for Business and Trade under contract or an equivalent agreement that safeguards your personal information in line with DBT requirements.

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- sell or rent your data to third parties
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We may publish a list or summary of responses in an anonymised form, including in any subsequent review reports. "Anonymised" means that all information which could identify you has been removed, so that individuals cannot be identified from the published data. 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.

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

We will only retain your personal data for as long as:

- it is needed for the purposes of the consultation;
- it is needed to archive in the public interest, or scientific, historical, or statistical research, in accordance with Article 89 UK GDPR and the Data Protection Act 2018 (DPA);
- the law requires us to.

This generally means that we will hold your personal data for at least one year.

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Information Commissioner's Office Wycliffe House:

Water Lane, Wilmslow, Cheshire, SK9 5AF

W: <https://ico.org.uk/> Tel: 0303 123 1113