



**INDUSTRIAL ACTION BALLOTS AND
NOTICE TO EMPLOYERS**

Revised Code of Practice

11 MARCH 2005

CONSULTATION DOCUMENT

dti

The DTI drives our ambition of 'prosperity for all' by working to create the best environment for business success in the UK. We help people and companies become more productive by promoting enterprise, innovation and creativity.

We champion UK business at home and abroad. We invest heavily in world-class science and technology. We protect the rights of working people and consumers. And we stand up for fair and open markets in the UK, Europe and the world.

**CONSULTATION ON REVISED CODE OF PRACTICE ON INDUSTRIAL
ACTION BALLOTS AND NOTICE TO EMPLOYERS**

CONTENTS

	Page
Executive Summary	1
Revised Code	5
Annex A: Consultation Response Form	27
Annex B: List of Organisations Consulted	31
Annex C: Cabinet Office Consultation Code of Practice Criteria	37

EXECUTIVE SUMMARY

Since 1990, there has been in place a statutory Code of Practice which gives practical guidance to trade unions and employers in applying the law on industrial action ballots and notices. The Code does not impose any legal obligations, but it is taken into account in proceedings before any court where its provisions are relevant.

The Secretary of State for Trade and Industry is empowered to revise the whole or part of the Code from time to time. This power was last exercised in 2000 when parts of the Code were revised to reflect the changes to industrial action law which were contained within the Employment Relations Act 1999.

The Secretary of State wishes to revise the Code again to ensure that it reflects further changes to industrial action law which are contained within the Employment Relations Act 2004 ("the 2004 Act"), and the revised Code is issued here for consultation. The main purpose of this consultation document is to seek views on these proposed revisions. To assist consultees, the proposed changes to the existing Code are highlighted in revision markings.

The relevant changes to industrial action law are found within Part 2 of the 2004 Act. Some of these changes are relatively minor or technical, and have little effect on the Code. However, there are two sections which, for the purposes of the Code, make more substantial changes to the law. These provisions are:

- Section 22 of the Act which re-defines the information contained in the notices that unions are required to give employers in advance of industrial action ballots. A full description of this section is given at paragraph 14 of the revised Code. Briefly, the section requires unions to provide in the notice lists of the categories and workplaces of the employees they are going to ballot, and to provide figures on the numbers of employees in each category, the numbers of employees at each workplace and the total numbers of employees to be balloted (together with an explanation of the way the figures were arrived at). However, these lists and figures do not necessarily need to be provided in full in situations where the employees pay their union subscriptions by deduction from pay at source (through the so-called "check-off" system); and
- Section 25 of the Act which similarly re-defines the information contained in the other notices which unions are required to give employers in advance of any subsequent industrial action.

Sections 22 and 25 require significant changes to those parts of the Code which deal with these notices (namely paragraphs 14 – 18 and

paragraphs 50 – 51 of the existing Code), and your attention should be drawn to those paragraphs in particular. The other suggested revisions to the Code are few and minor, re-expressing the Code's description of the law so that it accurately reflects other changes to the law which the 2004 Act introduced. Most of the Code, however, is unaltered.

The Government therefore invites views and comments from interested parties on this revised Code. The Government would welcome overall views and any specific comments on individual paragraphs including drafting amendments. Whilst we expect that consultees would mostly wish to comment on the revisions and new wording, you should not feel obliged to limit your comments just to those paragraphs alone.

Consultation questions

Question 1: What are your overall views on the style, content and approach of the revised Code? Is it broadly acceptable to you?

Question 2: What are your views on the proposed revisions to paragraphs 14 -18 and 50 - 51 of the Code, which deal with the new provisions on industrial action notices?

Question 3: What are your views on the other proposed revisions to the Code?

Question 4: Do you have any views on other parts of the Code which remain unchanged?

How to respond

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled. When responding, please detail the paragraph(s) to which your comment(s) refers.

The Consultation Response Form is enclosed at **Annex A**. An electronic version is also available at http://www.dti.gov.uk/er/er_act_2004.htm. You can also access the text of the Employment Relations Act 2004, the accompanying Explanatory Notes and the Regulatory Impact Assessment on the Act via the same website page.

Your comments should be sent by 3 June 2005 to:

Nana Abadji
Employment Relations Directorate
Department of Trade and Industry

Bay 3124
1 Victoria Street
London SW1H 0ET

Alternatively, you can fax your comments to Nana Abadji on 0207 215 0227 or e-mail her at Nana.Abadji@dti.gsi.gov.uk

Confidentiality

Your response may be made public by the DTI. If you do not want all or part of your response or name made public, please state this clearly in the response. Any confidentiality disclaimer that may be generated by your organisation's IT system or included as a general statement in your fax cover sheet will be taken to apply only to information in your response for which confidentiality has been requested.

We will handle any personal data you provide appropriately in accordance with the Data Protection Act 1998.

Additional copies

Please find a list of those organisations consulted at **Annex B**. We would welcome suggestions of others who may wish to be involved in this consultation process.

You may make copies of this document without seeking permission. Further printed copies of the consultation document can be obtained from:

DTI Publications Orderline
ADMAIL 528
London SW1W 8YT
Tel: 0870 1502 500
Fax: 0870 1502 333
Minicom: 0870 1502 100
www.dti.gov.uk/publications

Help with queries

If you have comments or complaints about the way this consultation has been conducted, these should be sent to:

Nick van Benschoten
DTI Consultation Co-Coordinator

Tel: 020 7215 6206
Fax: 020 7215 0480

Email: nick.vanbenschoten@dti.gsi.gov.uk

A copy of the Code of Practice on Consultation is at **Annex C**.

What happens next?

The Government will review this draft of the revised Code of Practice in the light of the comments received. The draft of the revised Code, amended as necessary in response to the comments received, will then be debated in both Houses of Parliament, before it is finalised and brought into force.

Subject to Parliamentary approval, the Government aims to bring the Code into force on 1 October 2005, when it also plans to commence sections 22 and 25 of the 2004 Act.

CODE OF PRACTICE

INDUSTRIAL ACTION BALLOTS AND NOTICE TO EMPLOYERS

CONTENTS

PREAMBLE	Paras
SECTION A: INTRODUCTION Legal status of the Code	1-5
SECTION B: WHETHER A BALLOT IS APPROPRIATE Observing procedural agreements Balloting by more than one union	6-7
SECTION C: PREPARING FOR AN INDUSTRIAL ACTION BALLOT Arranging for independent scrutiny of the ballot Providing ballot notice to employers Providing sampling voting paper(s) to employers Establishing entitlement to vote (the "balloting constituency") Balloting members at more than one workplace The balloting method Voting papers Printing and distribution of the voting papers Communication with members	8-36
SECTION D: HOLDING AN INDUSTRIAL ACTION BALLOT Checks on number of voting papers for return Ensuring secrecy of voting	37-40
SECTION E: FOLLOWING AN INDUSTRIAL ACTION BALLOT Counting votes accurately and fairly Announcing details of the result of a ballot Obtaining, and providing copies of, the scrutineer's report If the union decides to authorise or endorse industrial action Seeking union members' views after a union has authorised or endorsed industrial action	41-53
ANNEX 1: Trade union liability	
ANNEX 2: Example of voting paper for ballot on taking industrial action	
ANNEX 3: Information to be given to employers	

CODE OF PRACTICE

INDUSTRIAL ACTION BALLOTS AND NOTICE TO EMPLOYERS

This code is issued under the power given to the Secretary of State by section 203 of the Trade Union and Labour Relations (Consolidation) Act 1992, with the authority of Parliament (resolutions passed on ~~18 July 2000~~ [] 2005 by the House of Commons and ~~14 July 2000~~ [] 2005 by the House of Lords). It comes into effect, by order of the Secretary of State, on ~~18 September 2000~~ 1 October 2005.

PREAMBLE

This document revises and supersedes the Code of Practice on Industrial Action Ballots and Notice to Employers [PL962 (Rev1)], which came into effect on 18 September 2000. Pursuant to section 208(2) of the Trade Union and Labour Relations (Consolidation) Act 1992, that Code shall cease to have effect on the date on which this Code of Practice comes in force.

The legal framework for the operation of this Code is explained in Annex 1 and in its main text. While every effort has been made to ensure that explanations included in the Code are accurate, only the courts can give authoritative interpretations of the law.

The Code's provisions apply equally to men and to women, but for simplicity the masculine pronoun is used throughout. Wherever it appears in the Code the word "court" is used to mean the High Court in England and Wales and the Court of Session in Scotland, but without prejudice to the Code's relevance to any proceedings before any other court.

Unless the text specifies otherwise, (i) the term "union" should be read to mean "unions" in cases where two or more unions are seeking to be jointly recognised; (ii) the term "workplace" should be read to mean "workplaces" in cases where a recognition application covers more than one workplace; and (iii) the term "working day" should be read to mean any day other than a Saturday or a Sunday, Christmas Day or Good Friday, or a day which is a bank holiday.

Passages in this Code which are printed in bold are re-statements of provisions in primary legislation.

SECTION A INTRODUCTION

1. This Code provides practical guidance to trade unions and employers to promote the improvement of industrial relations and good practice in the conduct of trade union industrial action ballots.
2. A union is legally responsible for organising industrial action only if it “authorises or endorses” the action. Authorisation would take place before the industrial action starts, and endorsement after it has previously started as unofficial action¹.
3. Apart from certain small accidental failures that are unlikely to affect the result, a failure to satisfy the statutory requirements² relating to the ballot or giving employers notice of industrial action will give grounds for proceedings against a union by an employer, a customer or supplier of an employer, or an individual member of the public claiming that an effect or likely effect of the industrial action would be to prevent or delay the supply of goods or services to him or to reduce the quality of goods or services so supplied. With the exception of failures to comply with the requirements to give notice to employers, these will also give grounds for action by the union’s members.
4. The Code does not deal with other matters which may affect a union’s liability in respect of industrial action. For example, the law will give no protection against proceedings to a union which organises secondary action, intimidatory or violent picketing, industrial action which is not “in contemplation or furtherance of a trade dispute”³, industrial action to establish or maintain any closed shop practice or in support of a worker dismissed while taking part in unofficial industrial action. Nor does it apply to union election ballots, ballots on union political funds or ballots on union recognition or derecognition arranged for by the Central Arbitration Committee under section 70A of and Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”)⁴. These are subject to separate statutory requirements.

Legal status

¹ A note on trade union legal liability for the organisation of industrial action is set out in **Annex 1** to this Code.

² Set out in sections 226-232A and section 234A of the Trade Union and Labour Relations (Consolidation) Act 1992 as amended by the Trade Union Reform and Employment Rights Act 1993 and the Employment Relations Act 1999.

³ *The term “trade dispute” is defined in section 244 of the 1992 Act.*

⁴ Inserted by the Employment Relations Act 1999.

5. The Code itself imposes no legal obligations and failure to observe it does not by itself render anyone liable to proceedings. But section 207 of the 1992 Act provides that any provisions of the Code are to be admissible in evidence and are to be taken into account in proceedings before any court where it considers them relevant.

SECTION B WHETHER A BALLOT IS APPROPRIATE

Observing procedural agreements

6. An industrial action ballot should not take place until any agreed procedures, whether formal or otherwise, which might lead to the resolution of a dispute without the need for industrial action have been completed and consideration has been given to resolving the dispute by other means, including seeking assistance from the Advisory, Conciliation and Arbitration Service (ACAS). A union should hold a ballot on industrial action only if it is contemplating the organisation of industrial action.

Balloting by more than one union

7. Where more than one union decides that it wishes to ballot members working for the same employer in connection with the same dispute, the arrangements for the different ballots should be co-ordinated so that, as far as practicable, they are held at the same time and the results are announced simultaneously.

SECTION C PREPARING FOR AN INDUSTRIAL ACTION BALLOT

Arranging for independent scrutiny of the ballot

8. For a ballot where more than 50 members are given entitlement to vote (see paragraph 21 below), the union must appoint a qualified person as the scrutineer of the ballot⁵. For a person to be qualified for appointment as scrutineer of an industrial action ballot, he must be among those specified in an order made by the Secretary of State⁶ and the union must not have grounds for believing that he will carry out the functions which the law requires other than competently or that his independence in relation to the union might reasonably be called into question.

⁵ Where separate workplace ballots are required, the scrutiny procedures must be followed in respect of each separate ballot if the number of members given entitlement to vote aggregated across all of the ballots is more than 50.

⁶ In broad terms, the current order (SI 1993 No. 1909) covers practising solicitors, qualified accountants and three named bodies (Electoral Reform Ballot Services Limited; The Industrial Society; and Unity Security Balloting Services Limited, now called Election.Com Limited).

9. The scrutineer's terms of appointment must require him to take such steps as appear appropriate to him for the purpose of enabling him to make a report to the union as soon as reasonably practicable after the date of the ballot (ie the last day on which votes may be cast, if they may be cast on more than one day), and in any event not later than four weeks after that date.

10. The union must ensure that the scrutineer carries out the functions required to be part of his terms of appointment, and that there is no interference with this from the union, or any of its members, officials or employees; and comply with all reasonable requests made by the scrutineer for the purpose of carrying out those functions.

11. It may be desirable to appoint the scrutineer before steps are taken to satisfy any of the other requirements of the law to make it easier for the scrutineer to satisfy himself whether what is done conforms to the legal requirements.

12. In some circumstances, it may help ensure adequate standards for the conduct of the ballot or simplify the balloting process if a union gives the scrutineer additional tasks to carry out on the union's behalf, such as:-

- supervising the production and distribution of voting papers;
- being the person to whom the voting papers are returned by those voting in the ballot; and
- retaining custody of all returned voting papers for a set period after the ballot.

13. Although the scrutiny requirement does not apply to ballots where 50 or fewer members are entitled to vote, a union may want to consider whether the appointment of a scrutineer would still be of benefit in enabling it to demonstrate compliance with the statutory requirements more easily.

Providing ballot notice to employers

14. The union must take such steps as are reasonably necessary to ensure that any employer who it is reasonable for the union to believe will be the employer of any of its members who will be given entitlement to vote receives written notice of the ballot not later than the seventh day before the intended opening day of the ballot (ie the first day on which a voting paper is sent to any person entitled to vote). That notice must:-

- state that the union intends to hold the ballot;
- specify the date which the union reasonably believes will be the opening day of the ballot; and
- contain either:
(a) a list of the categories of employee to which the employees

concerned belong, a list of the workplaces at which they work and figures (together with an explanation of how they were arrived at) showing the total number of employees concerned, the number of them in each of the categories listed and the number of them that work at each of the workplaces listed; or

(b) where some or all of the employees concerned are employees from whose wages the employer makes deductions representing payments to the union either those same lists, figures and explanations or such information as will enable the employer to readily deduce the total number of employees concerned, the categories of employee to which they belong, the number of employees concerned in each of those categories, the workplaces at which the employees concerned work and the number of them at each of these workplaces.

- The “employees concerned” are those whom the union reasonably believes will be entitled to vote in the ballot. The lists and figures or information supplied should be as accurate as is reasonably practicable in the light of the information in the union’s possession. ~~contain such information in the union’s possession as would help the employer to make plans (for example, as appropriate, to enable him to warn his customers of the possibility of disruption so that they can make alternative arrangements or to take steps to ensure the health and safety of his employees or the public or to safeguard equipment which might otherwise suffer damage from being shut down or left without supervision) and bring information to the attention of those of his employees who it is reasonable for the union to believe (at that time) will be entitled to vote. In particular, the union must provide as a minimum any information which it possesses as to the number, category or workplace of the employees concerned.~~ **But a notice will not fail to satisfy the requirements simply because it does not name any employees.**

15. There are many ways to categorise a group of employees. When deciding which categories it should list in the notice, the union should consider choosing a categorisation which relates to the nature of the employees’ work. For example, the appropriate categorisation might be based on the occupation, grade or pay band of the employees involved. The decision might also be informed by the categorisations of the employees typically used by the employer in his dealings with the union. The availability of data to the union is also a legitimate factor in determining the union’s choice.

16. When providing an explanation of how the figures in the written notice were arrived at, unions should consider describing the sources of the data used (for example, membership lists held centrally or information held at regional offices, or data collected from surveys or other sources). Where the data are incomplete or of questionable

accuracy, the union should describe the main deficiencies. In some cases, the figures will be estimates based on assumptions. The notice should therefore describe the main assumptions used when manipulating the data to produce the figures.

175. To avoid the risk of legal action, the union should allow sufficient time for delivery, use a suitable means of transmission (such as first class post, courier, fax, email or hand delivery) and consider obtaining confirmation that the employer has received the notice, by using recorded delivery or otherwise.

186. It may also reduce the risk of litigation for a union to check that an employer accepts that the information provided complies with the requirements of section 226A(2)(c) of the 1992 Act. Similarly, it would be in the interests of good industrial relations for an employer who believes the notice he has received does not contain sufficient information to comply with the statutory requirements to raise that with the union promptly before pursuing the matter in the court.

~~17. It is for the union to satisfy the requirement to provide sufficient notice. In reaching a decision on what information needs to be provided, the union may find it helpful to consider what information an employer is likely to have available, apart from that in the notice itself, which could help it make plans and bring information to those entitled to vote. Depending on the circumstances, factors such as the size and turnover rate of the employer's workforce; the variety of work done for the employer; the number of locations at which it is carried out; and any previous experience of ballot notifications concerning the same employer may be relevant to a decision about how much detail needs to be included.~~

~~18. In some circumstances the requirement is likely to be satisfied by indicating to the employer that entitlement to vote will be given to all of the union's members engaged on, for example, a specified kind of work activity, or in a certain grade, or at a particular location. In some cases, if the employer would otherwise be left in doubt, more specific information, such as a combination of these items of information, may be needed, but in no case will a union be required to give employees' names. Ultimately, it will always be a question on the facts of a particular case whether the notice gives an employer the required details.~~

Providing sample voting paper(s) to employers

19. The union must take such steps as are reasonably necessary to ensure that any employer who it is reasonable for the union to believe will be the employer of any of its members who will be given entitlement to vote receives a sample voting paper (and a sample of any variant of that voting paper) not later than the third day before the opening day of the ballot. Where more than one employer's workers are being balloted, it is sufficient to send each employer only the voting paper or papers which will be sent to his employees.

20. If the sample voting paper is available in time, the union may wish to include it with the notice of intention to ballot. As with the ballot notice, the risk of non-compliance can be reduced by allowing enough time, using appropriate means of transmission and, possibly, by obtaining confirmation of receipt.

Establishing entitlement to vote (the “balloting constituency”)

21. Entitlement to vote in the ballot must be given to all the union's members who it is reasonable at the time of the ballot for the union to believe will be induced **by the union** (whether that inducement will be successful or not) to take part in or continue with the industrial action, and to no other members⁷.

22. The validity of the ballot will not however be affected if the union subsequently induces members to take part in or continue with industrial action who at the time of the ballot:-

- were not members; or
- were members but who it was not reasonable to expect would be induced to take action (for example because they changed jobs after the ballot).

23. It should also be noted that accidental failures to comply with the requirements on:

- **in particular**, who is given entitlement to vote,
- the dispatch of voting papers,
- giving members the opportunity to vote conveniently by post, and
- balloting merchant seamen employed in a ship at sea or outside Great Britain at some time during the voting period

will be disregarded if, taken together, they are on a scale unlikely to affect the ballot's result.

Balloting members at more than one workplace

24. Where the members of a union with different workplaces are to be balloted, a separate ballot will be necessary for each workplace unless one of the conditions set out below is met. It will be unlawful for the union to organise industrial action at any such workplace where a majority of those voting in the ballot for that workplace have not voted “Yes” in response to the relevant required question (or questions) (see

⁷ The union may choose whether or not to give a vote to any "overseas member", ie any member (other than a merchant seaman or offshore worker) who is outside Great Britain for the whole of the voting period. However, members who may be called upon to take part in or continue with the industrial action, and will be in Northern Ireland for the whole of the voting period, must be given entitlement to vote in a ballot where: (i) the ballot is a workplace ballot at their workplace in Great Britain; or (ii) they work in Northern Ireland but it is intended that they should be called upon to take part in the industrial action alongside their counterparts in Britain, and the ballot is a general ballot covering places of work in both Northern Ireland and Great Britain.

paragraph 30 below). (If an employee works at or from a single set of premises, his workplace is those premises. If not, it is the premises with which his employment has the closest connection.)

25. In summary, the conditions for holding a single ballot for more than one workplace are:-

- at each of the workplaces covered by the single ballot there is at least one member of the union affected⁸ by the dispute; or
- entitlement to vote in the single ballot is given, and limited, to all of a union's members who, according to the union's reasonable belief, are employed in a particular occupation or occupations by one employer or any of a number of employers with whom the union is in dispute; or
- entitlement to vote in the single ballot is given, and limited, to all of a union's members who are employed by a particular employer or any of a number of employers with whom the union is in dispute.

It is possible for a union to hold more than one ballot on a dispute at a single workplace. If the conditions above are met, some or all of those ballots may also cover members in other workplaces.

The balloting method

26. **Votes must be recorded by the individual voter marking a voting paper. Voting papers must be sent out by post and members must be enabled conveniently to return them by post at no direct expense to themselves⁹.** In practice, this means that those properly entitled to vote should be supplied with pre-paid reply envelopes in which to return the voting paper.

27. The period between sending out voting papers (ie the opening day of the ballot) and the date by which completed voting papers should be returned should be long enough for the voting papers to be distributed and returned and for the members concerned to consider their vote. The appropriate period may vary according to such factors as the geographical dispersion of the workforce, their familiarity or otherwise with the issues in the dispute, the class of post used and whether the ballot is being held at a time of year when members are more than

⁸ Section 228A(5) of the 1992 Act defines for this purpose which members are affected by a dispute.

⁹ There is a limited exception for the balloting of union members who are merchant seamen, where the union reasonably believes that they will be employed in a ship at sea (or outside Great Britain) at some time in the period during which votes may be cast and that it will be convenient for them to vote while on the ship or where the ship is. So far as reasonably practicable, the union must ensure that, in these circumstances, those members get a voting paper while on board ship (or at the place where the ship is located), and an opportunity to vote on board ship (or at that place). The recommendations in this Code should be applied to such ballots, however, save to the extent that they are irrelevant because the dispatch of voting papers is not by post.

usually likely to be away from home or the workplace, for example during the summer holidays. Generally, seven days should be the minimum period where voting papers are sent out and returned by first class post and fourteen days where second class post is used, although – very exceptionally – shorter periods may be possible for ballots with very small, concentrated constituencies who can be expected to be familiar with the terms of the dispute.

28. In order to reduce the likelihood of dispute over whether or not sufficient time has been allowed, the union may wish to consider obtaining one or more certificates of posting to confirm the date when voting papers were actually put into the post, and the number sent out.

Voting papers

29. The voting paper must:-

- where applicable, state the name of the independent scrutineer;
- clearly specify the address to which, and the date by which, it is to be returned;
- be marked with a number, which is one of series of consecutive numbers used to give a different number to each voting paper;
- make clear whether voters are being asked if they are prepared to take part in industrial action which consists of a strike, or in industrial action short of a strike, which for this purpose includes overtime bans and call-out bans; and
- specify the person or persons (and/or class or classes of person/s) who the union intends to have authority to make the first call for industrial action to which the ballot relates, in the event of a vote in favour of industrial action¹⁰.

30. While the question (or questions) may be framed in different ways, the voter must be asked to say by answering “Yes” or “No” whether he is willing to take part in or continue with the industrial action. If the union has not decided whether the industrial action would consist of a strike or action short of a strike (including overtime bans or call-out bans), separate questions in respect of each type of action must appear on the voting paper.

31. The relevant required question (or questions) should be simply expressed. Neither they, nor anything else which appears on the voting paper, should be presented in such a way as to encourage a voter to answer one way rather than another as a result of that presentation. It is not in general good practice for the union to include additional questions on the voting paper (for example, asking if voters agree with the union’s opinion on the merits of the dispute or are prepared to “support”

¹⁰ Where a person who has not been specified on the voting paper calls industrial action before it is first called by a specified person, then – in order to be certain that the ballot will give protection against legal proceedings – the union should if possible ensure that the call by the unspecified person is effectively repudiated.

industrial action), but if it chooses to do so they should be clearly separate from the required question(s).

32. **The following words must appear on every voting paper:-**
“If you take part in a strike or other industrial action, you may be in breach of your contract of employment. However, if you are dismissed for taking part in a strike or other industrial action which is called officially and is otherwise lawful, the dismissal will be unfair if it takes place fewer than ~~eight~~ twelve weeks after you started taking part in the action, and depending on the circumstances may be unfair if it takes place later.”

This statement must not be qualified or commented upon by anything else on the voting paper.

33. An example voting paper containing the information required by law and other useful information is set out in Annex 2 to this Code. Factual information as indicated would appear in the square brackets and either or both questions could be used as appropriate.

Printing and distribution of the voting papers

34. The union will wish to ensure that arrangements for producing and distributing voting papers will prevent mistakes which might invalidate the ballot. If in doubt, the independent scrutineer may be able to provide useful advice.

35. If there is no independent scrutineer, or if a union decides that it cannot follow the advice offered by the scrutineer, it should consider:-

- printing the voting papers on a security background to prevent duplication;
- whether the arrangements proposed for printing (or otherwise producing) the voting papers, and for their distribution to those entitled to vote in the ballot, offer all concerned sufficient assurance of security.

Communication with members

36. A union should give relevant information to its members entitled to vote in the ballot, including (so far as practicable):-

- the background to the ballot and the issues to which the dispute relates;
- the nature and timing of the industrial action the union proposes to organise if a majority vote “Yes” ;
- any considerations in respect of turnout or size of the majority vote in the ballot that will be taken into account in deciding whether to call for industrial action; and
- the possible consequences for workers if they take industrial

action.

In doing so, the union should ensure that any information it gives to members in connection with the ballot is accurate and not misleading.

SECTION D HOLDING AN INDUSTRIAL ACTION BALLOT

37. In an industrial action ballot:-

- every person entitled to vote must be allowed to do so without interference from, or constraint imposed by, the union or any of its members, officials or employees;
- as far as reasonably practicable, every person entitled to vote must be:-
 - sent a voting paper by post to his home address, or another address which he has asked the union (in writing) to treat as his postal address;
 - given a convenient opportunity to vote; and
 - allowed to do so without incurring any direct cost to himself (see also paragraph 26); and
- as far as reasonably practicable, the ballot must be conducted in such a way as to ensure that those voting do so in secret.

Checks on number of voting papers for return

38. In order to reduce the risk of failures to satisfy the statutory requirements and invalidating the ballot, the union should establish an appropriate checking system so that:-

- no-one properly entitled to vote is accidentally disenfranchised, for example through the use of an out of date or otherwise inaccurate membership list; and
- votes from anyone not properly entitled to vote are excluded.

The independent scrutineer may provide advice on this.

Ensuring secrecy of voting

39. Any list of those entitled to vote should be compiled, and the voting papers themselves handled, so as to preserve the anonymity of the voter so far as this is consistent with the proper conduct of the ballot.

40. Steps should be taken to ensure that a voter's anonymity is preserved when a voting paper is returned. This means, for example, that:-

- envelopes in which voting papers are to be posted should have no distinguishing marks from which the identity of the voter could be established; and
- the procedures for counting voting papers should not prejudice the statutory requirement for secret voting.

SECTION E FOLLOWING AN INDUSTRIAL ACTION BALLOT

41. The union must:-

- ensure that the votes given in an industrial action ballot are fairly and accurately counted;
- observe its obligations in connection with the notification of details of the result of an industrial action ballot to all those entitled to vote in the ballot and their employers; and
- provide a copy of the scrutineer's report on the ballot to anyone entitled to receive it.

An inaccuracy in the counting of the votes is to be disregarded if it is both accidental and on a scale which could not affect the result of the ballot. Whether an accidental inaccuracy meets this test in practice will depend on the closeness of the ballot result.

Counting votes accurately and fairly

42. Where the union itself is conducting the ballot, it may wish to apply some or all of the following procedures to secure that the statutory requirements have been complied with:

- ensuring all unused or unissued voting papers are retained only for so long as is necessary after the time allowed for voting has passed to allow the necessary information for checking the number of voting papers issued and used to be prepared, and that a record is kept of such voting papers when they are destroyed;
- rejection of completed voting papers received after the official close of voting or the time set for receipt of voting papers;
- settlement well in advance of the actual ballot of the organisational arrangements for conducting the count of votes cast, and making available equipment or facilities needed in the conduct of the count to those concerned;
- storage of all voting papers received at the counting location under secure conditions from when they arrive until they are counted;
- setting clear criteria to enable those counting the votes to decide which voting papers are to be rejected as "spoiled", and designating someone who is neither directly affected by the

dispute to which the ballot relates nor a union official who regularly represents any of those entitled to vote in the ballot to adjudicate on any borderline cases;

- locking and securing the counting room during the period during which votes are to be counted whenever counting staff are not actually at work; and
- storage of voting papers, once counted, under secure conditions (ie so that they cannot be tampered with in any way and are available for checking if necessary) for at least 6 months after the ballot.

The union may wish to consider putting the counting exercise as a whole into the hands of the independent scrutineer.

Announcing details of the result of a ballot

43. A union must, as soon as reasonably practicable after holding an industrial action ballot, take steps to inform all those entitled to vote¹¹, and their employer(s), of the number of:-

- votes cast in the ballot;
- individuals answering "Yes" to the required question (or questions);
- individuals answering "No" to the required question (or questions); and
- spoiled voting papers.

Where separate workplace ballots are required (see paragraphs 24 and 25 above), these details must be notified separately for each such workplace to those entitled to vote there.

44. To help ensure that its result can be notified as required, the union may wish to consider, for example:-

- designating a "Returning Officer" for the centralised count of votes cast in the ballot (or separate "Returning Officers" for counts conducted at different locations) to whom the results will be notified in the form required prior to their announcement;
- organising the counting of votes in such a way that the information required to satisfy the relevant statutory requirements can be easily obtained after the counting process is over;
- using its own journals, local communications news-sheets, company or union branch notice boards to publicise the details of the ballot result to its members; and

¹¹ If overseas members of a trade union have been given entitlement to vote in an industrial action ballot the detailed information about its result need not be sent to them, but the information supplied to non-overseas members in accordance with the statutory requirements must distinguish between votes cast, individuals voting, and spoiled ballot papers to show which details relate to overseas, and which to non-overseas, members. (For these purposes, members in Northern Ireland given entitlement to vote do not count as "overseas" members.)

- checking with relevant employers that the ballot result details notified to them have arrived.

45. Before giving the seven-day notice to employers of intended industrial action, the union must have taken the required steps to notify the relevant employer(s) of the ballot result details. Where the employees of more than one employer have been balloted, a failure to provide the required ballot result details to a particular employer or employers will mean that if the union organises industrial action by the workers of that employer or those employers it will not have the support of a ballot.

46. If the inducement of industrial action to which the ballot relates is to be capable of being protected by the law, some part of the action must be induced and start to take place within four weeks from the date of the ballot (ie the last day on which votes may be cast in the ballot) or such longer period not exceeding ~~eight~~twelve weeks as the union and employer may agree¹². (To reduce the risk of misunderstanding, both parties may find it helpful for such agreements to be in writing.) If a ballot results in a "Yes" vote for both a strike and action short of a strike and action short of a strike is induced and starts to take place within the relevant period, the ballot would also continue to protect strike action subsequently, and vice versa.

Obtaining, and providing copies of, the scrutineer's report

47. Where more than 50 members are given entitlement to vote, a union must appoint an independent scrutineer, whose terms of appointment must include the production of a report on the conduct of the ballot. This report must be produced as soon as reasonably practicable after the date of the ballot, and in any event not later than four weeks after that date.

48. The union must provide a copy of the scrutineer's report to any union member who was entitled to vote in the ballot, or any employer of such a member, who requests one within six months of the date of the ballot. The copy must be supplied as soon as reasonably practicable,

¹² A union may be allowed to make its first call for industrial action more than four weeks after the date of the ballot if either (a) the employer and union agree on an extension, for example to enable talks which are making progress to continue, of up to ~~eight~~twelve weeks after the date of the ballot or (b) an injunction granted by a court or an undertaking given by the union to the court prohibits the union from calling for industrial action during some part, or the whole, of the four weeks following the date of the ballot, and the injunction subsequently lapses or is set aside or the union is released from its undertaking. In the latter case, a union may forthwith apply to the court for an order which, if granted, would provide that the period during which the prohibition had effect would not count towards the four week period for which ballots are normally effective. However, if the court believes that the result of a ballot no longer represents the views of union members, or that something has happened or is likely to happen which would result in union members voting against taking, or continuing with, action if there were a fresh ballot, it may not make such an order. In any case, a ballot can never be effective if a union's first call for industrial action is made more than twelve weeks after the date of the ballot.

and free of charge (or on payment of a reasonable fee specified by the union).

49. In order to reduce the risk of challenge to a ballot's compliance with the statutory requirements, a union may wish to delay any call for industrial action, following a ballot, until it has obtained the scrutineer's report on the ballot.

If the union decides to authorise or endorse industrial action

50. If the union decides to authorise or endorse industrial action following a ballot, it must take such steps as are reasonably necessary to ensure that any employer who it is reasonable for the union to believe employs workers who will be, or have been, called upon to take part in the action receives no less than seven days before the day specified in the notice as the date on which workers are intended to begin to take part in continuous action or as the first date on which they are intended to take part in discontinuous action a written notice from the union which:-

- is given by any officer, official or committee of the union for whose act of inducing industrial action the union is responsible in law (an indication of whom this might cover is given in Annex 1 to this Code);
- specifies: (i) whether the union intends the action to be "continuous" or "discontinuous"¹³; and (ii) the date on which any of the ~~workers concerned~~ affected employees are intended to begin to take part in the action (where it is continuous action), or all the dates on which any of them are intended to take part (where it is discontinuous action);
- contains either:
 - (a) a list of the categories of employee to which the affected employees belong, a list of the workplaces at which they work and figures (together with an explanation of how they were arrived at) showing the total number of affected employees, the number of them in each of the categories listed and the number of them that work at each of the workplaces listed; or
 - (b) where some or all of the employees are employees from whose wages the employer makes deductions representing payments to the union either those same lists, figures and explanations or such information as will enable the employer to readily deduce the total number of affected employees, the categories of employee to which they belong, the number of affected employees in each of those categories, the workplaces at

¹³ For these purposes, industrial action is "discontinuous" if it is to involve action other than on all the days when action might be taken by those concerned. An indefinite strike would, therefore, be "continuous"; an overtime ban might be "continuous" or "discontinuous", depending on whether the ban applied to overtime working on all the days on which overtime would otherwise be worked or to overtime working on only some of those days.

which the affected employees work and the number of them that work at each of those workplaces.

~~Contains such information in the union's possession as would help the employer to make plans and bring information to the attention of those of his employees who the union intends should take part in the action; and~~

- states that it is a notice given for the purposes of section 234A of the 1992 Act.
- "Affected employees" are those whom the union reasonably believes will be induced by the union or have been so induced to take part or continue to take part in the industrial action.
- the lists and figures or information supplied must be as accurate as is reasonably practicable in the light of the information in the union's possession. But a notice will not fail to satisfy the requirements simply because it does not name any employees. A relevant notice covers an act done by the union if the person induced by it falls within a notified category of employee (i.e. one that is listed in the notice or, where the notice enables the employer to deduce categories of employee, a category which the employer can readily deduce from the notice is a category of employee to which some or all of the affected employees belong) and the workplace at which he works is a notified workplace (i.e. one that is listed in the notice or, where the notice enables the employer to deduce workplaces, is a workplace which the employer can readily deduce as a workplace at which some or all of the affected employees work).

Changes in the union's intentions, for example as to the dates on which action is to be taken, require further notices to be given accordingly.

51. With the exception of the requirements relating to continuous and discontinuous action and to the need to give further notices in the event of changes in the union's intentions, the statutory requirements applying to notice of industrial action are for the most part the same as those applying to notice of industrial action ballots and the guidance in paragraphs 15-18 will be of relevance, taking account of the different circumstances.

52. **Where continuous industrial action is suspended**, for example for further negotiations between the employer and union, **the union must normally give the employer a further notice as in paragraphs 50 and 51 above before resuming the action.** There is an exception to this requirement to give further notice, however, where the union agrees with the employer that the industrial action will cease to be authorised or endorsed with effect from a date specified in the agreement but may be authorised or endorsed again on or after another date specified in the agreement and the union:-

- ceases to authorise or endorse the action with effect from the

- specified date; and
- subsequently re-authorises or re-endorses the action from a date on or after the originally specified date or such later date as may be agreed with the employer.

For this exception to apply, the resumed industrial action must be of the same kind as covered in the original notice. That will not be so if, for example, the later action is taken by different or additional descriptions of workers. In order to avoid misunderstanding, both parties may find it helpful for such agreements to be in writing.

Seeking union members' views after a union has authorised or endorsed industrial action

53. There is no statutory obligation on a union to ballot, or otherwise consult, its members before it decides to call off industrial action. However, if a union decides to seek its members' views about continuing with industrial action, it may wish to apply the same standards to the process of seeking their views as are set out in this Code.

ANNEX 1 TRADE UNION LIABILITY

1. Section 20 of the Trade Union and Labour Relations (Consolidation) Act 1992 lays down when a union is to be held responsible for the act of inducing, or threatening, a breach or interference with a contract when there is no immunity. The union will be held liable for any such act which is done, authorised or endorsed by:-

- its Executive Committee, General Secretary, President;
- any person given power under the union's rules to do, authorise or endorse acts of the kind in question; or
- any committee or official of the union (whether employed by it or not).

A union will be held responsible for such an act by such a body or person regardless of any term or condition to the contrary in its own rules, or in any other contractual provision or rule of law.

2. For these purposes:-

- a "committee of the union" is any group of persons constituted in accordance with the rules of the union;
- an "official of the union" is any person who is an officer of the union or of a branch or section of the union or any person who is elected or appointed in accordance with the union's own rules to be a representative of its members, including any person so elected or appointed who is an employee of the same employer as the members, or one or more of the members, he is elected to represent (eg` a shop steward); and
- an act will be treated to have been done (or authorised or endorsed) by an official if it was so done (or authorised or endorsed) by a group of persons, or any member of a group, to which an official belonged at the relevant time if the group's purposes included organising or co-ordinating industrial action.

3. A union will not be held liable for such an act of any of its committees or officials, however, if its Executive Committee, President or General Secretary repudiates the act as soon as reasonably practicable after it has come to the attention of any of them, and the union takes the steps which the law requires to make that repudiation effective. But the union will not be considered to have "effectively repudiated" an act if the Executive Committee, President or General Secretary subsequently behave in a manner which is inconsistent with the repudiation.

4. The fact that a union is responsible for organising industrial action to which immunity does not apply does not prevent legal action also

being taken against the individual organisers of that action.

“Immunity”

5. A trade union which organises (ie authorises or endorses) industrial action without satisfying the requirements of section 226 (for balloting on industrial action), or 234A (for notice to employers of official industrial action), of the 1992 Act will have no “immunity”. Without immunity the trade union will be at risk of legal action by (i) an employer (and/or a customer or supplier of such an employer) who suffers (or may suffer) damage as a consequence of the trade union's unlawful inducement to his workers to break or interfere with the performance of contracts; and/or (ii) any individual who is (or is likely to be) deprived of goods or services because of the industrial action. Such legal proceedings might result in a court order requiring the trade union not to proceed with, and/or desist from, the unlawful inducement of its members to take part or continue with the action, and that no member does anything after the order is made as a result of unlawful inducement prior to the making of the order.

6. Under section 62 of the 1992 Act, a member of a trade union who claims that members of the union, including himself, are likely to be or have been induced by the union to take industrial action which does not have the support of a ballot may apply to the court for an order, which may require the trade union to take steps to ensure that there is no, or no further, unlawful inducement to members to take part or continue to take part in the action, and that no member does anything after the order is made as a result of unlawful inducement prior to the making of the order.

Contempt and other proceedings

7. If a court order issued following legal proceedings as described in paragraphs 5 and 6 above is not obeyed, anyone who sought it can go back to court and ask that those concerned be declared in contempt of court. A union found in contempt of court may face heavy fines, or other penalties which the court may consider appropriate.

8. In addition, any member of the union may have grounds for legal action against the union's trustees if they have caused or permitted the unlawful application of union funds or property.

**ANNEX 2
EXAMPLE OF VOTING PAPER FOR BALLOT ON TAKING INDUSTRIAL
ACTION**

[VOTING PAPER NUMBER]

[NAME OF THE TRADE UNION]

**ARE YOU PREPARED TO TAKE PART IN INDUSTRIAL ACTION
CONSISTING OF A STRIKE?¹⁴**

YES

NO

**ARE YOU PREPARED TO TAKE PART IN INDUSTRIAL ACTION SHORT OF
A STRIKE (which for this purpose is defined to include overtime and call-
out bans)?¹⁴**

YES

NO

Your union intends the following to have authority to make the call for industrial action to which this ballot relates: **[DETAILS OF RELEVANT PERSON, PERSONS, AND/OR CLASS OR CLASSES OF PERSONS]**

If your vote is to count, this voting paper must be returned to **[FULL ADDRESS OF LOCATION TO WHICH THE VOTING PAPER IS TO BE RETURNED]** by **[FULL DATE AND TIME AS APPROPRIATE]**. Please use the enclosed pre-paid envelope provided for this purpose.

The independent scrutineer for this ballot is **[DETAILS OF RELEVANT PERSON]**.

The law requires your union to ensure that your vote is accurately and fairly counted and that you are able to vote without interference from the union or any of its members, officials or employees and, so far as is reasonably practicable, in secret.

¹⁴ Either question or both should be included as appropriate.

If you take part in a strike or other industrial action, you may be in breach of your contract of employment. However, if you are dismissed for taking part in a strike or other industrial action which is called officially and is otherwise lawful, the dismissal will be unfair if it takes place fewer than ~~eight~~twelve weeks after you started taking part in the action, and depending on the circumstances may be unfair if it takes place later.

ANNEX 3 INFORMATION TO BE GIVEN TO EMPLOYERS

The following paragraphs of the Code deal with requirements to provide information to employers:-

	<u>Paragraphs</u>
Ballot notice	14-18
Sample voting papers	19-20
Results of the ballot	43-45
Scrutineer's report on the conduct of the ballot	48
Notice of intention to authorise or endorse industrial action or resume suspended industrial action	50-51

Annex A: Consultation Response Form

**REVISED CODE OF PRACTICE: INDUSTRIAL ACTION BALLOTS AND
NOTICE TO EMPLOYERS**

The closing date for this consultation is Friday 3 June 2005

It is normal practice to assume that responses to a consultation document can be made available to the public, on request. This will extend to your comments unless you inform us that you wish them to remain confidential.

Please tick if you want us to keep your response confidential

Name:

Organisation (if applicable):

Address:

Return completed forms to:

Nana Abadji
Employment Relations Directorate
Department of Trade and Industry
Bay 3124
1 Victoria Street
London SW1H 0ET

Telephone: 020 7215 0411

Fax: 0207 215 0227

Email: Nana.Abadji@dti.gsi.gov.uk

Respondents should tick the box from the following list of options that best describes them:

	Small to Medium Enterprise
	Large Enterprise
	Employers' Organisation
	Trade Union/Federation of Trade Unions
	Other Interest Group
	Local Government
	Central Government
	Lawyer/ Legal Organisation
	Individual
	Other (please specify):

Consultation Questions

If you are returning your comments electronically, please feel free to amend the size of the comments boxes to accommodate your response. If you are returning your comments in hard copy, please use additional sheets as required.

Question 1: What are your overall views on the style, content and approach of the revised Code? Is it broadly acceptable to you?

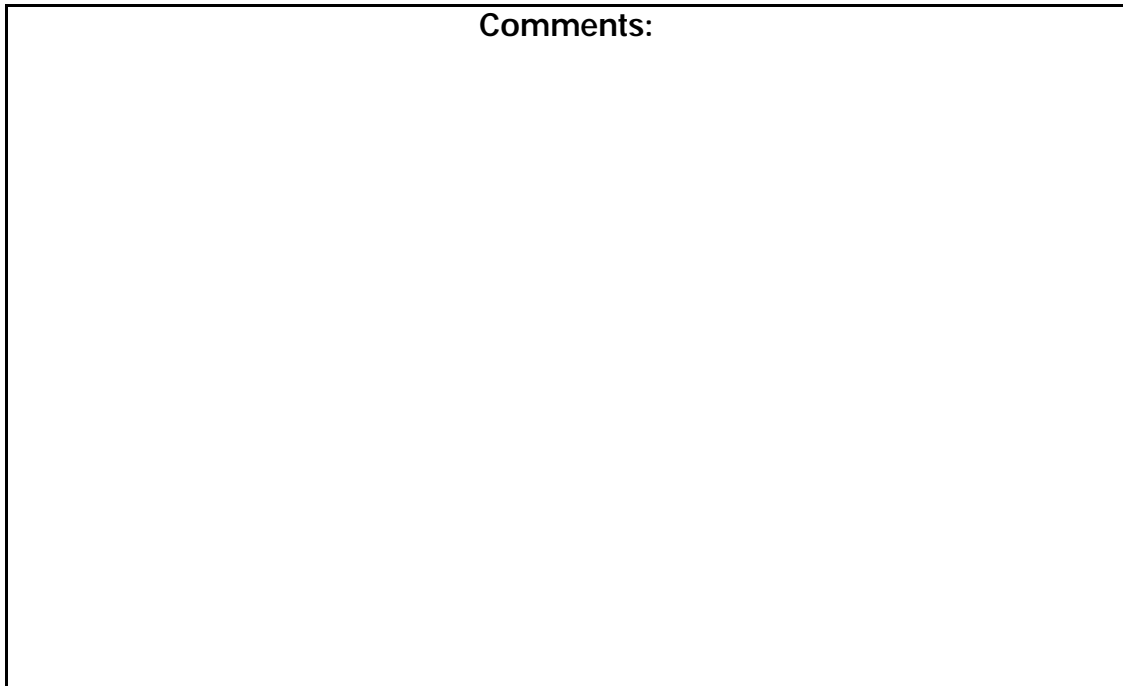
Comments:

Question 2: What are your views on the proposed revisions to paragraphs 14 -18 and 50 – 51 of the Code, which deal with the new provisions on industrial action notices?

Comments:

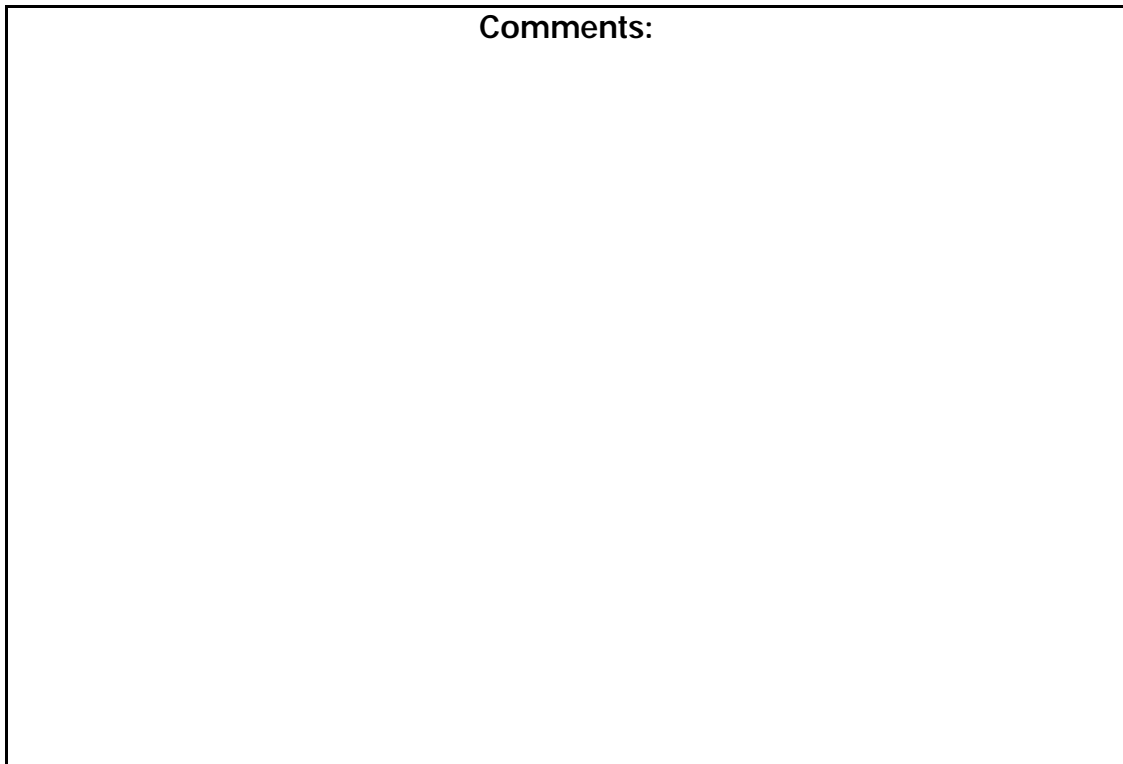
Question 3: What are your views on the other proposed revisions to the Code?

Comments:



Question 4: Do you have any views on those other parts of the Code which remain unchanged?

Comments:



Annex B: List of Organisations Consulted

Acas
ACCORD
Advantage West Midlands
AEGIS The Aegon UK Staff Association
Aims of Industry
ALGUS
Alliance of Independent Retailers and Businesses
Ambulance Service Union
Amersham International plc
AMICUS
AMO
ANGU
Asda Stores Ltd
ASLEF
Association of British Furniture Manufacturers (BFM Ltd)
Association of Cambridge University Assistants
Association of Clinical Biochemists Limited
Association of College Management
Association of Colleges
Association of Educational Psychologists
Association of Flight Attendants
Association of Head Teachers in Scotland
Association of Independent Businesses
Association of Licensed Aircraft Engineers (1981)
Association of Local Authority Chief Executives
Association of London Government
Association of Optometrists
Association of Principal Fire Officers
Association of Professional Ambulance Personnel
Association of Professional Music Therapists in Great Britain
Association of Teachers & Lecturers
Association of Train Operating Companies
Association of University Teachers
Audit Commission Staff Association
BACM-TEAM
BALPA
Bass Taverns Limited
Bates, Wells & Braithwaite
BBC
BECTU
Better Regulation Taskforce
BFAWU
Britannia Staff Union
British Airways

British Association of Dental Nurses
British Association of Journalists
British Association of Occupational Therapists Limited
British Association of Social Workers
British Ceramic Confederation
British Chamber of Commerce
British Clothing Industry Association
British Dental Association
British Dietetic Association
British Fruit & Vegetable Canners Association
British Hospitality Association
British Jewellery Association
British Marine Industries Federation
British Medical Association
British Nuclear Fuels Ltd
British Orthoptic Society
British Ports Association
British Printing Industries Federation
British Retail Consortium
British Safety Council
British Union of Social Work Employees
Building Employers Confederation
Camden Personnel Services
CATU
CBI Small & Medium Enterprise Council
CDNA
Central Arbitration Committee
Centre for Economic Performance
Certification Officer
Chartered Society of Physiotherapy
Chemical Industries Association
Chartered Institute of Journalists
Cheshire Building Society Staff Association
Cheshire Fire Service HQ
CIPD
Clarks Solicitors
Commission for Racial Equality
Communication Workers Union
Community
Community Enterprise - Wales
Confederation of British Industry
Confederation of Shipbuilding & Engineering Unions
Confederation of British Wool Textiles Ltd
CONNECT
Construction Confederation
Council of Civil Service Unions

Council of Managerial & Professional Staffs
CSMTS
CYWU
Dairy Trade Federation
Derbyshire Group Staff Union
Diageo Staff Association
Educational Institute of Scotland
Electoral Reform (Ballot) Services
Electrical Contractors Association
Employers Organisation for Local Government
Employment Appeal Tribunal
Employment Law Training
Employment Tribunals (England & Wales)
Employment Tribunals Services
Engineering & Fastener Trade Union
Engineering Construction Industry Association
Engineering Employers Federation
Engineering Officers Technical Association
Equal Opportunities Commission
EQUITY
Eversheds LLP
FDA
Federation of Bakers
Federation of Entertainment Unions
Federation of Managerial Professional & General Assoc
Federation of Professional Railway Staff
Federation of Recruitment & Employment
Federation of Small Businesses
Fire Brigade Union
Food & Drink Federation
Forum of Private Business
Gallaher Sales Staff Association
General Dental Practitioners Association
GFTU
Giftware Association
GMB
Graphical Paper & Media Union
GULO
HCSA
Heating and Ventilating Contractors Association (HVCA)
Hyde and District Textile (Technicians and Operatives) Association
Immigration Service Union
Independent Federation of Nursing in Scotland
Institute of Directors
Institute of Employment Rights
Institute of Management
Institute of Work Psychology

Intellect
International Federation of Actors
International Marine Contractors Association
International Transport Workers' Federation
IPA
IPPR
John Reid & Associates
Joint Committee of Light Metal Trades Unions
KB Packaging
Lawson Mardon Star Ltd Managerial Staff Association
Leek United Building Society Staff Association
Lloyds TSB Group Union
Local Government Association
London Borough of Camden
London Development Agency
London Underground Ltd
Managerial & Professional Staffs Association
Metcalf Copeman & Pettefar Solicitors
Mobil Oil Co Ltd
MPA
Musicians' Union
NACO
NACODS
NAEIAC
NAPO
NASUWT
NATFHE
National Association of Head Teachers
National Association of NFU Group Secretaries
National Council of Industry Training Organisations
National Society for Education in Art and Design
National Union of Flint Glass Workers
National Union of Journalists
National Union of Mineworkers
National Union of Teachers
Network Rail
Newspaper Publishers Association Ltd
Newspaper Society
NGSU
North West Development Agency
Nuclear Electric plc
NUDAGO
NULMW
NUMAST
Office of the Information Commissioner
Offshore Industry Liaison Committee

One North East
OPM
P & O
PACT
Peninsula Business Services Ltd
Petroleum Employers Council
Police Federation of England & Wales
Policy Studies Institute
Popularis
Portman Staff Association
Prison Governors Association
Prison Officers' Association
Prison Service Union
Prison Staff Association
Professional Association of Cabin Crew Employees
Professional Association of Teachers
Professional Footballers' Association
PROSPECT
Public & Commercial Services Union
Regulatory Impact Unit, Cabinet Office
Retail Book Stationery and Allied Trades Employees Association
Retained Firefighters Union
Retired Officers Association
RMT
Road Haulage Association
Royal College of Midwives
Royal College of Nursing
Royal Mail
Scottish Artists Union
Scottish Carpet Workers Union
Scottish Employment Tribunals Service
Scottish Secondary Teachers Association
Scottish Trades Union Congress
SCP
Screen Printing Association (UK) Ltd
Secondary Heads Association
Shipbuilders & Ship Repairers Association
Skipton Staff Association
Small Business Council
Social Care Association
Society of Authors Limited
Society of London Theatre
Society of Maritime Engineers
Society of Motor Manufacturers & Traders
Society of Radiographers

South East Employers
South East England Development Agency
South West of England Development Agency
Stable Lads Association
Staff Association of Bank of Baroda (UK Region)
Staff Union West Bromwich Building Society
Staffordshire Building Society Staff Association
SWSWU
Teston Independent Society of Cricket Ball Makers
TGWU
The Employment Lawyers Association
The Law Society
The Writers' Guild of Great Britain
Theatrical Management Association
Thompsons Solicitors
Tobacco Industry Employers Association
Trade Association Forum
Travers Smith Braithwaite
TSSA
TUC
UCAC
UCATT
UNIFI
Union of Democratic Mineworkers
Union of Senior Revenue Officials
Unions 21
UNISON
United Kingdom Major Ports Group
United Kingdom Onshore Operators Group
United Road Transport Union
USDAW
Warner Brothers
Work Foundation
YISA
Yorkshire Farm Bakery
Yorkshire Forward

Annex C: Cabinet Office Consultation Code of Practice Criteria

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation coordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

The complete code is available on the Cabinet Office's web site:
<http://www.cabinetoffice.gov.uk/regulation/consultation/index.asp>

If you have any comments or complaints about the way this consultation has been conducted, these should be sent to:

Nick van Benschoten
DTI Consultation Co-Coordinator

Tel: 020 7215 6206

Fax: 020 7215 0480

Email: nick.vanbenschoten@dti.gsi.gov.uk