

EQUITY

**Equity response to consultation on Draft Code of Practice on
Electronic and Workplace Balloting for Statutory Union
Ballots**

January 2026

About

Equity is the largest creative industries trade union with 50,000 members united in the fight for fair terms and conditions across the performing arts and entertainment. Our members are actors, singers, dancers, designers, directors, models, stage managers, stunt performers, circus performers, puppeteers, comedians, voice artists, supporting artists and variety performers.

Contact

For further information about this response, please contact Sam Winter, Governance Officer, swinter@equity.org.uk

Summary

- Equity supports the introduction of e-balloting for statutory trade union elections and industrial ballots, and the introduction of workplace balloting. As the consultation itself says, the current restrictions on UK trade unions are “outdated, reduce democratic participation, and serve to dampen the voice of working people.” The modernisation of trade union balloting will not only save the union a great deal of money but also enhance its ability to engage members in union democracy, particularly in an industry where members regularly work away from home.
- However, if implemented in its current form, the proposed Draft Code of Practice, would place undue restrictions on the new forms of balloting, significantly undermining their intended benefits. We are particularly concerned about the particular meaning of hybrid balloting methods and the use of workplace email addresses.
- We look forward to the government’s commitment to expand electronic voting further and we encourage the government to allow trade union members to determine the best way to organise their union’s democracy for themselves, save for a few fundamental safeguards. We question the need for so many bureaucratic steps to get unions to a position which almost all other democratic organisations, such as political parties, have been in for many years.
- We have focused on the consultation questions of most concern to Equity members.

Question responses

Question 1: Please indicate whether you are responding as: -

A trade union

Question 3: What sector are you based in?

Trade Unions

SECTION – Terminology

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

The definitions of pure and hybrid e-balloting are particularly unclear and unhelpful. For example, hybrid e-balloting is defined as providing a paper ballot to all members, with the option for them to exercise their vote electronically. This is not a particularly obvious meaning of the term 'hybrid e-balloting'. In our view, hybrid e-balloting ought to be defined broadly enough to capture providing *only* an electronic ballot to some members and *only* a postal ballot to other members, such as because we do not have a valid email address. This is what we do at present when it comes to non-statutory elections and it would be our preferred method moving forwards.

However, paragraph 18 then states that “any combination of permitted ballot methods can be used for a ballot”, which is further supported at paragraph 62. This seems to conflict with the specific definitions of balloting methods in the preceding paragraph. It is confusing to strictly define hybrid balloting as providing a paper ballot, with a digital alternative, when there are so many alternatives and combinations that might be entirely reasonable – for example, providing only an electronic ballot, with an option for the member to request a paper ballot. It may be more straightforward simply to define electronic balloting and postal balloting, and then to allow for various combinations of the two as the circumstances require.

Our preference would be to provide only electronic ballots to all members for whom we have an email address and only postal ballots for all members for whom we do not have an email address. We would appreciate express clarification in the Code of Practice that this would be a permitted form of hybrid balloting.

Separately, there is a need for clarity around the territorial extent (limiting the code to England, Scotland and Wales). Will UK-wide ballots including Northern Ireland be covered by the same provisions? Or are similar provisions planned to be adopted by the NI Executive?

SECTION – TRADE UNIONS

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

As set out in more detail below, Equity is concerned by the requirement associated with paragraph 30 that requires the union to “ensure” that the distribution list for electronic ballots does not contain workplace email addresses. It is entirely disproportionate that a ballot may be at risk of being disqualified simply by virtue of the inclusion of a small number of workplace email addresses, especially when it may not be immediately apparent which email addresses are associated with the employer.

SECTION - Voter Access and Distribution: Pure electronic balloting

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

We agree with the TUC that it needs to be clearer in the code that unions can use a mixture of balloting methods in an election/ballot. This might include, for example, sending electronic ballots to those for whom we have personal emails addresses and posting ballots to those for whom we only have a postal address. This is the method of combined ballot that we currently use for non-statutory elections, and it is the method we would want to have available to use for statutory elections moving forward.

We are also unclear how the union is supposed to “ensure” that there are no workplace email addresses being used. We agree that it would be best practice for members to provide their personal email addresses to the union, due to the risk of employer interference, but as currently drafted the code places the burden upon the *union* not to use workplace email addresses, rather than on the *employer* not to interfere with union ballots. This is completely the wrong way around and will be severely restrictive in some sectors. Workplace email addresses will not always be obviously identifiable to the union. Instead, the union should be required to use *best efforts* to avoid sending ballots to workplace email addresses.

Similarly, we are unclear why union email addresses should be excluded. Many union members are elected activists and therefore may choose to use their union email address for union communications. We do not see this as in any way problematic.

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

In addition to our comments above on the definition given to “hybrid e-balloting”, as clearly demonstrated at paragraph 68, the strict way in which hybrid balloting is currently envisaged will increase, not reduce, the administrative burden for unions. It will require unions to meet both the existing requirements of a postal ballot *and* additional requirements in relation to making an electronic method available.

SECTION - Scrutineer Standards

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

We are disappointed to see the limited way in which the Code provides for workplace balloting. First, it is disproportionate to require scrutineers to be physically present for all ballots. This will make it impracticable for most scrutineers to operate, never mind the cost to the union.

Second, we are concerned to see that the employer has been given a veto over the use of workplace balloting. This is likely to severely limit the scope of the use of workplace balloting: in the majority of cases an employer in dispute with its workers would most likely refuse.

Equity recommends that the code provide that an employer should grant access for workplace balloting except if it has very compelling reasons not to, and that any such reason should be explained to the union and to any regulator for the ballot.