

The Rt Hon Liam Byrne MP  
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Dear Liam,

### **Implementing the Employment Rights Bill: Electronic and Workplace Balloting Consultation**

This Government's top priority is to grow the economy and improve living standards. A strong economy cannot be built whilst people are in insecure work. For too long employment law has failed to keep pace with fundamental changes to the way we work, allowing bad actors to take advantage of loopholes in the current law. We are clear that unfair competition, where a bad employer undercuts a good employer by reducing the terms and conditions of service for their employees, is bad for business, bad for workers and bad for growth.

Our Plan to Make Work Pay will modernise our employment rights legislation, extending the employment protections already given by the best British companies to millions more workers across the country. We are committed to full and comprehensive consultation with employers, workers, trade unions and civil society as set out in our *Implementing the Employment Rights Bill* publication (published 1 July 2025), we are taking a phased approach to engagement and consultation on these reforms. This will ensure stakeholders have the time and space to work through the detail of each measure and to help us implement each in the interests of all.

Today I am launching our latest consultation covering the Draft Code of Practice on Electronic and Workplace Balloting. This consultation will be supported by a programme of direct stakeholder engagement.

At present, almost all statutory trade union ballots must be conducted solely by post. This approach is outdated, limits democratic participation, and no longer aligns with modern voting practices or workplace realities. The Government is committed to modernising the rules for statutory union ballots to bring union participation in line with modern voting practices that political parties and listed companies already use. Therefore, we will be

permitting the use of electronic and workplace balloting for statutory union ballots, while retaining the existing option of postal balloting. This will be delivered through secondary legislation and will be designed to ensure the security, accessibility and integrity of the ballot.

The Government will introduce a new statutory Code of Practice setting out how electronic and workplace balloting should operate fairly and lawfully in practice. The Code will provide a clear and detailed guidance for unions, employers, workers and independent scrutineers, and will help ensure confidence in ballot outcomes. The Government is consulting on a draft version of this new Code of Practice. We welcome views from interested parties to ensure the Code is clear, balanced and practical for all. This represents the first step of our plans to deliver electronic balloting across a range of statutory union and industrial action ballots.

This consultation will run for ten weeks and will close on 28 January 2026.

### **Next Steps for consultation**

Further packages of consultations are planned for launch over the Winter. These will be central to shaping the practical implementation of this legislation, helping Government deliver reforms that are both effective and inclusive.

The Secretary of State and DBT's Permanent Secretary recently gave evidence to the Committee on the work of the department, including the Plan to Make Work Pay. I would also be happy to engage with the Committee further on this important agenda.

Yours sincerely,



**Kate Dearden MP**

Parliamentary Under-Secretary of State for Employment Rights and Consumer Protection  
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