Christine Pelletant  
E- Balloting Secretariat  
Department for Business, Energy and Industrial Strategy  
1 Victoria Street  
London  
SW1 0ET  

10 July 2017

Call for evidence - independent review of electronic balloting for industrial action

Dear Christine

I write to you in response to the call for evidence for the above [review of electronic balloting for industrial action](#).

The British Medical Association (BMA) is an apolitical professional association and independent trade union, representing doctors and medical students from all branches of medicine across the UK and supporting them to deliver the highest standards of patient care.

The Association welcomes the opportunity to respond to the Department for Business, Energy and Industrial Strategy on this review, and we hope that you find this letter of response useful.

The decision to ballot members to take industrial action is perhaps the most important decision which a Trade Union can take, and it is one which the BMA has only ever taken after the most serious and considered thinking and following full consultation with its membership.

We also firmly believe that the higher the rates of membership participation in such ballots for industrial action, the greater the accountability, legitimacy and democratic mandate for such action, as those ballot decisions based on increased membership participation will more accurately reflect the will of the membership group involved in that trade dispute.

It is our belief that moving to e-balloting will increase the rates of participation in such ballots and thereby increase the accountability and engagement with the membership. Increasing that accountability will benefit both those members engaged in that trade dispute and, in the case of any action which the BMA might take, the public and patients more generally, as they can be assured that such decisions to take industrial action accurately reflect the considered will of a profession which always has the best interests of patients at heart.
While we certainly take very seriously concerns that the use of e-balloting may lead to an increase in intimidation and undue influence, we are not currently aware that there is any evidence of this where electronic balloting is currently used (for instance in internal party political elections). More generally, there is a move to undertaking confidential ballots by electronic means in many areas of public and corporate life, and increasing evidence that this is supported by people and increases turnout.

However, it is incumbent upon any responsible trade union to make clear in accompanying guidance for members around an electronic ballot that any such undue influence is counter-ethical to expected balloting process, and that any members acting in such a way might find themselves subject to the disciplinary processes of the trade union concerned, and potentially also be subject to statutory penalties set out in legislation.

We also share many of the concerns which exist in regard to the security of an electronic balloting system. However, while necessarily undertaking the exacting and robust oversight that any responsible Trade Union should exercise over its balloting processes (including that which might potentially be laid out in legislation), the BMA is content that, should e-balloting for industrial action be introduced, in contracting a reputable and properly accredited independent provider of end-to-end ballot, election and voting services, such as (but not restricted to) Electoral Reform Services, we would, by the very fact of contracting such an expert and specialised body be, in doing so, implicitly securing assurances regarding the security of that system.

We would also envisage that our procurement processes for contracting with an independent provider of election and voting services, will include explicit and careful scrutiny of their security processes. Which is to say, that while the BMA does not have a particular and specific view on the technological developments necessary to give assurances regarding evolving security risks, as we are not experts in cyber-security for balloting, we believe that by exercising the proper due diligence in our procurement of independent voting services, we can be assured that those services have robust and up to date security and risk management systems in place.

Equally, should we choose to run our own ballot process “in house”, we would ensure that our security measures met the standards as set out by legislation and as ensured by the independent scrutineer, and if necessary we would consult with the relevant experts in the field to ensure that was the case.

However, we would also like to highlight the importance of ensuring that required security measures, in response to perceived risks, are evidence based, and that overly complicated authorisation and security measures are not put in place in response to notional risks. We would therefore ask that consideration be given to ensuring that processes around e-balloting should be consistent with and no more onerous than current processes for online voting seen in such cases as online internal party political leadership elections voted on by their membership.

Finally, while we currently send the majority of industrial action related ballot forms to home addresses, rather than, for instance, to places of work, we do not believe that a move to electronic voting is likely to make that process any less private. Many people currently use their electronic devices to do, for example, their e-banking, and we would not expect those people to exercise a substantially different level of personal privacy when doing their personal e-banking as to when they would be e-voting.

Yours sincerely

Raj Jethwa
Director of Policy, British Medical Association

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