



# **Making Work Pay**

## **Unite response to the Consultation on**

### **Draft Code of Practice on Electronic and Workplace Balloting**

### **for Statutory Union Ballots**

## **Introduction**

This response is made by Unite the Union. Unite is the UK's strongest trade union, representing over one million members across all sectors of the economy including manufacturing, financial services, transport, food and agriculture, construction, energy and utilities, information technology, service industries, hospitality, health, local government and the not-for-profit sector.

Unite has extensive experience of running statutory union elections and ballots.

## **Executive Summary**

Unite is also committed to promoting union democracy and has repeatedly called for the modernisation of balloting methods for union ballots and elections to encourage increased participation in union elections and ballots. Unite therefore welcomes this consultation and the government's commitment to permit the use of electronic and workplace ballots from April 2026.

That said, Unite is concerned that the government's current proposals will place significant constraints on unions' use of electronic voting or workplace ballots and could limit the numbers of union members benefitting from new ballot methods.

Of particular concern is the proposed bar on the use of members' work email addresses. Up to 20 per cent of Unite members have supplied workplace email addresses. This includes members who pay union subscriptions via check off / DOCAS arrangements who will often feel comfortable using work emails for union communications as their employer will be aware they are a union member. These members risk missing out on the move electronic voting. The bar on the use of work email addresses will also create significant administrative and cost burdens

for unions who will need to review membership data to determine which members can be offered an electronic vote. Employers will also have an effective veto on workplace ballots, meaning take up may be negligible.

Unite recognises these constraints may be caused by the limited order-making powers in section 54 of the Employment Relations Act 1999. It is deeply regrettable that the problems with section 54 were not identified in time for amendments to be made to the Employment Rights Bill. The government should consider legislating in this Parliament to address this issue

### **Summary of recommendations:**

- Ministers must ensure that employers are prohibited from interfering in and are under a duty to co-operate with union elections and ballots. Minister must seek to introduce robust regulations and clear code provisions to this effect. If necessary, Ministers should legislate during this Parliament to deal with any gaps in the section 54 powers. Future legislation must not delay the repeal of the 50 per cent turnout threshold for industrial action ballots.
- The current bar on the use of work email addresses will limit the take-up of electronic balloting. This must not be used as grounds for delaying the repeal of the 50% threshold in industrial action ballots.
- The government should consult unions on the draft regulations on electronic and workplace ballots before they are finalised and laid before Parliament. Consultation would avoid inadvertent technical mistakes and would ensure that all necessary consequential amendments to the Trade Union and Labour Relations (Consolidation) Act 1992 have been made.
- Unite recognises that (in accordance with the 1992 Act) all union members who are eligible to vote must have the opportunity to do so, and that ballots should be held in secret. It is important that future regulations do not set additional unnecessary, unjustified or impractical criteria for unions to comply with. Conducting union elections and ballots is already a complex and very costly exercise. There is a risk that any additional administrative requirements would only constrain union democracy.
- The Code of Practice (and Regulations) should clarify throughout that unions can decide to use a combination of e-balloting, hybrid e-balloting and workplace balloting for any (relevant) election or ballot.
- The use of “pure electronic balloting” for CAC statutory recognition ballots should not be delayed. E-balloting is particularly important for those in transient or mobile work.
- It is welcome that the code identifies the general secretary or suitable officials with delegated powers should act as the responsible person. The general secretary or suitable union officials are best placed to determine which method of voting is suitable for any election or ballot based on the profile and the wishes of members.
- Paragraph 26 of the Code should be deleted. The paragraph creates an expectation that union officials will ‘work with’ the independent scrutineer and/or technical experts

before deciding on the method of balloting. This paragraph is not consistent with the independence of the scrutineer. Employers may also seek to rely on paragraph 26 to challenge the validity of a ballot where a union official does not seek or follow advice received. It may also be difficult for a scrutineer to oversee an election or ballot that they were involved in developing. The scrutineer however must be responsible for confirming if the balloting system complies with security requirements.

- Unite does not consider that Paragraph 28 (a-d) is suitable for inclusion in a statutory Code of Practice and should be deleted. For example, expecting unions to confirm that every member is willing to receive and participate in an electronic ballot in advance is unnecessary, excessive and would inevitably delay the roll out of electronic voting.
- Decisions on the timeline for ‘pure’ or ‘fully’ electronic voting, ‘hybrid’ electronic voting and workplace ballots should be decided between the union and the scrutineer and should not be a matter for the code.
- It is vital in line with the 1992 Act provisions the regulations do not place unions under a duty to audit membership records or collect additional information when preparing for an electronic ballot. Unions must only be expected to act only on the information which is in their possession at the time of the ballot. The code should clear state this.
- It is vital that the code is future proofed so that union can take advantage of technological developments.

## Terminology

### Questions 1 and 2:

**Are there any definitions that are unclear? Are there any other terms you would like to see defined? (Paragraph 17)**

#### Question 1

**Please provide further information to support your answer.**

**Paragraph 17 e(i):** The term ‘Pure e-balloting’ should be changed. The term ‘pure’ could be perceived as a value-laden term and union members may not understand its meaning. Fully e-balloting might be a preferable term.

**Paragraph 17e (i)** states that there are two channels that are permitted for use in relation to e-balloting - email or message to a mobile telephone number. However, paragraph 57 also permits the use of a third channel: a “virtual internet message system”. Reference to this channel should be added here so that the code is consistent throughout.

Unite would urges the government to remove the requirement for any internet message system to be associated with a mobile telephone number. See comments below relating to paragraph 57.

Removing this requirement would mean the Code is more future-proofed and does not restrict the use of electronic voting. For instance, future messaging apps may rely on the use of a personal ID or username instead of being linked to a mobile phone number.

## **Applicability to statutory ballots under the 1992 Act**

**Paragraph 19:** The use of “pure electronic balloting” for CAC statutory recognition ballots should not be delayed. E-balloting is particularly important for those in transient or mobile work. Unions have welcomed the opportunity for workplace ballots to be held in recognition. However, we anticipate that hybrid and fully electronic ballots would assist in increasing worker participation, especially in sectors where workers are transient or mobile. This would include sectors such as civil aviation where workers travel internationally and the use of electronic voting on (non-statutory) workplace matters is already established. Fully electronic ballots could reduce costs for unions and employers in recognition ballots.

## **Responsibilities and requirements**

### **SECTION – Responsible Person**

#### **Question 3:**

**Is the detail of who the responsible person is for each ballot method clear?**

**(Paragraph 23 – 26)**

**Responsible person:** Unite agrees that a union general secretary or a suitable union official with delegated authority should be the responsible person who decides which method of ballot, or combination of ballot methods is used for any union statutory election or ballot. Union decisions will be informed by the profile of the membership, the proportion of personal email addresses held and the wishes of the membership.

The only exception should be ballots for statutory recognition, where the CAC panel should be the “responsible person” who determines the balloting method. Under the current systems, the CAC in practice only determines balloting arrangements after liaising with unions and employers. This code should confirm that the CAC should consult both employer and union(s) before determining the balloting method.

**Paragraph 26** creates an expectation that union officials will ‘work with’ the independent scrutineer and/or technical experts before deciding on the method of balloting and should be deleted. This advice is not consistent with the independent status of the scrutineer. It would be difficult for a scrutineer to oversee an election or ballot that they were involved in developing. Employers may also seek to rely on paragraph 26 to challenge the validity of a ballot where a union official does not seek or follow advice received. Paragraph 26 of the Code should therefore be deleted.

### **SECTION – Trade Unions**

#### Question 4:

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

**Paragraph 28:** Paragraph 27 states that the section sets out the responsibilities of unions under the code but then Paragraph 28 suggests that the guidance in points a to d is merely best practice and therefore voluntary. The mismatch between the paragraphs could be misleading.

The guidance set out in **Paragraph 28 (a-d)** is unnecessary and could lead to satellite litigation by employers seeking to frustrate union ballots or elections. Unite agrees with the TUC that:

*“In seeking to protect union members from employer interference with electronic and workplace ballots, the government must ensure that it doesn’t inadvertently hand the employer additional ammunition for disputing ballots.”*

**Paragraph 28 a):** expecting or requiring unions to confirm that every member is willing to receive and participate in an electronic ballot in advance is unnecessary and excessive. Communications about statutory union elections or ballots are mandatory communications for GDPR purposes and therefore unions do not require prior consent to send them. Requiring prior consent would inevitably delay and deter the roll out of e-balloting. Union members are unlikely to understand the question. In an increasingly digital age, most workers do not understand why unions use postal rather than electronic ballots. Members are unlikely to respond, which limits the take up of electronic ballots and undermine the intention of government policy. Even though paragraph 28 suggests that this recommendation is only best practice, employers could still use the guidance as grounds for challenging the legitimacy of electronic ballots. Paragraph 28a should therefore be removed from the code.

**Paragraph 28 b-d** should similarly be removed. It is not appropriate for a statutory code to advise unions on how to communicate with and on the advice to be given to union members, particularly there is no legal basis for such advice.

The wording of **paragraph 28 (b)** could undermine their confidence in the security of a union ballot by suggesting it would not be safe to vote in an electronic ballot while physically present at their workplace, connected to workplace wi-fi, or on a workplace device. This may reduce turnout which weakens union democracy.

This guidance is also inconsistent with paragraph 37 of the code which states that, in the case of seafarers, an employer should not prevent the use of any employer-provided internet during a statutory ballot.

As outlined above, Unite believes the government should legislate during this parliament to ensure employers are required to co-operate with and prohibit interference with union statutory ballots.

In the interim, paragraphs 36 – 39 should be strengthened to make clear that an employer must not take any action that may hinder or interfere with the ability of workers to participate in a ballot. Employers must also not monitor whether workers are accessing union balloting sites as a means of identifying whether their workers are union members or to disrupt a process to block union ballots on their network.

**Paragraph 29 b:** Unite does not agree it is reasonable or consistent with union democracy to bar union staff from the locations near where workplace ballots are being conducted during the

voting period. We propose that this bullet-point is removed. It is the role of the independent scrutineer to ensure that union staff do not interfere with the conduct of workplace ballot. Barring staff from the workplace during the ballot period may discourage workers from voting and may mean workers are more vulnerable to employer pressure or victimisation. Paragraph 29b should make clear that union officials will be able to attend the workplace during the ballot period even though they cannot enter the limited space where voting is taking place.

**Paragraph 30:**

**Point b:** The government is proposing that unions will always be required to appoint an independent scrutineer when running electronic or workplace ballots, including where fewer than 50 members are being balloted. Making the appointment of a scrutineer mandatory for ballots with fewer than 50 members may increase costs for unions. It also means unions will be unable to use their own e-balloting systems.

**Point d:** As outlined below, Unite is seriously concerned that the code (and future regulations) prevent unions from using work and union emails during electronic ballots. This requirement appears unnecessarily restrictive and will inevitably delay and limit the use of electronic voting.

As set out above, we also disagree with the requirement that mobile messaging accounts must be associated with a mobile phone number. There is a significant risk of the code preventing union from benefiting from technological advances.

**Point g:** It is currently proposed that workplace ballots (other than for statutory recognition) can only be used with the employer's consent. The code and regulations should make clear that if an employer withdraws consent after an agreement, then it should cover the costs already incurred in preparing for the ballot and the union should not be held liable for any delays in a ballot or election.

**Question 5:**

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

No

The code should seek to limit the regulatory burdens placed on trade unions to encourage and facilitate the take-up of electronic or workplace balloting. The primary aim should be to encourage and increase participation in union democracy, whilst safeguarding member data.

**SECTION – Scrutineers**

**Question 6:**

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

It is important that excessive regulations are not placed on scrutineers to ensure that the costs of electronic balloting do not become prohibitive for unions.

**Paragraph 33 a.:** In line with comments relating to paragraph 26 above, this bullet point should be removed. It is unnecessary and unhelpful for the code to advise the union's responsible

person to consult the scrutineer on the method of balloting to be used. The scrutineer must advise on the security of the balloting method.

**Paragraph 34 (h) (iii) and I (ii)** require that audit logs and ballot papers are retained for 12 months. It appears that the former is due to a requirement in the draft regulations. It is not clear if the latter is. We do not believe such prescription and an arbitrary deadline is necessary given that it is not currently a requirement under the industrial action code of practice. Including these requirements could add cost and bureaucracy to the process.

#### **Question 7:**

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

The code should make clear that scrutineers are responsible for protecting against any cyber or malware attacks and are liable for any related costs or liabilities incurred by unions.

Provision should be made for unions to swiftly transfer a ballot to another scrutineer in the event of a cyber-attack.

## **SECTION – Employers**

#### **Questions 8 & 9:**

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

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

It is important that paragraph 36 makes clear that “an employer should not take any action that may hinder the ability of workers to participate in a ballot freely, fairly, and in secret. This includes but is not limited to:

- a. Seeking to determine whether voters using workplace wi-fi or on a workplace device (phone, laptop, tablet, etc) are participating in an electronic ballot.
- b. Seeking to identify union members participating in an electronic ballot if they do so in the workplace.”

**Paragraph 36** should however be strengthened:

- The word “should” should be replaced by “must”.
- The code should also emphasise that employers must not use the electronic balloting process to determine whether their workers are union members. Union membership is sensitive personal data and monitoring and gathering data here could amount to a breach of GDPR and other data protection rules.
- It should advise employers they must not disrupt a process to block union ballots on their network.

- The code should also encourage employers to facilitate electronic (and workplace) ballots taking place as a matter of good practice.

As a matter of priority, the government should also legislate to ensure that employers are under a legal duty to co-operate with and facilitate union ballots and elections and are prohibited from interfering with them or deterring workers from voting.

## **SECTION – Central Arbitration Committee (CAC)**

### **Question 10:**

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

As stated above, it is not clear why the use of fully or “pure” electronic balloting is not to be permitted for CAC statutory recognition ballots. In our opinion, unions should have the opportunity of requesting fully electronic voting for statutory recognition ballots.

### **Question 11: Are there any further responsibilities that should be included for the Central Arbitration Committee (CAC)? (Paragraph 40 – 43)**

As noted above, this section of the code should make clear it is best practice for the CAC to consult the relevant trade union before determining the appropriate balloting method in recognition ballots.

## **Electronic balloting requirements**

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

#### **Question 13:**

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

Throughout the code it should be clearer that unions can decide to use a combination of voting methods in a ballot or election. This may include, for example, sending electronic ballots to those for whom they have personal emails and hybrid electronic ballots or paper ballots to those for whom they only have a postal address or work email address.

**Paragraph 57 a (i) and paragraph 59** (and paragraph 166) state that unions must *ensure* there are no workplace or union provided email addresses or (to the extent that they can) phone numbers among those used to distribute ballots. This requirement is unreasonably strict and impractical. It will inevitably delay and limit the roll out of e-balloting. In Unite, up to 20% of union members have provided the union with work email addresses and expect the union to communicate with them via it. This is particularly likely in workplaces where members pay union subscriptions via “check off” / DOCAS, where the employer will be aware they are a union

member and therefore members are more willing to use work email addresses for union activities.

The requirement will create liability risks for unions. There will be situations where it is impossible for unions to distinguish between a personal and work-related email, for example:

- Where a worker is both employed directly or indirectly by a communications or IT company and uses their service for their private email account. It is very likely that many workers for communications companies will use for personal purposes an account that is operated by their employer.
- Where companies encourage staff to customise their email domain
- Outsourced workers will often retain the email of their previous employer as still working for them. Unions will not be aware of this and unions will not be able to cross check workplace addresses with email addresses in order to comply with the code, leading to inadvertent technical errors, unbeknownst to the union.
- For the self-employed

Employers could seek to capitalise in minor technical errors to challenge the validity of industrial action ballots.

This requirement will also create excessive administrative burdens for unions, who will be required to cleanse union data to categorise members as having work emails or personal emails. This task would be onerous for general secretary or executive council elections in larger unions involving millions of union members. While a union cannot be expected to know the workplace email domains of thousands of employers, including those where a union does not have recognition and might have a handful or just one member. Unite urges the government to remove the requirement for unions not to use work or union email addresses.

If the requirement is to be retained, it is essential the regulations and code must state that unions are not under a duty to keep perfect records or to audit membership records or collect further information when preparing for an electronic ballot. It is reasonable for the union to act only on the information which is in their possession at the time of the ballot. This approach would be consistent with the requirements of the 1992 Act, the Code of Practice on industrial action ballots and notices and the Court of Appeal's landmark decision in *RMT v Serco Ltd and ASLEF v London & Birmingham Railway Ltd* [2011] EWCA Civ 226 on the application of the European Convention on Human Rights to industrial action ballots.

**Paragraph 57c:** As stated above, Unite calls on the government not to require an association between an internet messaging system and a mobile phone number. This would risk limiting messaging systems to WhatsApp but fail to allow technological developments that rely on individual identifications that are not linked to an individual's phone number.

The union is unlikely to know if a member's virtual internet message system is associated with their mobile number. The member may inform the union of their messaging ID, but this could be registered with another mobile number that the member owns or registered to an email address rather than a mobile number. Paragraph 57c should instead specify that the internet message system ID should be provided by the member for the purposes of communication with the union and held uniquely in the database against the record for that member.

**Paragraph 58:** It should not be a requirement for electronic ballot access method always to be distributed to a unique contact method. Often as a matter of good practice, unions will check

that multiple ballots are not sent to the same postal address or email. But unions will often be unaware if more than one member has access to a mobile phone or a joint email account. Currently, it is possible for two postal ballots to be sent to the same postal address. For workers living in shared accommodation or for family members living and working together, this can be a common occurrence. The same principle should be applied to electronic communications.

**Paragraph 61** confirms that a union may decide to use a combination of balloting methods for any statutory election or ballot. This point should be emphasised throughout this code. This paragraph should be amended to make clear that the union's responsible person decides which balloting method should be used. It is not a joint decision by the union and the scrutineer.

**Paragraph 62** is unnecessarily prescriptive and could unnecessarily prolong the balloting period. This could have detrimental implications for industrial relations. Holding timely industrial action ballots can help to bring employers back to the negotiating table and resolve disputes more quickly.

Requiring the monitoring of email communications could be discriminatory. There is no requirement on unions to take action in relation to undelivered postal ballots. An equivalent approach must be adopted for electronic ballots, particularly where a combination of balloting methods is being used.

Requiring scrutineers to monitor undelivered emails or other electronic messages would create onerous administrative requirements. There are several different categories of email bounce-backs and these might occur immediately or after delay, which would complicate any monitoring exercise. It could also prolong the balloting period. This paragraph should be removed from the code.

Decisions on the timeline for 'pure' or 'fully' electronic voting, 'hybrid' electronic voting workplace ballots should be decided between the union and the scrutineer and should not be a matter for the code.

**Paragraph 63 is unreasonable.** It states that if a ballot is accidentally issued to a workplace email or phone number, the ballot must be reissued to the voter using a permitted distribution method. Employers may seek to capitalise on such a requirement by challenging the legitimacy of a ballot. This paragraph should be removed from the code.

We urge the government to either remove or provide more clarity as to what constitutes a UK-based operator in relation to paragraph 64.

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

### **Question 16:**

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

**Paragraph 79** which requires unions and scrutineers to provide written guidance about voting platforms and hybrid e-balloting systems is overly prescriptive. While the code may include

good practice guidelines, it should be for each union to decide with the scrutineer what advice is provided to members. The introduction of e-balloting should not be used as a justification for introducing additional regulations on unions.

## **SECTION - Electronic Balloting System Security**

### **Question 23:**

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

**Paragraph 110** Unite is firmly committed to protecting member data and to protecting the integrity of union elections and ballots. We question however if paragraph 110 a) is too prescriptive by stating that union ballots and elections will always be invalidated and re-run where the database has been accessed. The scrutineer must be required to report the situation to the union. The resulting course of action should be in the judgement of the union and scrutineer who are responsible for the ballot.

### **Question 27:**

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

Unite is disappointed by the limited provision for workplace balloting in the government's proposals. Workplace ballots have proved very successful in CAC statutory recognition ballots, increasing participation. They are also popular with workers, who recognise that decisions about employment should be taken in the workplace.

**Paragraph 129:** Employers should not have a veto over workplace ballots. Requiring employer consent means that take up of workplace ballots is likely to be limited at best. Employers should be expected to work with unions to facilitate workplace ballots. Instead, the code should encourage the use of workplace ballots and should encourage employers to facilitate them unless there are compelling reasons not to.

**Paragraph 131** should be removed. The paragraph raises issues about the relationship between employers and unions. These are matters of industrial relations which should not be the subject of regulation by a statutory Code.

**Paragraph 134** requires the union confirms that they have the 'voluntary' consent of the employer to conduct workplace ballots. The word 'voluntary' should be removed as it implies that the union may be able to coerce the employer into agreeing to workplace ballots. This is not an accurate representation of power relations in any workplace. Employers may also seek to rely on the term 'voluntary' to challenge the validity of a ballot which is subsequently conducted.

**Paragraph 135:** As suggested in relation to Paragraph 29 g, above, the code and regulations should make clear that if an employer withdraws consent or reneges on an initial agreement,

then the employer should cover the costs already incurred by the union in preparing for the ballot. The union should also not be held liable for any delays in a ballot or election.

## **SECTION - Voluntary Access Agreement and Contingency Planning**

### **Question 30:**

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

**Paragraph 143** sets out the minimum provisions which must be included in the voluntary agreement on workplace ballots. **Point f** should be amended. It is not sufficient to leave to the employer and union to reach agreement on how the employer will not “unreasonably withhold staff from voting” and what “reasonably” means in this context, as this provides license to the employer to refuse to reach agreement. Instead the code should make clear that employers must ensure that workers are given the opportunity to vote during working hours or in their breaks and that no worker will suffer a detriment by the for deciding to vote (e.g. deduction of pay).

## **SECTION - Voter Access and Identification**

### **Question 31:**

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

**Paragraph 145** provides that workers participating in a workplace ballot will be required to show identification and that the scrutineer will decide what identification will be suitable. The code should confirm that the scrutineer must consult the union on the types of identification which must be provided and that guidance will be issued workers in advance to enable them to ensure they have the requisite ID and can vote.

## **SECTION - Site Requirements**

### **Question 32:**

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

**Paragraphs 148 and 149** provide that a trade union must always pay for a balloting venue. It would be better for the code to suggest that should be a matter of negotiation between union and employer, though it should be expected that unions will tend to fund additional costs relating to the premises.

## **OTHER – Workplace Balloting Requirements**

### **Question 34:**

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

**Paragraph 160:** We see no reason to mandate that counting take place off-site, as set out in paragraph 160. We understand that the requirement is designed to protect the ballot from employer interference. However, this should be a matter for the union and scrutineer. They can ensure that appropriate safeguards are put in place.

## **Responsible person – factors and criteria**

### **SECTION – Explanation**

#### **Question 35:**

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

As stated above, Unite agrees that a union general secretary or a suitable union official with delegated authority should be the responsible person who decides which method of ballot, or combination of ballot methods is used for any union statutory election or ballot based on the profile of the members, the proportion of email addresses held and the wishes of the members. It is important however that the section on Responsible person – factors and criteria makes clear throughout that the scrutineer should be responsible for confirming if the balloting system complies with security requirements.

### **SECTION – Factors and Criteria for Each Ballot Method**

#### **Pure Electronic Balloting**

#### **Question 36:**

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

Please see the response to question 35.

#### **Question 37:**

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

Please see the response to question 35.

Paragraph 166 (a) (ii) should be amended to read: “Are there any countries that the independent scrutineer should / **should not** block access to the e-balloting platform from?”. This would allow

unions to highlight instances where workers are likely to be overseas during a ballot. If there are known locations that members are likely to be present at, the union could highlight that IP addresses from this country should not be blocked

### **Hybrid Electronic Balloting**

#### **Question 38:**

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

Please see the response to question 35.

**Question 39: Do you consider the Criteria specified for the responsible person for hybrid electronic balloting are clear? (Paragraph 166b)**

Please see the response to question 35.

#### **Question 42:**

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

See the response to question 35.

#### **Contact:**

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