Government launches consultation on regulating workplace monitoring technologies

On 8 July 2026, the Government launched a consultation on options for regulating the use of workplace monitoring technologies. The proposals range from issuing guidance or a statutory Code of Practice, through to new legislation requiring employers to consult workers before introducing certain monitoring technologies, backed by protective awards where employers fail to comply.

What's the background?

As part of its wider *Make Work Pay* agenda, the Government is seeking views on how workplace monitoring technologies (**WMT**) should be regulated. For these purposes, WMT covers any digital tool used in the workplace or remotely that collects, tracks, analyses or makes decisions using data about workers and their activities.

The consultation notes that the use of these technologies has increased significantly in recent years. A Chartered Management Institute survey found that a third of UK organisations actively monitored employees' digital activity in 2025, compared with only a fifth in 2023. Although monitoring technologies are most commonly associated with platform-based businesses such as ride-hailing, delivery and logistics, they are increasingly being adopted across more

traditional sectors, including retail. In office-based environments, WMTs are likely to include programs that monitor emails and web browsing, but can also extend to recording of screen activity, app usage and/or keyboard strokes to track productivity, attendance or employees' communications.

The use of WMT is already governed by data protection and employment law. Personal data must be processed lawfully, fairly and proportionately, with additional safeguards applying where special category data, such as health information, is involved. Workers must also receive clear information about how their data is used, including where automated decision-making is involved. Decisions informed by monitoring or algorithmic systems must also be fair, reasonable and non-discriminatory. In some cases, inappropriate monitoring could also amount to a breach of the implied duty of mutual trust and confidence.

The consultation asks whether this existing legal framework is sufficient or whether further intervention is needed. The Government identifies a number of concerns, including intrusive monitoring, disproportionate surveillance, unfair or biased outcomes where systems rely on inaccurate or incomplete data, and a lack of transparency about how monitoring technologies influence decisions affecting workers. It also highlights concerns that employees may struggle to understand, question or challenge decisions that are influenced by these systems.

Proposed principles for the responsible use of WMT

The consultation proposes eight principles which, in the Government's view, should underpin the responsible use of WMT,

regardless of whether they are ultimately underpinned by legislation, a statutory Code of Practice or non-statutory guidance.

The proposed principles are:

1. **Purpose and rationale**: employers should be clear about why monitoring technology is being used and how its outputs support that purpose. For example, if driver-facing cameras are introduced, is the aim to improve road safety, reduce insurance costs or monitor performance?

2. **Transparency and understanding**: workers should receive clear, accessible and timely information about what data is collected, how it is used and the role it plays in employment decisions, including where solely automated decision-making applies.

3. **Worker engagement and voice**: employers should engage with workers, trade unions or employee representatives before introducing monitoring technologies or using them to support significant workplace decisions. The consultation identifies piloting new systems with representative groups before wider implementation as good practice.

4. **Fairness and equality**: monitoring technologies should not produce discriminatory or disproportionate outcomes. Employers should consider whether the underlying data is accurate, complete and free from bias.

5. **Necessity, proportionality and privacy**: employers should consider whether less intrusive measures could achieve the same objective and should ensure that monitoring does not gradually expand beyond its original purpose.

6. **Human oversight and accountability**: decision-makers should understand the systems on which they rely and exercise meaningful oversight. Workers should also have a clear route to question or challenge decisions.

7. **Dignity and wellbeing**: employers should consider the impact of monitoring on workers' mental health and wellbeing and take appropriate steps to manage any associated risks.

8. **Accuracy, reliability and review**: employers should keep monitoring systems under regular review, taking account of worker feedback, technological developments and emerging risks.

The role of worker engagement

A recurring theme throughout the consultation is that workplace monitoring is more likely to be accepted where workers understand why it is being used and have had a genuine opportunity to contribute to the process.

The Government suggests that legal compliance alone is unlikely to deliver good outcomes. Instead, employers should engage with workers to understand how monitoring technologies operate in practice and to identify potential risks *before* systems are introduced or expanded. Employee representatives can also help employers assess whether a system is likely to achieve its intended purpose and what safeguards may be needed.

The consultation deliberately avoids prescribing a single model of engagement. Depending on the circumstances, consultation may take place through trade unions, employee representatives or directly with workers. The right approach will depend on factors such as the size of the employer, the nature of the technology and the extent to which it affects employees’ day-to-day working lives.

The consultation also refers to existing Acas guidance, which encourages employers to consult employees before decisions are taken where workplace changes are proposed.

Three possible approaches to regulation

Although the consultation sets out three possible options for reform, the Government also makes clear that maintaining the current legal framework as it is remains a possible outcome if the evidence does not justify reform.

Option A: Statutory Code of Practice and guidance

The first option would be a statutory Code of Practice based on the eight principles outlined above, supported by more detailed non-statutory guidance covering the entire lifecycle of WMT.

Although the Code would not create new legal obligations, employment tribunals could take it into account in relevant proceedings. For example, where an employee successfully brought a claim for unfair dismissal or discrimination involving WMT, and the tribunal concluded that the employer had unreasonably failed to comply with the Code, compensation could potentially be increased by up to 25%.

The Government considers that this approach would build on the existing legal framework while providing greater clarity for employers and workers. At the same time, because the Code would not create standalone legal rights, its practical impact would depend on tribunal claims being brought and on tribunals

choosing to place weight on the Code. There is also a risk of adding complexity if its relationship with existing legislation is not clearly explained.

Option B: A legislative requirement to consult

The second option would introduce legislation requiring employers to consult, and negotiate with a view to agreement, with trade unions or employee representatives *before* introducing or making significant changes to WMT. The proposal is broadly modelled on the collective redundancy consultation regime. Employers would be required to engage meaningfully with representatives with a view to reaching agreement, although agreement itself would not be mandatory.

The consultation suggests that this duty could range from a relatively light-touch obligation to provide information and consider employee feedback, through to a more prescriptive regime involving specified information, minimum consultation periods and genuine negotiation. Enforcement would take place through the employment tribunal system, with protective awards available where employers failed to comply.

The Government acknowledges, however, that this option raises a number of practical challenges. Defining WMT without imposing disproportionate obligations could prove difficult. It may also be unclear when consultation should be triggered, given that many technologies are introduced gradually through pilots and incremental changes rather than a single implementation date. In addition, the administrative burden could fall particularly heavily on smaller employers that do not already have established consultation arrangements. Finally, because this option would require primary

legislation, it would take the longest to introduce.

Option C: Non-statutory guidance

The third option would be to publish non-statutory guidance, supported by case studies, worked examples and practical toolkits covering each stage of the WMT lifecycle.

The Government suggests that this approach offers the greatest flexibility. Because monitoring technologies vary considerably between sectors and workplaces, guidance could be updated more easily than legislation or a statutory Code of Practice and tailored to reflect evolving technologies and risks.

This would also be the least burdensome option for employers, particularly smaller organisations seeking practical guidance. However, it would carry no legal force and would rely entirely on voluntary compliance by employers. As a result, it is likely to have the least impact in workplaces where employees have little opportunity to influence how monitoring technologies are used.

What does this mean for employers?

Although the Government has not yet decided whether further regulation is needed, the consultation signals a clear direction of travel. As WMT becomes more sophisticated and widespread, there is likely to be greater scrutiny of how employers collect and use employee data. Rather than waiting for the outcome of the consultation, employers would be well advised to review their existing WMT practices now, ensuring

they are transparent, proportionate and supported by appropriate employee engagement. Those organisations that can demonstrate responsible governance are likely to be in the strongest position whatever reforms are taken forward.

Employers and other interested stakeholders may respond to the consultation online, by email or by post until 30 September 2026.

Make Work Pay: Workplace monitoring technologies