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CONSULTATION**



UK Government

Make Work Pay: Workplace monitoring technologies

Start date: 8 July 2026

Closing Date: 30 September 2026

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Foreword

The world of work is changing. Across the UK, digital technologies are reshaping how work is organised, managed and experienced, from the shop floor to the office to the factory and beyond. Used well, digital tools can unlock productivity, support better decision making and improve the quality and flexibility of work.

This pace of change raises important questions about trust, fairness and transparency, as the use of technology in the workplace continues to grow. Employers and workers should have a shared interest in workplace monitoring technologies (WMT) being used transparently and in ways that are fair, accountable and reliable, so that they can support productivity and good management while maintaining trust in the workplace.

Artificial intelligence (AI) is a significant element of the digital technology landscape and successful adoption is key to driving UK growth and innovation. This is why, in January 2025, the government set out an [ambitious plan](#) for the UK to lead in shaping the AI revolution – transforming outcomes for people, public services and the economy. The UK has a

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clear opportunity to lead in both developing and adopting emerging technologies and setting the standard for how they are used and adopted responsibly in the workplace. This consultation is a key step in that ambition.

The Plan to Make Work Pay sets out that the introduction of surveillance technologies in the workplace should be subject to consultation and negotiation, with a view to agreement of trade unions or elected staff representatives where there is no trade union.

AI and innovation are central to the government's strategy for growth. The Chancellor has prioritised AI adoption, as where the biggest gains lie for UK growth, and has set the ambition for the UK to be the fastest adopter of AI in the G7. To support rapid and responsible adoption, we are focused on creating the right conditions, providing the necessary infrastructure and managing the technology transition fairly and carefully.

We are therefore seeking views on how best to ensure the UK leads the way in adopting workplace technologies - and whether regulatory intervention is necessary to support this outcome - in a manner that supports innovation and growth

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while still putting worker voice at the heart of Britain's digital transition. Our goal is simple – to ensure that technological progress goes hand in hand with high-quality, fair work.

Through close collaboration between regulators, the Department for Business and Trade and the Department for Science, Innovation and Technology we are determined to ensure the UK can seize the opportunities workplace technologies provide – from innovation to economic growth and public sector reform. The UK should be prepared for the future of work, with workers informed, confident and engaged in the use of workplace monitoring technologies.

We encourage all those with an interest to engage and help shape an approach that reflects the realities of today's workplace and the opportunities of tomorrow.

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Kate Dearden MP

Minister for Employment
Rights and Consumer
Protection



Kanishka Narayan MP

Minister for AI and Online
Safety

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Consultation details

Issued: 8 July 2026

Respond by: 11:59pm, 30 September 2026

Enquiries and responses to:

WMTConsultation@businessandtrade.gov.uk

Write to:

Workplace Monitoring Technologies, Employment Rights
Directorate

Department for Business and Trade

Old Admiralty Building

Admiralty Place

London

SW1A 2DY

Consultation reference:

Consultation on proposals regarding safeguarding the use
of workplace monitoring technologies

Audiences:

- businesses
- trade unions

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- business groups or representatives
- workers
- non-governmental organisations
- members of the public
- all other interested parties

Territorial extent

These proposals would extend to and apply in England and Wales, and Scotland. They would not extend to or apply in Northern Ireland, where employment law is devolved.

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How to respond

Respond online:

[Make Work Pay: Workplace monitoring technologies \(WMT\)
consultation](#)

or

Email to:

WMTConsultation@businessandtrade.gov.uk

or

Write to:

Workplace monitoring technologies, 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.

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Your responses will be saved automatically, allowing you to return to the form and continue your response at a later time before submitting it.

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.

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

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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 solely 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 they 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

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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

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Consultation

About you

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

Question 01: 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 02: 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)

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Small (10 to 49 employees)

Medium (50 to 249 employees)

Large (250+ employees)

Don't know

Not Applicable

Question 03: 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 04: What sector are you based in?

Accommodation & food service activities

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Activities of households as employers; undifferentiated goods and services-producing activities of households for own use

Administrative & support service activities

Arts, entertainment and recreation

Agriculture, forestry and fishing

Construction

Education

Electricity, gas, steam and air conditioning supply

Financial & insurance activities

Human Health and social work activities

Information & communication

Manufacturing

Mining and quarrying

Production

Professional, scientific and technical activities

Public administration & defence; compulsory social security

Real estate activities

Services Sector

Transportation & storage

Water supply; sewerage, waste management and

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remediation activities

Wholesale and retail trade; repair of motor vehicles and
motorcycles

Other service activities

**Question 05. Which of the following age brackets do
you fit into?**

15 or below

16-17

18-24

25-34

35-44

45-54

55-64

65-74

75+

Prefer not to say

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Introduction

The Plan to Make Work Pay

The Plan to Make Work Pay sets out an ambitious agenda to deliver the government's Plan for Change by ensuring employment rights are fit for a modern economy, empowering working people and contributing to economic growth. Once implemented, the Plan to Make Work Pay will modernise employment rights legislation extending the employment protections already given by the best British companies to millions more workers across the country.

The [Employment Rights Act 2025](#) strengthens the underlying framework, making work more secure and predictable, putting more money into working people's pockets and ensuring dignity for those going through the toughest personal circumstances. This will boost workforce wellbeing and job satisfaction while also improving retention, productivity, and promote fair competition and economic growth.

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,

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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 Act, 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 [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.

Workplace monitoring technologies (WMT)

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The government recognises that the pace of advancement in workplace technologies means they offer opportunities to employers to drive productivity, investment and economic growth across the UK economy. However, there should be clear expectations about their use in the workplace. When used well, technology can support efficiency, innovation and growth. When used poorly, it can damage trust, undermine wellbeing and create workplace tensions. From an employer perspective, excessive use can be counterproductive – it is associated with lower motivation and commitment, higher staff turnover and increased workplace conflict.

The policy context and rationale section below provides further detail on the risks and benefits related to use of WMT. It sets out that relevant legal frameworks may not always be clearly understood by employers or consistently applied. As well as creating uncertainty for employers seeking to adopt WMT responsibly this creates potential risks which can lead to undermining transparency, fairness and trust among workers.

The government is therefore seeking views on whether further intervention is needed to improve transparency,

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worker engagement and accountability, and whether any intervention should have a regulatory basis.

Key definitions and terms

Workplace monitoring technologies (WMT)

For the purposes of this consultation, WMT refers to digital tools used by employers to collect, track, analyse or make decisions based on information about workers and their activities.

These technologies are sometimes referred to as surveillance technologies; however, the government believes “workplace monitoring technologies” is a more accurate term, reflecting how the capability and functions of the technology have developed beyond the observation of workers. The capabilities which these technologies encompass include a range of data collection and reporting, from digital activity and location tracking to communication surveillance.

WMT includes technologies used to observe performance, behaviour, attendance or communications. It also includes

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systems that use this data to inform or make decisions affecting workers. These technologies may operate in physical workplaces or remotely, including through digital platforms. They can incorporate the use of automated decision making (ADM) and algorithmic management, including Artificial Intelligence (AI).

Solely Automated decision-making (ADM)

Solely automated decision-making (solely ADM) refers to decisions made without meaningful human involvement. The ICO has recently [published updated guidance](#) on ADM that clarifies what is “meaningful” in this context. This guidance is rooted in Articles 22A to 22D of the UK GDPR, which also sets out mandatory safeguards for solely automated decisions that produce legal or similarly significant effects on individuals.

In a workplace context, this could include decisions relating to promotion, disciplinary action, dismissal, redundancy, task allocation, shift allocation and performance

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assessment.

Algorithmic management

Algorithmic management refers to the use of automated or semi-automated systems to support or replace managerial functions. These systems may not make decisions in isolation, but they can influence how work is organised, allocated, assessed or managed.

Examples may include systems used for task and shift allocation, performance or productivity evaluation and generating forecasts, risk scores or recommendations about prioritisation. These systems may rely on data collected through WMT and are used to inform decisions about how work is organised and managed. They are closely related to the ICO's concept of [profiling](#), defined in UK GDPR Article 4 (4), as “any form of automated processing of personal data to evaluate certain personal aspects relating to a natural person.”

Algorithmic management and solely ADM are closely related but not identical. A process may begin as algorithmic

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management (e.g. generating risk scores) but function as solely ADM if human oversight into decision making is token or not exercised in good faith. The core difference lies in the role of human involvement:

- Algorithmic management typically involves “decision-support”, where outputs inform human managers who determine what to do next.
- Solely ADM involves decision-making, where outcomes are determined by a computer system without any meaningful human input in the decision process.

Artificial Intelligence

Artificial Intelligence (AI) is defined in [UK government guidance](#) as the use of digital technology to create systems capable of performing tasks commonly thought to require intelligence”, such as recognising patterns, making predictions, or supporting or carrying out decision making based on available information.

AI is increasingly being incorporated into WMT, particularly where large volumes of data are analysed to identify

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patterns, generate insights or support automated or semi-automated decisions. However, many WMT systems rely on comparatively simple data collection, rules-based systems, or human-led analysis without the use of AI.

AI therefore forms part of the WMT landscape, but WMT is broader than AI. The government is interested in how expectations and safeguards should apply across the full range of WMT, including systems that do not use AI. While the use of AI within WMT may expand in prevalence and sophistication over time as systems become more capable and accessible, it currently represents only part of a broader landscape of monitoring technologies and management practices.

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Policy context and rationale

Evidence suggests that use of WMT in the workplace has increased in recent years, with a [2025 survey of UK managers](#) finding that 1 in 3 organisations actively monitor an employee's digital activity, up from 1 in 5 employers in [ICO research](#) in 2023. This is on top of a large body of [evidence](#) showing use of WMT rose sharply during the pandemic and the associated increase in remote working. However, estimates on the prevalence of WMT since this period vary, from as low as [20%](#) to as high as [85%](#). This likely reflects differences in definitions, scope of technologies, sectoral trends and levels of awareness.

This means the precise extent of WMT implementation across sectors is currently unclear, although use appears particularly high in platform-based and data-driven companies (for example ride hailing, delivery and logistics) and is spreading across to the wider economy such as to the [retail sector](#).

The ICO's [research](#) revealed that those who suspected that monitoring was used in their workplace believed this most often related to timekeeping and access monitoring

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purposes (40%), as well as to monitoring of work emails and messages (25%).

The government believes that the responsible, transparent and proportionate use of WMT has the potential to enhance outcomes for both employers and for workers. It can support more consistent and efficient tracking of performance, improve processes, identify training needs and reduce costs. It can also enhance regulatory compliance, reduce or identify misconduct, and strengthen organisational security. In some contexts, WMT may contribute to health and safety improvements ([for example](#) identifying hazardous conditions or unsafe practices) and provide insights into worker wellbeing, engagement and career development needs.

However, [evidence](#) also highlights potential risks and harms where WMT is poorly designed, explained or governed.

These include risks to privacy and autonomy, disproportionate or unnecessary surveillance and biased or unfair outcomes, particularly where systems rely on incomplete or inaccurate data. A lack of transparency can make it difficult for workers to understand how important decisions are made, or how to challenge those decisions

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effectively. In some cases, the use of WMT may negatively affect job quality, trust and workplace relations.

A key issue behind the potential benefits and risks of WMT is the extent of meaningful worker transparency and voice in its design, introduction and use. Where workers and their representatives are informed, engaged and consulted, there is greater potential to identify risks early, improve system design and build trust in outcomes. On the other hand, a lack of transparency may increase the likelihood of unintended harms, disputes and concerns around fairness or liability, particularly where WMT is used to inform or make significant decisions about individuals' working lives.

Understanding the benefits and risks of WMT and the role of worker transparency and consultation is central to the government's consideration of how best to support employers and workers to use these technologies responsibly and fairly.

Experience of WMT

The government wants to understand how WMT is currently

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used across sectors, how it is understood, and how decisions are made in practice. Evidence on the prevalence and impact of WMT varies, and this section aims to gather views on both its potential benefits and risks. We are particularly keen to understand if the risks around lack of worker voice are experienced across the economy and to therefore better understand, the type, if any, of intervention that is required.

Questions on experience of WMT

Question 06. Which of the following activities takes place in your workplace or organisation (select all that apply)

Location and movement tracking (GPS on vehicles or handheld devices)

Digital activity monitoring (Keystroke logging, time on applications or websites)

Biometric access or verification (Fingerprint or facial recognition)

Health and physiological monitoring (heart rate, fatigue indicators)

Individual video monitoring (always-on webcams or

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driver-facing cameras)

Automated performance evaluation (Algorithmic scoring
or task logging)

Other (please specify)

None of the above – WMT is not used in my workplace

Don't know

**Question 07. If you did not answer 'none of the above'
to Question 06, what (to the best of your knowledge) is
the stated purpose of this WMT? (select all that apply)**

Work allocation or scheduling

Health and safety compliance

Performance evaluation, discipline or appraisal

Security or fraud prevention

Improve productivity or efficiency

Supporting employee training or wellbeing

Other (please specify)

Don't know

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Question 08 To the best of your knowledge, how are decisions made using this technology?

Mostly or solely automated (no human involvement)

Combination of automated and human input

Mostly human-led

Don't know

Question 09. If you are responding as an individual, please indicate your employment status:

Employee – (A person working under a contract of employment)

Worker – (A person with a contract or other arrangement to do work or services personally for a reward)

Self-employed or contractor – (A person who runs their business for themselves and take responsibility for its success or failure.)

Office holder – (A person who's been appointed to a

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position by a company or organisation but does not
have a contract or receive regular payment)

Don't know

I am not responding as an individual

**Question 10. What information was provided in your
workplace before the introduction of WMT? (select all
that apply)**

The nature, extent and reasons for the use of WMT
Whether a Data Protection Impact Assessment has
been carried out

A clearly defined purpose and lawful basis for data
processing

Whether the WMT will use solely automated decision
making

Employer – worker engagement about the introduction

None of the above

Don't know

Other (please specify):

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**Question 11. How was this information communicated?
(select all that apply)**

Data Protection Privacy Notice

Staff handbook or policy documents

Intranet or internal website

Email communications

Team meetings or briefings

Signage or notices in the workplace

Training sessions

Don't know

Other (please specify):

**Question 12. How well does the information provided by
your employer about WMT enable you to understand
what monitoring is taking place?**

Very well

Fairly well

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Not very well

Not at all

Not applicable

Question 13. How well does the information provided by your employer about WMT enable you to understand how your data is used and how it may affect decisions about you?

Very well

Fairly well

Not very well

Not at all

Not applicable

Question 14. Do you believe workers in your organisation have a meaningful ability to shape, question or challenge decisions using WMT?

Yes

No

Don't know

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Question 15. If yes, what form does this take?

Question 16. Which of the potential benefits of WMT are most relevant to your sector/ experience (select all that apply)

Enhanced worker productivity

Increased service efficiency or quality

Reduced non-work activity

Improved regulatory compliance

Improved security or theft prevention

Improved Health and Safety

Better performance measurement and feedback

Enhanced employee wellbeing or support

Improved trust between workers and employers about decisions

Other (please specify)

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None

Question 17. Please explain your reasons for selecting any of the above options. Do you have any evidence related to the options selected you would like to share?

Question 18. Which of the potential harms of WMT are most relevant to your sector/ experience (select all that apply)

Reduced worker productivity

Reduced service efficiency or quality

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- Excessive monitoring (feeling of being watched)
- Personal privacy infringement
- Negative psychological or health impacts
- Worker disempowerment and loss of autonomy
- Increased risk of bias or discrimination
- Inaccurate or unfair performance measurement
- Negative impacts on worker wellbeing
- Lack of transparency or understanding about employer decisions
- Lack of opportunity to challenge decisions or potential errors
- Other (please specify)

None

Question 19. Please explain your reasons for selecting any of the above options. Do you have any evidence related to the options selected you would like to share?

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Question 20. Are you aware of WMT being used to meet existing legal or regulatory requirements (for example in relation to fraud prevention or anti-corruption)? If yes, please provide examples.

Yes (Please provide more information)

No

Don't know

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Current requirements around WMT

Employers are currently subject to various legal requirements when using WMT. Under UK [data protection law](#), organisations must ensure use of WMT and personal data processing is lawful, fair and proportionate. This includes having a clear purpose and lawful basis, limiting what data is collected, ensuring data is accurate, secure and not retaining or using data beyond the requirements of the original purpose.

When special category data is captured, such as data relating to health, religion or other sensitive characteristics, an additional condition under Article 9 of UK GDPR must be met. Workers must be provided with clear and accessible information in a way they can understand, including how their data is used and, where relevant, when solely ADM is used. They must also be able to exercise their data protection rights.

Where monitoring is intrusive or high risk, such as when it involves profiling, biometrics or continuous monitoring, organisations are legally required to carry out a Data Protection Impact Assessment (DPIA). A DPIA is a process

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designed to systematically analyse, identify and minimise data protection risks and demonstrate compliance with data protection obligations. It typically involves describing the nature and purpose of data processing, considering consultation, assessing necessity and proportionality, identifying risks and setting out measures to mitigate those risks. Further information on DPIAs is available on the [ICO website](#).

Under Article 22C of UK GDPR, organisations making decisions based solely on automated processing which have legal or similarly significant effects on individuals must provide safeguards to ensure people are given information about the decision, can make representations, request human intervention or challenge outcomes. Further information on applying these safeguards is provided by the ICO here – [What are the ADM safeguards? | ICO](#).

Employers must also comply with employment and equality law obligations when using WMT. Decisions informed by monitoring or algorithmic systems must be fair, reasonable and non-discriminatory. Employers remain responsible for outcomes produced by automated systems, including where

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those systems may disadvantage workers with protected characteristics under the Equality Act 2010. Monitoring practices may also be relevant to contractual duties such as mutual trust and confidence. Under employment law, employers must ensure that disciplinary action, performance management or dismissal is procedurally and substantively fair.

Public sector employers, and in some cases private sector employers carrying out public functions, must also not act in a way which is incompatible with the Human Rights Act 1998, which sets out the right to respect for privacy and family life.

Employers also have duties under health and safety legislation to assess workplace risks and take reasonable steps to mitigate these risks. In some circumstances employers may be required to consult workers or their representatives on health and safety matters, which may involve the use of WMT.

In addition to legal requirements, there are a range of good practice measures which, while not mandatory, are strongly encouraged. These include planning the use of WMT

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carefully, consulting workers where appropriate, reviewing systems regularly, and choosing the least intrusive methods available. Organisations are also encouraged to ensure that:

- WMT outcomes can be understood and challenged by those impacted
- Access to monitoring data is appropriately restricted to those with the right to know
- Staff are properly trained to use WMT effectively and responsibly
- Third-party tools are subject to due diligence in terms of understanding their capabilities
- Care is taken to ensure fairness and accuracy where automated or biometric systems are used

Some of these good practice measures may also be legal requirements in particular circumstances. For example, where processing is automated it may fall within UK GDPR ADM safeguarding and transparency requirements. Where processing includes biometric data specific mandatory protections may apply. Employers should also avoid capturing private or family life information when monitoring

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remote workers or personal devices. Further detail on data protection obligations and best practice is available on the ICO website.

Principles for responsible use of WMT which supports good industrial relations

Overview

The government is seeking views on what responsible use of WMT looks like in practice. While there are different possible approaches to supporting or enforcing this it is important to establish a clear and shared understanding of the outcomes that any government intervention in this area should seek to achieve.

As set out in the previous section, existing legal frameworks provide a strong foundation for the fair and proportionate use of WMT. However, evidence and stakeholder feedback suggests these requirements are not always consistently understood or applied in practice. Greater clarity around expectation, alongside improved implementation therefore has the potential to deliver better outcomes for both

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employers and workers.

The following principles reflect the government's pre-consultation view of what good practice looks like in terms of how WMT is introduced and used, but we would like to gather views. These principles are intended to apply regardless of the mechanism through which they are supported or delivered and align with existing regulatory requirements such as those set out in data protection, employment and equality law.

1. **Purpose and rationale** – employers should be clear about why WMT is being used. This includes the specific workplace issue the technology is intended to address and how the outputs of WMT will support this aim.
 - For example, an employer introducing driver-facing cameras should set out whether the primary aim is to improve road safety, reduce insurance costs or monitor performance, and explain how footage or data will be used to achieve that aim.

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2. Transparency and understanding – workers should be given clear, accessible and timely information about the use of WMT. This should include what data is collected, how it is used and how it may influence decisions affecting them. When solely ADM is involved, workers should be informed about the role such systems play in decision-making processes. Information should be communicated in a way workers can reasonably understand, rather than relying solely on complex or technical documentation.

- For example, rather than relying solely on a privacy notice, employers could provide short summaries, FAQs or team briefings to explain what is collected and what decisions are informed by the data, such as shift allocation or performance review.

3. Worker engagement and voice – meaningful worker engagement is central to the responsible and effective use of WMT. Employers demonstrating best practice should engage with workers, trade unions or elected representatives when WMT is introduced or relied upon in significant decisions affecting workers such as how

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work is organised, assessed or managed. Effective engagement can help to identify risks at an early stage, improve the design and implementation of systems and build trust in how technologies are used. It can also reduce the likelihood of resistance, grievances and disputes arising or escalating.

- For example, employers could pilot a new monitoring system with a group of workers or representatives and seek feedback before wider rollout, using that feedback to adjust thresholds, metrics or how outputs are interpreted.

4. Fairness and equality – employers should ensure the use of WMT is fair and that it does not lead to discriminatory, disproportionate or otherwise unfair outcomes. This includes considering whether systems may rely on incomplete, inaccurate or biased data that may produce bias, partial or misleading results.

- For example, employers could review whether performance scoring systems systematically disadvantage groups such as part-time staff or disabled workers and provide adjustments where

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appropriate.

5. Necessity, Proportionality and Privacy– employers should consider whether less intrusive measures could achieve the same outcome and avoid ‘scope-creep’ as new features or use cases emerge over time. Sharing of personal data should be limited to those who require access.

- For example, where the aim is to understand overall productivity trends, aggregated or anonymised data would likely be sufficient rather than individual-level monitoring.

6. Human Oversight and Accountability – employers should ensure decision-makers understand the systems they oversee. Employers should ensure appropriate safeguards are in place, including meaningful human oversight, and that workers are able to question and, where appropriate, challenge decisions that affect them in a timely way.

- For example, where automated systems flag potential underperformance, a manager should

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review the context before acting, and workers should have a clear route to request a review or appeal decisions.

7. **Dignity and Wellbeing** – employers should consider impacts on mental health and wellbeing and set out the steps taken to monitor and mitigate potential risks to workers' rights and health and safety
 - For example, employers could establish regular forums with union or staff representatives to review the impact of monitoring on workload, stress and autonomy and allow workers to raise concerns.
8. **Accuracy, Reliability and Review** – employers should regularly assess whether monitoring remains necessary, whether it is sufficiently accurate and reliable to achieve its intended purpose, and whether it continues to operate in a fair and proportionate way. This includes taking account of worker feedback, changes in technology, training needs and any emerging risks or unintended consequences, such as impacts on wellbeing.

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- For example, employers could agree regular review points with union or staff representatives, share findings on system performance and use worker feedback to inform decisions on the continued use of WMT.

In addition to the role and nature of trade union and worker engagement (set out in more detail further below), strong embodiment of these principles could include: sharing of information when there are changes or updates to technology use, opportunities for staff training on GDPR, as well as clarity in handbooks or on the intranet about current legal requirements in relation to WMT.

Questions on these principles

Question 21. To what extent are the above 8 principles regarding WMT demonstrated in your workplace?

	Always	Mostly	Sometimes	Never
• Purpose and rationale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Transparency and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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understanding				
• Worker engagement and voice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Fairness and equality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Necessity, Proportionality and Privacy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Human Oversight and Accountability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Dignity and Wellbeing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Accuracy, Reliability and Review	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Question 22. Which of the 8 principles do you think are the most important for employers when introducing and using WMT? Select 2 from the following:

Purpose and rationale

Transparency and understanding

Worker engagement and voice

Fairness and equality

Necessity and proportionality

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Human oversight and accountability

Privacy, dignity and wellbeing

Accuracy, reliability and review

Question 23. To what extent do you agree that adherence to these principles during the introduction of WMT would improve worker trust and buy-in?

Strongly disagree

Disagree

Agree

Strongly agree

Don't know

Question 24. What impact, overall, do you think adopting these principles would have on workplace productivity?

Very negative impact

Somewhat negative impact

No impact

Somewhat positive impact

Very positive impact

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Don't know

Question 25. To what extent do you agree that these principles accurately reflect good practice in the use of WMT?

Strongly disagree

Disagree

Agree

Strongly agree

Don't know

Question 26. Are there any important elements of good practice missing from these principles?

**Question 27. What challenges, if any, do employers or workers face in applying these principles in practice?
(select all that apply)**

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Lack of clarity around legal requirements

Cost/ resource pressures

Difficulty applying principles consistently

Rapid evolution of technology

Lack of worker trust/confidence

Limited worker or representative capacity

Difficulties in smaller organisations

Data protection/privacy concerns

No significant challenges

Other (please specify)

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The role and value of worker engagement

Overview

The government considers that effective local engagement and social dialogue can support the responsible and effective adoption of workplace technologies. This is particularly relevant for WMT, where the success of implementation may depend on workers accepting that the system is necessary, proportionate and fair. Decisions about WMT are also often highly context specific – the same technology may be low risk in one workplace but more impactful in another.

For this reason, good practice is unlikely to be achieved through technical or regulatory compliance alone.

Employers and workers should understand how a proposed technology will operate in the specific workplace context it is deployed in. Workers and their representatives can help identify practical risks that may not be visible at the design or procurement stage, including impacts on workload, wellbeing, equality, privacy, autonomy and accuracy.

Engagement can also help employers understand whether a system is likely to operate as intended in practice, and

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whether safeguards, oversight or review mechanisms are needed. However there may be different ways to achieve meaningful worker voice.

In some workplaces, recognised trade unions and workers can play an important and valuable role in this process by helping to constructively articulate workforce concerns, test assumptions and support social dialogue between employers and workers. In others, particularly where there is no recognised union or formal representation, direct engagement with workers may be more appropriate. The form of engagement can also vary depending on the nature of the technology, the size and capacity of the employer, the level of risk, and the extent to which the technology affects workers' day-to-day experience or employment outcomes.

[Acas guidance](#) states that employers should consult employees and their representatives when a change or issue is identified and before any final decision is made. Benefits identified by Acas include building trust, maintaining good working relations, identifying problems early, finding better solutions, preventing conflict, improving engagement and reducing costs such as those related to

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absence or high staff turnover. [Research by Gallup](#) suggests that across companies, business/work units scoring in the top half on employee engagement more than double their chances of business success across 11 key success indicators¹, compared with those in the bottom half. Those in the top 1% for employee engagement have nearly five times the success rate of those in the bottom 1%.

Questions on worker engagement

Question 28. To what extent do you agree that local engagement with workers, trade unions or elected representatives is important to the responsible use of WMT?

Strongly disagree

Disagree

Agree

Strongly agree

Don't know

¹Indicators measured: customer loyalty/engagement, profitability, productivity, turnover, safety incidents, absenteeism, shrinkage, patient safety incidents, quality (defects), wellbeing and organizational citizenship.

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Question 29. What do you believe meaningful worker engagement looks like in practice?

Question 30. Are you aware of any examples of worker engagement or consultation regarding WMT or similar topics that have worked well or poorly – please explain.

Options for intervention

Artificial intelligence and emerging technologies present a significant opportunity to drive productivity, investment and economic growth across the UK economy. Where there are clear opportunities to support innovation and use of AI, the Government will act to seize them.

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At the same time, our approach is not to assume outcomes in advance, but to track developments closely, assess evidence rigorously, and act where needed. Drawing on consultation responses and the available evidence, we will consider whether intervention is justified — while recognising that, if the evidence does not demonstrate a clear problem in relation to WMT, no intervention remains a legitimate outcome.

A. Statutory code of practice plus guidance

- A statutory code could strengthen clarity and support more consistent good practice without creating new legislation or requirements. This makes it a potentially proportionate way to incentivise responsible use of WMT. However it would rely on existing legal routes for enforcement and would not by itself ensure consultation in every setting where WMT is used

B. Legislative consult and negotiate duty

- A mandatory duty could provide a clearer and more uniform framework for worker engagement where WMT

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is introduced or significantly changed. However it could be more complex to design in a way that reflects practical capabilities and impose greater operational burdens on employers, particularly in smaller organisations or where technologies are introduced iteratively.

C. Non-statutory guidance

- Government-issued guidance on the responsible use of WMT could offer greater flexibility and agility, making it easier to tailor support to different workplace settings and provide clarity around good practice. However, it may be less effective in changing behaviour where current expectations around WMT are not already being met, or where workers have limited voice or agency.

The government welcomes views on the advantages, limitations and practical implications of each option, including whether one option or a combination of options would be preferable.

The inclusion of these options does not indicate a settled government preference. The purpose of this consultation is

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to gather views and evidence on whether intervention is needed and if so, what form it should take.

Option A – Statutory code of practice with guidance

What is a code of practice?

A statutory code of practice is legally issued guidance that explains, in clear terms, what is expected from those within its scope. It is brought into force by Parliament and forms part of how existing employment law is applied. A failure to follow a statutory Code may not in itself give rise to penalties or allow workers to make a tribunal claim.

However, employment tribunals may take a code of practice into account when determining any question arising in proceedings before them. A code of practice cannot create new standalone legal obligations beyond those that already exist in law.

Proposal

A statutory code of practice issued by the Secretary of State for Business and Trade to support the responsible

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introduction and use of WMT. This would be published under section [203\(1\)](#) of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA 1992), which allows the Secretary of State to issue Codes of Practice for the purpose of promoting the improvement of industrial relations.

A WMT Code would set out practical standards for employers, workers and representatives to follow so that WMT is introduced and used, and concerns are addressed, in a fair, transparent and proportionate way. In addition to promoting good workplace relations and reducing the likelihood of WMT related disputes arising or escalating, a Code would support understanding of relevant legal obligations and how to apply them in practice.

Employment tribunals would take the Code into account where relevant. This would include claims such as unfair dismissal or discrimination where use of WMT formed part of the factual background. Where a worker succeeds in such a claim, and the tribunal finds an employer has unreasonably failed to follow the Code, it would have the discretion to adjust compensation by up to 25% in

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accordance with section [207A](#) of TULRCA 1992.

A WMT Code would not replace existing grievance, disciplinary or collective dispute procedures or Codes. For example, where an individual wishes to raise a grievance about the use of WMT, the Acas code of practice on Disciplinary and Grievance Procedures would continue to apply where relevant. Where issues about WMT are raised collectively, existing collective bargaining or collective workplace dispute resolution procedures would also continue to apply where relevant.

Supporting non-statutory guidance

Given the proposal that a Code would be structured around principles, it would be supplemented with non-statutory guidance.

This guidance would provide more detailed practical support for employers, workers and representatives. It could include case studies, worked examples and practical tools covering the full lifecycle of WMT, including:

- Planning and procurement
- Data protection considerations

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- Consultation and engagement
- Human oversight
- Privacy and dignity
- Reliability and accuracy
- Review and ongoing audits

This combined proposal would provide more detailed and flexible guidance while keeping a statutory Code focused on high level standards to support good workplace relations, dispute prevention and a reference point to support the resolution of disputes about WMT. In comparison to a statutory Code, guidance would be flexible and capable of being updated sequentially as technologies and real-world use cases evolve, however its overall impact would be dependent on voluntary use and application by employers.

What would a WMT Code of Practice include?

A WMT Code would be structured around the principles in the previous section, with the primary aim of reducing and resolving disputes related to use of WMT. We would look to do this in two main ways:

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1. By setting expectations of good practice, which employment tribunals would consider where relevant for determining questions in cases before them. Those principles cover areas such as explaining the purpose of WMT, how data will be used, and how it may inform decisions affecting workers.
2. A code would also reinforce that workers should be able to understand and, where appropriate, challenge decisions informed by WMT and assist with resolving any such challenges.

For example, the Code may be relevant where an employer introduces keystroke logging to assess productivity without clearly explaining its purpose, how the information will be used, or how workers can raise concerns about its accuracy or appropriateness as a measure of productivity.

If the data is later relied upon in a dismissal process and the worker is successful in an unfair dismissal claim or a claim of unlawful discrimination, the tribunal could consider whether the employer had unreasonably failed to follow the code when introducing and using keystroke logging. If so, the tribunal could adjust compensation by up to 25%.

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Rationale

Employers are currently subject to established legal requirements governing workplace monitoring, either directly or indirectly through how data is collected, used and processed. However, evidence shows that these requirements are not always clearly understood or consistently applied in WMT-related contexts, which can give rise to workplace tensions and disputes.

A statutory code of practice could therefore provide a balanced approach to strengthening expectations around responsible technology adoption, helping to ease tensions and disputes without creating new requirements on employers.

This proposal would build on the current legal framework rather than create new duties. It would aim to address inconsistent understanding and application of existing requirements and to avoid the creation of overly prescriptive processes that may not suit the range of workplace contexts, technologies and working arrangements across

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the labour market.

Potential benefits

Enhanced transparency and trust

- A Code would set clear expectations that workers, trade unions or elected worker representatives should be informed and engaged where WMT may affect them. It would encourage employers to explain why WMT is being used, how outputs will inform decisions, how concerns can be raised, and encourage meaningful dialogue.

Improved regulatory clarity

- A Code would also improve clarity for employers, many of whom want to use technology responsibly but lack clarity about how the law applies, confidence about what good practice looks like or how to engage a sceptical or concerned workforce in a constructive way for mutual benefit. A Code would translate existing legal requirements and industrial relations principles into a

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clearer framework, supporting confident and responsible adoption of beneficial technologies.

Greater worker understanding of responsible WMT use

- For workers, a Code would improve clarity about relevant legal protections as well as transparency, fairness and trust in employers' introduction and use of WMT, particularly where monitoring data could be used in decisions about performance, discipline, pay, access to work or progression. It would help workers understand how WMT affects them and provide a clearer basis for identifying poor practice by setting out the standards employers are expected to follow and help with addressing their concerns.

Improved industrial relations

- By promoting early engagement and clearer expectations, a Code would also help prevent workplace tensions and disputes about WMT from arising or escalating. Where disputes do occur, it would provide a common reference point for employers, workers, and representatives to refer to in discussing

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concerns and resolving disputes, and for tribunals to apply in considering relevant cases.

Long term relevance and application

- This proposal is future proofed to the extent that it would operate at a principles-based level, while the supporting guidance would be updated more flexibly to keep pace with trends and observed practices.

Potential limitations

Limited legal effect

- A Code would not mandate worker consultation or create new standalone enforceable rights for workers. Its legal effect would depend on it being relevant to an existing employment tribunal claim, such as unfair dismissal or discrimination. The tribunal would then decide what weight to give the code on a case-by-case basis
- This means the impact of a code could be limited - outside of cases that appear at employment tribunals it

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would rely on employers proactively being aware of and choosing to follow it. It would also rely on workers bringing relevant claims, and tribunals applying the code as intended.

Uncertain impact

- Some WMT concerns may never reach an employment tribunal, although they may still be addressed through existing data protection routes or internal workplace processes. Any compensation adjustment by an employment tribunal would be dependent on a finding of “unreasonable” non-compliance, which would be determined on a case-by-case basis.

Uncertain deterrent effect

- A code would have legal effect in relation to some employment tribunal claims but a failure to follow the code would not by itself give rise to a claim or penalty. Any compensation adjustment flowing from the code would depend on the successful outcome of an existing claim, such as unfair dismissal or discrimination.

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Limitations around detail of a statutory code

- Any future amendments to a Code would require parliamentary process, meaning it would need to be drafted at a level of detail that avoids the need for frequent updates as technology evolves. For this reason, a Code would likely need to operate alongside more flexible non-statutory guidance. This could make the overall framework harder to navigate and reduce clarity.

Risk of increased complexity

- Employers are already subject to a range of duties and guidance relevant to WMT. This includes employment law, data protection law and sector-specific requirements. A new code could provide clarity, but would also add another source of expectations for employers, workers and representatives to understand. This could reduce its practical impact, particularly if the code was perceived to overlaps with existing guidance or does not clearly explain what it adds.

Uneven application across employment status groups

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- Those with employee status can bring a wide range of tribunal claims, including for unfair dismissal and other breaches of employment rights, and a Code may be relevant across a number of these claims. However, workers (including those with Limb-B worker status) have a more limited range of tribunal claims available to them, such as for discrimination. This means in terms of direct legal effect some groups affected by WMT may be less likely to benefit from a code.

Questions about a potential statutory code of practice

Question 31. Based on the description above, would a statutory WMT code of practice better support the responsible adoption and use of WMT and increased worker voice?

Yes

No

Don't know

Question 32. What impact would this option have on industrial relations?

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Very negative

Somewhat negative

No impact

Somewhat positive

Very positive

Don't know

Question 33. Please explain your answer

**Question 34. What impact would this have on the
adoption and use of WMT by organisations?**

Very reduced adoption

Somewhat reduced adoption

No impact

Somewhat increased adoption

Very increased adoption

Don't know

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Question 35. Please explain your answer

Question 36. What benefits, costs, risks or practical challenges could arise from this option?

Question 37. What should be the main purpose of a statutory WMT code of practice? (select all that apply)

Improving transparency about WMT

Reducing or resolving disputes around WMT

Clarifying expectations under existing law

Supporting responsible technology adoption

Other

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Question 38. Should the code be drafted to qualify for the TULRCA S207A tribunal compensation adjustment mechanism, where an employer unreasonably fails to follow it?

Yes

No

Don't know

Question 39. Should the code be supplemented with guidance to provide more detailed practical support for employers, workers and representatives?

Yes

No

Don't know

Option B – Legislative requirement to consult and negotiate with trade unions or elected representatives on WMT.

Proposal

Primary legislation could be used to create a legal requirement that employers' plans to adopt WMT would be

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subject to consultation and negotiation, with a view to agreement of trade unions or elected staff representatives where there is no trade union.

As defined by [Acas](#):

1. Consultation is when an employer talks and listens about organisational issues and changes which affect employees or workers.
2. Negotiation is when employees, employee representatives and the employer discuss things together, with a view to reaching a documented agreement.

The process would need to take place in good time and provide a genuine opportunity to influence outcomes but would not require agreement to be reached in all cases. The purpose would be to ensure workers' views are heard, risks are identified and employers give proper consideration to concerns, while recognising that employers remain responsible for operational decisions about how work is organised and what technology is adopted. Existing statutory models provide a reference point. For example,

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collective redundancy consultation requires engagement with a view to reaching agreement, but does not mandate agreement as an outcome.

Introducing a legislative requirement would give employees a formal role in shaping how WMT is introduced and used, going beyond existing frameworks. While current law mandates consultation in limited circumstances, such as on health and safety matters or following a valid request for an Information and Consultation of Employees (ICE) agreement, these are procedural and situational. They do not generally represent engagement on the routine adoption of workplace technologies as described under this proposal.

Enforcement would be carried out via the employment tribunal system, providing a formal mechanism for addressing failure to consult. As with existing consultation regimes, remedies could focus on procedural compliance (for example, protective awards), rather than preventing the adoption of technology itself.

Rationale

A requirement to consult and negotiate prior to the

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introduction of WMT would place worker engagement at the centre of decisions about the introduction and use of WMT, rather than relying primarily on guidance or dispute resolution after problems arise. It would set out a clear requirement for employers to be transparent about how the technology will be used and why. It would also establish the expectation that workers or their representatives are involved in decisions about WMT, particularly where it affects how work is organised or assessed. It may therefore be more effective in ensuring that concerns are raised and addressed before monitoring systems are embedded in the workplace.

Key design considerations

In practice, legislation could set different levels of mandatory requirement depending on how it is designed. A lighter-touch model could require employers to provide relevant information, allow workers or representatives and opportunity to comment, and record how views were considered before WMT is introduced or significantly changed.

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A stronger model could require a fuller consultation and negotiation process, with prescribed information, minimum time periods, representative agreements and a requirement to negotiate with a view to reaching agreement.

Either model would need to set out minimum procedural requirements alongside key principles, while allowing flexibility in how engagement takes place across different workplace settings and employer sizes.

Legislation would therefore need to have the appropriate level of prescription, including:

- Whether consultation should be automatic in all cases, limited to higher risk uses, or triggered by a request from workers or representatives
- What information employers should provide to workers, and when
- Whether the process should involve engagement/consultation only, or include negotiation with a view to agreement
- Whether minimum time periods or procedural steps should apply

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- Who should be consulted, included recognised trade unions, worker representatives or direct engagement
- How the requirement would interact with existing legal frameworks such as data protection law
- What enforcement mechanisms or remedies should apply where the process is not followed
- Whether the requirement applies to those with employees status or extends to workers.

Potential benefits

Improved design and implementation of WMT

- Early engagement may help identify risks such as those coming from inaccurate data, bias, false assumptions about how work is performed or unintended impacts on particular groups. This can support better system design and help ensure the intended benefits of the technology for employers and workers are achieved.

More sustainable adoption of technology

- A duty to consult can support long-term innovation by

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supporting a culture where employers identify, discuss and address concerns early, rather than after WMT has been embedded. This means consultation is a way of improving implementation, reducing friction and supporting long-term use of beneficial technologies. A legislative requirement could make this more consistent by ensuring consultation does not depend solely on voluntary employer practice.

Greater trust and confidence

- Structured dialogue can improve understanding of why monitoring is used, what information is collected, how outputs will be used and what safeguards apply. Trust is key to successful technology adoption - where workers understand and have confidence in how WMT is used, they may be more willing to engage with the technology and less likely to see it as unfair or imposed.

Reduction in disputes and challenge

- In addition to ensuring WMT is introduced efficiently, addressing concerns upfront may reduce the likelihood of disputes escalating into grievances, tribunal claims,

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regulatory complaints or industrial relations issues It may also help employers avoid the costs and disruption associated with later challenge, particularly where WMT is used in decisions about performance, discipline, pay and work allocation.

Greater worker voice

- A legislative requirement would be the strongest intervention to reflect that WMT can materially affect how work is allocated, be assessed, supervised and rewarded, and that workers and their representatives should therefore have a formal opportunity to influence decisions. It could provide stronger assurance than a code or guidance alone by creating a proactive requirement, rather than relying on voluntary engagement or later dispute resolution.

Potential limitations

Regulatory complexity and scope definition

- Legislation would need to clearly define what

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constitutes WMT and when consultation is required. Given the evolving and wide-ranging nature of these technologies, this risks creating a framework that is potentially overly complex or quickly outdated. A definition that is too broad may be disproportionate and burdensome while a definition that is too narrow may limit the impact of consultation and incentivise falling just short of red lines to avoid consultation requirements. This could undermine both the effectiveness and credibility of the regime over time.

Suitability of existing consultation model

- Existing statutory frameworks are typically designed for one-off events (e.g. collective redundancy) or triggered by clear voluntary thresholds, e.g. the Information and Consultation of Employees Regulations 2004, which require employers to establish arrangements for informing and consulting their employees if requested by 2% of the workforce. By contrast WMT is often introduced iteratively: through pilots, updates, expansions in scope or gradual integration into wider

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business processes. It may be unclear exactly when consultation obligations are required, and repeated or continuous consultation requirements could become operationally difficult for both employers and employee representatives.

Burden on employers, particularly SMEs

- Mandatory consultation and negotiation processes could impose additional administrative time and potentially legal costs. While larger organisations may have established HR functions and collective bargaining structures to support this, smaller businesses may lack the HR capacity or expertise to engage effectively. Requirements could be experienced as disproportionately burdensome or costly by some smaller businesses.

Impact on technology adoption

- The length of time required to consult and negotiate could vary between different employers and potentially deter the adoption of beneficial technologies. This in turn could have implications for business agility and

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competitiveness, particularly in sectors where technology adoption is closely linked to productivity gains.

Implementation timelines

- Introducing a new consult and negotiate requirement would require primary legislation and would therefore take longer to implement than option A or C.

Scope and applicability to non-employees

This option would most straightforwardly apply to employees. Platform workers (who provide work arranged through online digital platforms such as taxi or food delivery apps) are typically not employees but are often [significantly impacted](#) by WMT. However, due to the decentralised and fragmented nature of platform work it is often more difficult for platform workers to be part of a union or nominate non-union representatives. This could make it difficult for an employer to properly engage platform workers in order to meet any legislative requirement.

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In addition, under data protection law, which already applies to platform workers, organisations cannot make solely ADM using algorithms which have a “legal or similarly significant effect” on a person without providing necessary safeguards to ensure that automated processes are fair, lawful and transparent. Nevertheless, we are interested in views on whether a consultation duty should apply more broadly.

Questions about a potential legislative requirement to consult on WMT.

Question 40. Based on the description above, would a requirement to consult and negotiate with trade union or employee representatives before the introduction of WMT better support the responsible adoption and use of WMT and increased worker voice?

Yes

No

Don't know

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Question 41. Please explain your answer

Question 42. What impact would this option have on industrial relations?

Very negative

Somewhat negative

No impact

Somewhat positive

Very positive

Don't know

Question 43. Please explain your answer

Question 44. Would impact would this have on the adoption and use of WMT by organisations?

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Very reduced adoption

Somewhat reduced adoption

No impact

Somewhat increased adoption

Very increased adoption

Don't know

Question 45. In your review, what benefits, costs, risks or practical challenges could arise from this a legislative requirement for businesses to consult with staff prior to adopting WMT

Question 46. What model for a mandatory duty would be most appropriate to ensure greater worker voice while being proportionate?

Duty to consult and negotiate with a view to agreement before WMT is introduced or changed

Duty to provide information and consider worker views

Request-based model, triggered by specific threshold of workers or representatives

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Duty only applying where there is a recognised trade union

No legislative requirement is appropriate

Don't know

Question 47. Please explain your answer

Question 48. What should trigger a consultation requirement or right to request consultation? (select all that apply)

Introduction of any new WMT system

Introduction of high-risk WMT only (e.g. systems involving continuous/real-time monitoring or biometric or sensitive data)

Significant changes to existing WMT, such as a system's purpose or how outputs are used

Use of WMT in assessing performance, discipline, pay or dismissal

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A request from a set threshold of workers or their representatives

Other

Question 49. Should completion of the process be time limited and if yes, what period would be appropriate?

No time limit

Up to 1 month

Up to 3 months

Up to 6 months

Unspecified, 'within reasonable notice'.

Question 50. Should employers also be legally required to carry out further consult and negotiate processes if “significant” changes are made to WMT’s use and purpose?

Yes

No

Don't know

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Question 51. What should happen if trade union or employee representatives object to the introduction of WMT following a consultation and negotiation process? (select all that apply)

Employer may proceed after considering and discussing concerns

Employer may proceed only after providing written response to concerns

An employer should pause implementation and set out alternative proposals

An employer should seek external mediation (for example, through Acas or another independent body) to help resolve the disagreement before proceeding.

Employer should not proceed without agreement, in specified high-risk cases

Other (please specify)

Question 52. Who should be covered by any legislative

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consultation requirement?

Employees only

Employees and limb-b workers

All non-self-employed individuals exposed to WMT,
regardless of employment status

Don't know

Question 53. Please explain your answer.

**Question 54. In which circumstances should
enforcement action be available where a WMT
consultation process has not been followed? (select all
that apply)**

Where no consultation process was undertaken

Where a consultation process was undertaken but did
not meet minimum procedural requirements (e.g.
insufficient information, inadequate timeframes, or lack
of meaningful engagement)

Where consultation did not provide a genuine
opportunity for workers or their representatives to
influence outcomes

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Other (please specify)

Don't know

Question 55. What remedies should be available in response to the circumstances you selected in the previous answer (select all that apply)

A requirement to suspend or delay the use of WMT until a compliant consultation process has been completed

A requirement to provide specified information to workers or their representatives

Financial penalties or compensation awards

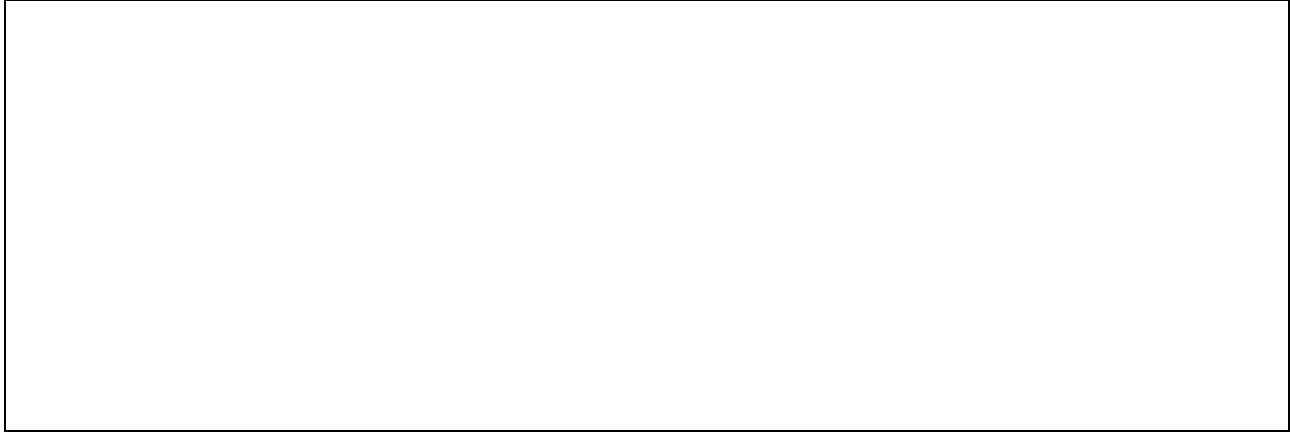
Referral to relevant regulators where breaches of data protection or other legal obligations are identified

Other (please specify)

Question 56. Please explain your answer to the previous two questions, including what enforcement approach in your view would be most effective and

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proportionate if a mandatory requirement to consult were to become law.



Option C – non-statutory WMT guidance

Proposal

Non-statutory guidance would provide practical support for employers on the introduction and use of WMT. The guidance would be designed to help employers understand existing requirements and adopt good practice so that the benefits of WMT can be realised in a fair, transparent and responsible way.

The guidance could include case studies, worked examples and toolkits. It would help employers and workers across different workplace contexts understand how existing

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requirements apply in practice and how risks can be managed. It could cover the full lifecycle of WMT including planning, introduction, worker engagement, ongoing review and reliance on outputs in decision making.

Rationale

WMT is rapidly evolving, with use varying distinctly across sectors, occupations and workplace models. The risks and opportunities may look substantially different in an office, warehouse, transport setting, call centre or remote working environment. This makes it challenging to set out detailed expectations in legislation or a statutory code in a way which ensures they remain current and relevant across all contexts.

Non-statutory guidance would allow government to set out what good practice looks like in a practical and accessible way. It could improve understanding and practice at scale by translating legal duties and principles into clear steps, examples and decision points for employers, workers and representatives. It would also be the most flexible and

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lowest burden option.

In addition, it could be updated iteratively as technologies evolve, new use cases emerge and employer practice develops. This flexibility is important in an area where systems and business models are likely to evolve and change rapidly.

Guidance would aim to establish benchmarks for responsible use of WMT, including in relation to worker engagement, without creating new legal obligations. It could support employers who want to adopt technology responsibly, improve consistency of practice and reduce risks arising from misunderstanding or poor implementation. It could also support workers by making expectations clearer and helping them understand how existing rights and safeguards apply. The guidance would be relevant to all employers and workers regardless of sector or workforce model.

Potential benefits

Light touch and future proofed

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Guidance would impose a lower direct burden on business than new legal duties. It could be developed and updated more quickly than legislation or a statutory code, allowing it to remain current as technology evolves. This is particularly important in view of the pace of change regarding WMT use. Guidance can also be tailored to reflect different sectors, roles and workplace contexts in a way that legislation or statutory codes cannot easily accommodate, enabling government to set out in clear terms what best practice looks like across different workplace contexts.

Enhanced clarity of employer responsibilities

Guidance would enable employers of differing sizes and sectors to have a greater understanding of WMT best practice specifically in relation to their workplace environment. This could be most helpful to SME employers keen to adopt WMT but currently unsure about their legal obligations and best practice regarding worker engagement. As a result, more employers may have the necessary understanding and confidence in WMT which would allow for greater adoption of WMT in a responsible way, supporting growth and productivity goals.

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Greater efficiency gains and worker trust

By supporting better understanding of existing requirements, guidance could help responsible employers adopt WMT in ways that improve efficiency and productivity while maintaining trust and collaborative workplace relationships. It would also help reduce the risk of workplace disputes by encouraging better communication, clear purposes, proportionate monitoring and regular review.

Guidance can act as a useful tool to bridge the gap between high-level requirements set out in legislation and day-to-day workplace practice. In doing so, it can improve compliance for those looking to adhere to good practice by translating existing obligations into concrete actions and decision points relevant to WMT.

Continuous development of best practice

Finally, guidance can be used to establish and test expectations in the short term, generating evidence on what works in practice as part of a staged approach. Over time, this can inform whether further intervention is needed, including any future decision to move to a statutory

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approach and ensuring any legislative intervention is better targeted and grounded by real-world case studies.

Potential limitations

Weak deterrent effect

Guidance alone would not create new legal obligations and would not provide any additional remedy for workers where employers fail to follow it. It would rely on voluntary uptake and may therefore have limited impact on employers who are least likely to engage with good practice.

Risk of uneven application to some workers

Guidance may be less effective in supporting the responsible adoption and use of WMT in workplace environments which are more reliant on remote or platform working. Employers may decide that compliance with existing legislative requirements relating to use of WMT is sufficient for their purposes, while undertaking additional steps to engage with workers who operate remotely may be seen as a cost burden. Similarly, where use of WMT is

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linked to anti-corruption or fraudulent practice, such as in the financial services sector, employers may view guidance as superfluous to their existing obligations and context.

Questions about potential non-statutory guidance

Question 57. Based on the description above, would non-statutory guidance by itself support the responsible adoption and use of WMT and increased worker voice?

Yes

No

Don't know

Question 58. Please explain your answer

Question 59. Would impact would this option have on industrial relations?

Very negative

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Somewhat negative

No impact

Somewhat positive

Very positive

Don't know

Question 60. Please explain your answer

Question 61. What impact would this option have on the adoption and use of WMT by organisations?

Very reduced adoption

Somewhat reduced adoption

No impact

Somewhat increased adoption

Very increased adoption

Don't know

Question 62. Please explain your answer

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Question 63. What benefits, costs, risks or practical challenges could arise from this option?

Question 64. What content should guidance include to effectively support organisations to adopt and use WMT in a responsible way? (select all that apply)

Sector specific guidance and examples, including on worker consultation

Illustrative case studies, reflecting differences in organisational size capability

Iterations to reflect evolving use of WMT and related worker experience

Checklist of legal requirements connected with WMT

Other (please specify)

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Question 65. Who should the guidance be primarily aimed at? (select all that apply)

Employers

Workers

Trade Unions and worker representatives

HR professionals

WMT providers and vendors

Other

Question 66. What would make non-statutory guidance more likely to be used in practice? (select all that apply)

Clear endorsement by regulatory bodies

Clear practical examples

Sector specific material

Simple toolkits tailored for SMEs

Worker-facing summaries

Other

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Other considerations

Question 67. Apart from options A-C should government consider any other options, including do nothing?

Question 68. Are there any other points you would like to raise regarding the content of this consultation?

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Next steps

This consultation will close on 30 September 2026.

Following the closure of this consultation, we will analyse the responses before publishing a government response.

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Summary of consultation questions

About you

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

Question 01: 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

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Question 02: 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

Not Applicable

Question 03: Which region are you located in?

North-East

North-West

Yorkshire and The Humber

East Midlands

West Midlands

East of England

London

South-East

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South-West

Wales

Scotland

Northern Ireland

Question 04: What sector are you based in?

Accommodation & food service activities

Activities of households as employers; undifferentiated goods and services-producing activities of households for own use

Administrative & support service activities

Arts, entertainment and recreation

Agriculture, forestry and fishing

Construction

Education

Electricity, gas, steam and air conditioning supply

Financial & insurance activities

Human Health and social work activities

Information & communication

Manufacturing

Mining and quarrying

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Production

Professional, scientific and technical activities

Public administration & defence; compulsory social security

Real estate activities

Services Sector

Transportation & storage

Water supply; sewerage, waste management and remediation activities

Wholesale and retail trade; repair of motor vehicles and motorcycles

Other service activities

Question 05. Which of the following age brackets do you fit into?

15 or below

16-17

18-24

25-34

35-44

45-54

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55-64

65-74

75+

Prefer not to say

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Questions on experience of WMT

Question 06. Which of the following activities takes place in your workplace or organisation (select all that apply)

Location and movement tracking (GPS on vehicles or handheld devices)

Digital activity monitoring (Keystroke logging, time on applications or websites)

Biometric access or verification (Fingerprint or facial recognition)

Health and physiological monitoring (heart rate, fatigue indicators)

Individual video monitoring (always-on webcams or driver-facing cameras)

Automated performance evaluation (Algorithmic scoring or task logging)

Other (please specify)

None of the above – WMT is not used in my workplace

Don't know

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Question 07. If you did not answer ‘none of the above’ to Question 06, what (to the best of your knowledge) is the stated purpose of this WMT? (select all that apply)

Work allocation or scheduling

Health and safety compliance

Performance evaluation, discipline or appraisal

Security or fraud prevention

Improve productivity or efficiency

Supporting employee training or wellbeing

Other (please specify)

Don't know

Question 08 To the best of your knowledge, how are decisions made using this technology?

Mostly or solely automated (no human involvement)

Combination of automated and human input

Mostly human-led

Don't know

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Question 09. If you are responding as an individual, please indicate your employment status:

Employee – (A person working under a contract of employment)

Worker – (A person with a contract or other arrangement to do work or services personally for a reward)

Self-employed or contractor – (A person who runs their business for themselves and take responsibility for its success or failure.)

Office holder – (A person who's been appointed to a position by a company or organisation but does not have a contract or receive regular payment)

Don't know

I am not responding as an individual

Question 10. What information was provided in your workplace before the introduction of WMT? (select all that apply)

The nature, extent and reasons for the use of WMT

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Whether a Data Protection Impact Assessment has been carried out

A clearly defined purpose and lawful basis for data processing

Whether the WMT will use solely automated decision making

Employer – worker engagement about the introduction

None of the above

Don't know

Other (please specify):

Question 11. How was this information communicated?

(select all that apply)

Data Protection Privacy Notice

Staff handbook or policy documents

Intranet or internal website

Email communications

Team meetings or briefings

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Signage or notices in the workplace

Training sessions

Don't know

Other (please specify):

Question 12. How well does the information provided by your employer about WMT enable you to understand what monitoring is taking place?

Very well

Fairly well

Not very well

Not at all

Not applicable

Question 13. How well does the information provided by your employer about WMT enable you to understand how your data is used and how it may affect decisions about you?

Very well

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Fairly well

Not very well

Not at all

Not applicable

Question 14. Do you believe workers in your organisation have a meaningful ability to shape, question or challenge decisions using WMT?

Yes

No

Don't know

Question 15. If yes, what form does this take?

Question 16. Which of the potential benefits of WMT are most relevant to your sector/ experience (select all that apply)

Enhanced worker productivity

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Increased service efficiency or quality

Reduced non-work activity

Improved regulatory compliance

Improved security or theft prevention

Improved Health and Safety

Better performance measurement and feedback

Enhanced employee wellbeing or support

Improved trust between workers and employers about decisions

Other (please specify)

None

Question 17. Please explain your reasons for selecting any of the above options. Do you have any evidence related to the options selected you would like to share?

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Question 18. Which of the potential harms of WMT are most relevant to your sector/ experience (select all that apply)

Reduced worker productivity

Reduced service efficiency or quality

Excessive monitoring (feeling of being watched)

Personal privacy infringement

Negative psychological or health impacts

Worker disempowerment and loss of autonomy

Increased risk of bias or discrimination

Inaccurate or unfair performance measurement

Negative impacts on worker wellbeing

Lack of transparency or understanding about employer

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decisions

Lack of opportunity to challenge decisions or potential

errors

Other (please specify)

None

Question 19. Please explain your reasons for selecting any of the above options. Do you have any evidence related to the options selected you would like to share?

Question 20. Are you aware of WMT being used to meet existing legal or regulatory requirements (for example in relation to fraud prevention or anti-corruption)? If yes, please provide examples.

Yes (Please provide more information)

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No

Don't know

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**Questions on principles for responsible use of WMT
which supports good industrial relations**

**Question 21. To what extent are the above 8 principles
regarding WMT demonstrated in your workplace?**

	Alway s	Mostly	Someti mes	Never
• Purpose and rationale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Transparency and understanding	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Worker engagement and voice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Fairness and equality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Necessity, Proportionality and Privacy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Human Oversight and Accountability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Dignity and Wellbeing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Accuracy, Reliability and Review	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Question 22. Which of the 8 principles do you think are the most important for employers when introducing and using WMT? Select 2 from the following:

Purpose and rationale

Transparency and understanding

Worker engagement and voice

Fairness and equality

Necessity and proportionality

Human oversight and accountability

Privacy, dignity and wellbeing

Accuracy, reliability and review

Question 23. To what extent do you agree that adherence to these principles during the introduction of WMT would improve worker trust and buy-in?

Strongly disagree

Disagree

Agree

Strongly agree

Don't know

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Question 24. What impact, overall, do you think adopting these principles would have on workplace productivity?

- Very negative impact
- Somewhat negative impact
- No impact
- Somewhat positive impact
- Very positive impact
- Don't know

Question 25. To what extent do you agree that these principles accurately reflect good practice in the use of WMT?

- Strongly disagree
- Disagree
- Agree
- Strongly agree
- Don't know

Question 26. Are there any important elements of good practice missing from these principles?

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**Question 27. What challenges, if any, do employers or workers face in applying these principles in practice?
(select all that apply)**

Lack of clarity around legal requirements

Cost/ resource pressures

Difficulty applying principles consistently

Rapid evolution of technology

Lack of worker trust/confidence

Limited worker or representative capacity

Difficulties in smaller organisations

Data protection/privacy concerns

No significant challenges

Other (please specify)

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Questions on worker engagement

Question 28. To what extent do you agree that local engagement with workers, trade unions or elected representatives is important to the responsible use of WMT?

Strongly disagree

Disagree

Agree

Strongly agree

Don't know

Question 29. What do you believe meaningful worker engagement looks like in practice?

Question 30. Are you aware of any examples of worker engagement or consultation regarding WMT or similar topics that have worked well or poorly – please explain.

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Questions about a potential statutory code of practice

Question 31. Based on the description above, would a statutory WMT code of practice better support the responsible adoption and use of WMT and increased worker voice?

Yes

No

Don't know

Question 32. What impact would this option have on industrial relations?

Very negative

Somewhat negative

No impact

Somewhat positive

Very positive

Don't know

Question 33. Please explain your answer

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Question 34. What impact would this have on the adoption and use of WMT by organisations?

Very reduced adoption

Somewhat reduced adoption

No impact

Somewhat increased adoption

Very increased adoption

Don't know

Question 35. Please explain your answer

Question 36. What benefits, costs, risks or practical challenges could arise from this option?

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Question 37. What should be the main purpose of a statutory WMT code of practice? (select all that apply)

Improving transparency about WMT

Reducing or resolving disputes around WMT

Clarifying expectations under existing law

Supporting responsible technology adoption

Other

Question 38. Should the code be drafted to qualify for the TULRCA S207A tribunal compensation adjustment mechanism, where an employer unreasonably fails to follow it?

Yes

No

Don't know

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Question 39. Should the code be supplemented with guidance to provide more detailed practical support for employers, workers and representatives?

Yes

No

Don't know

Questions about a potential legislative requirement to consult on WMT.

Question 40. Based on the description above, would a requirement to consult and negotiate with trade union or employee representatives before the introduction of WMT better support the responsible adoption and use of WMT and increased worker voice?

Yes

No

Don't know

Question 41. Please explain your answer

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Question 42. What impact would this option have on industrial relations?

Very negative

Somewhat negative

No impact

Somewhat positive

Very positive

Don't know

Question 43. Please explain your answer

Question 44. Would impact would this have on the adoption and use of WMT by organisations?

Very reduced adoption

Somewhat reduced adoption

No impact

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Somewhat increased adoption

Very increased adoption

Don't know

Question 45. In your review, what benefits, costs, risks or practical challenges could arise from this a legislative requirement for businesses to consult with staff prior to adopting WMT

Question 46. What model for a mandatory duty would be most appropriate to ensure greater worker voice while being proportionate?

Duty to consult and negotiate with a view to agreement before WMT is introduced or changed

Duty to provide information and consider worker views

Request-based model, triggered by specific threshold of workers or representatives

Duty only applying where there is a recognised trade union

No legislative requirement is appropriate

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Don't know

Question 47. Please explain your answer

Question 48. What should trigger a consultation requirement or right to request consultation? (select all that apply)

Introduction of any new WMT system

Introduction of high-risk WMT only (e.g. systems involving continuous/real-time monitoring or biometric or sensitive data)

Significant changes to existing WMT, such as a system's purpose or how outputs are used

Use of WMT in assessing performance, discipline, pay or dismissal

A request from a set threshold of workers or their representatives

Other

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Question 49. Should completion of the process be time limited and if yes, what period would be appropriate?

No time limit

Up to 1 month

Up to 3 months

Up to 6 months

Unspecified, 'within reasonable notice'.

Question 50. Should employers also be legally required to carry out further consult and negotiate processes if “significant” changes are made to WMT’s use and purpose?

Yes

No

Don't know

Question 51. What should happen if trade union or employee representatives object to the introduction of WMT following a consultation and negotiation process?

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(select all that apply)

Employer may proceed after considering and discussing concerns

Employer may proceed only after providing written response to concerns

An employer should pause implementation and set out alternative proposals

An employer should seek external mediation (for example, through Acas or another independent body) to help resolve the disagreement before proceeding.

Employer should not proceed without agreement, in specified high-risk cases

Other (please specify)

Question 52. Who should be covered by any legislative consultation requirement?

Employees only

Employees and limb-b workers

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All non-self-employed individuals exposed to WMT,
regardless of employment status

Don't know

Question 53. Please explain your answer.

**Question 54. In which circumstances should
enforcement action be available where a WMT
consultation process has not been followed? (select all
that apply)**

Where no consultation process was undertaken

Where a consultation process was undertaken but did
not meet minimum procedural requirements (e.g.
insufficient information, inadequate timeframes, or lack
of meaningful engagement)

Where consultation did not provide a genuine
opportunity for workers or their representatives to
influence outcomes

Other (please specify)

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Don't know

Question 55. What remedies should be available in response to the circumstances you selected in the previous answer (select all that apply)

A requirement to suspend or delay the use of WMT until a compliant consultation process has been completed

A requirement to provide specified information to workers or their representatives

Financial penalties or compensation awards

Referral to relevant regulators where breaches of data protection or other legal obligations are identified

Other (please specify)

Question 56. Please explain your answer to the previous two questions, including what enforcement approach in your view would be most effective and proportionate if a mandatory requirement to consult were to become law.

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Questions about potential non-statutory guidance

Question 57. Based on the description above, would non-statutory guidance by itself support the responsible adoption and use of WMT and increased worker voice?

Yes

No

Don't know

Question 58. Please explain your answer

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CONSULTATION**

Question 59. Would impact would this option have on industrial relations?

Very negative

Somewhat negative

No impact

Somewhat positive

Very positive

Don't know

Question 60. Please explain your answer

Question 61. What impact would this option have on the adoption and use of WMT by organisations?

Very reduced adoption

Somewhat reduced adoption

No impact

Somewhat increased adoption

Very increased adoption

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Don't know

Question 62. Please explain your answer

Question 63. What benefits, costs, risks or practical challenges could arise from this option?

Question 64. What content should guidance include to effectively support organisations to adopt and use WMT in a responsible way? (select all that apply)

Sector specific guidance and examples, including on worker consultation

Illustrative case studies, reflecting differences in organisational size capability

Iterations to reflect evolving use of WMT and related worker experience

Checklist of legal requirements connected with WMT

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Other (please specify)

Question 65. Who should the guidance be primarily aimed at? (select all that apply)

Employers

Workers

Trade Unions and worker representatives

HR professionals

WMT providers and vendors

Other

Question 66. What would make non-statutory guidance more likely to be used in practice? (select all that apply)

Clear endorsement by regulatory bodies

Clear practical examples

Sector specific material

Simple toolkits tailored for SMEs

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Worker-facing summaries

Other

Other considerations

Question 67. Apart from options A-C should government consider any other options, including do nothing?

Question 68. Are there any other points you would like to raise regarding the content of this consultation?

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In view of this, it would be helpful if you could explain to us why you wish that information to be treated confidentially. If we receive a request for disclosure of information that has been provided, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances.

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Workplace Monitoring Technologies Public Consultation - Privacy Notice

This privacy notice explains how the Department for Business and Trade (DBT), as a ‘data controller’, processes personal data for the Make Work Pay: workplace monitoring technologies (WMT) consultation.

This notice is supplemented by our [main privacy notice](#) which provides further information on how DBT processes personal data, and sets out your rights in respect of that personal data.

Personal data DBT collects

DBT collects information about:

- whether you are responding as an individual or on behalf of an organisation
- Individuals responding to the consultation in a personal capacity.
- Individuals responding on behalf of an organisation (for example, employers, business representative organisations, trade unions or interest groups).

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DBT collects the following categories of personal data:

- Age
- Area of business and/or expertise

Why DBT asks for this information and what happens if it is not provided

DBT collects this information in order to: understand the context of responses, such as who is responding. DBT also uses this information to analyse and summarise consultation responses. This helps inform policy development, next steps and any published government response.

DBT may also produce an anonymised summary of responses or particular themes within the responses. Where necessary, it may share responses with other government departments or contracted organisations supporting the analysis.

You can leave out personal information from your response entirely if you prefer. If you choose not to provide certain “about you” information, DBT may have less ability to interpret the context of your response (for example, which

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sectors or groups particular views relate to), but you can still submit substantive views on the questions.

The legal basis for processing your personal data

The table below sets out the primary legal bases we rely on for processing the personal data we collect about you.

Legal basis for processing

Personal Data (Article 6(1) UK GDPR)	Special Category Data / Criminal Conviction Data
Processing is necessary for a task carried out in the public interest or in the exercise of official authority vested in the controller	N/A

How DBT processes personal data it receives

Once received your data will be processed to support analysis of consultation responses and the development of a government response.

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DBT may use technology (including artificial intelligence) to help analyse and summarise responses. However:

- DBT 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.
- DBT will apply effective data minimisation techniques so that only the minimum necessary personal data is processed.

We will only process your personal data for purposes which are compatible with those specified in this privacy notice. This may include archiving in the public interest, or scientific, historical or statistical research, in accordance with Article 89 UK GDPR. Where your data is further used for research purposes, appropriate safeguards (including anonymisation, pseudonymisation and data minimisation techniques) will be used to ensure that your personal data is only processed where it is necessary for us to do so, and that it is processed lawfully and securely.

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Compatible research purposes may include analysis to further DBT policy development, or to analyse public consultation responses or similar requests for information from the public.

Third Party Processors

Responses submitted online are collected via an online survey platform (the consultation link is hosted on a Qualtrics domain).

Your responses, including any personal data, may be shared with:

- a third-party provider,
- another government department, or
- an organisation acting on behalf of DBT under contract (or an equivalent agreement) that safeguards your personal information in line with DBT requirements.

These parties may use technology (including artificial intelligence) for the purpose of analysing and summarising responses, but only in accordance with DBT's agreed terms and applicable data protection law.

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DBT will not:

- sell or rent your data to third parties, or
- share your data with third parties for marketing purposes.

Information sharing

We may share personal data you provide:

- With other government departments, public authorities, law enforcement agencies and regulators
- With other third parties where we consider it necessary in order to further our functions as a government department
- In response to information requests, for example, under Freedom of Information (FOI) law or the Environmental Information Regulations (EIR)
- To a court, tribunal or party where the disclosure is necessary in order to exercise, establish or defend a legal claim
- Where we are ordered to do so or where we are otherwise required to do so by law

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- With third party data processors as governed by contract

You can find out more detailed information about how we share data and further processing in the [main privacy notice](#).

How long will DBT hold your data for

DBT will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

For this consultation, this generally means that we will hold your personal data for at least 1 year, and longer where 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, or
- meet legal requirements

If we decide that we need to process your personal data for a reason which is incompatible with the purposes for which

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we collected it for, we will contact you to explain why we are doing this and why it is lawful to do so.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

Your rights

You have a number of rights available to you under UK data protection legislation, including:

- the right to request copies of the personal data we hold about you
- the right to request that we rectify information about you which you think is inaccurate or incomplete
- the right to request that we restrict your data from further processing (in certain circumstances)

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- the right to object to the processing of your data (in certain circumstances)
- the right to data portability (in certain circumstances)
- the right to request that we erasure your data (in certain circumstances)
- the right not to be subject to a decision based on solely automated data processing

You can contact DBT's Data Protection Officer for further information about how your data has been processed by the department or to make a complaint about how your data has been used. Please contact:

data.protection@businessandtrade.gov.uk

You can also submit a complaint to the Information Commissioner's Office (ICO) at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

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W: <https://ico.org.uk/>

Tel: 0303 123 1113

You can find out more about your rights as a data subject, and details of how to contact our Data Protection Officer and the ICO in our [main privacy notice](#).