



Department  
for Education

Sir Edward Leigh  
Chair, Trade Union Bill Public Bill Committee  
House of Commons  
SW1A 0AA



Department  
for Business  
Innovation & Skills

**Nick Boles MP**  
Minister of State for Skills

1 Victoria Street  
London  
SW1H 0ET

T +44 (0) 20 7215 5000  
E [enquiries@bis.gov.uk](mailto:enquiries@bis.gov.uk)

[www.gov.uk/bis](http://www.gov.uk/bis)

21 October 2015

Dear Sir Edward,

### **Trade Union Bill**

In Tuesday's Committee session, Tom Blenkinsop MP raised the issue of whether an industrial ballot is conducted amongst union members or amongst all employees.

As I set out in my response, the law on this issue is very clear. Whilst a bargaining unit can consist of everyone in the workplace regardless of whether they are a union member or not, only those who are entitled to vote should be balloted by the union on industrial action.

Section 227 of the Trade Union and Labour Relations Consolidation Act 1992 provides that

*“entitlement to vote must be accorded equally to **all members of the trade union** who it is reasonable at the time of the ballot for the union to believe will be induced (by the Union) to take part or, as the case may be, to continue to take part in the industrial action in question and to no others.”*

That, of course, does not mean others cannot take part in industrial action, should a ballot mandate be secured. Such others could include, for example, workers who are not members of the union in question or who were not at the time of the ballot. I hope this provides a useful clarification.

I am copy this letter to Sir Alan Meale and the members of the Public Bill Committee.

Yours ever,

**NICK BOLES MP**