
Make Work Pay: Workplace Monitoring Technologies

A briefing on the TUC's response to the consultation, September 2026

The opportunity and need for worker voice on Workplace Monitoring Technologies

- [Read the TUC's full response here](#)

Millions of people experience how Workplace Monitoring Technologies (WMT) are increasingly used to track workers, assess performance, allocate work, determine pay and inform disciplinary decisions across a wide range of sectors and occupations.

But such technology is often introduced with no worker involvement, leading to distrust, indignity and hindering technology adoption.

Labour's Plan to Make Work Pay sets out that "At a minimum [a Labour government will] ensure that proposals to introduce surveillance technologies would be subject to consultation and negotiation, with a view to agreement of trade unions or elected staff representatives where there is no trade union. Where there is a collective agreement relating to surveillance this will not override it."

To that end the government recently closed a consultation on how to implement its commitment.

To give force to Labour's commitment, the TUC is calling for legislation to:

- introduce a statutory duty to consult and negotiate on key monitoring tech
- strengthen transparency and information rights
- embed collective representation
- strengthen data protection and enforcement mechanisms
- match emerging international standards
- prohibit dynamic pay.

Of the options set out in the government's consultation paper, Option B – legislative change supplemented by a statutory code of practice and guidance is the key viable route to achieving this.

A statutory regime would establish a minimum floor which all employers must adhere to, preventing the undercutting of good practice by unscrupulous competitors. It would provide the practical and legally enforceable basis for workers and their representatives to effectively exercise worker voice as the government seeks.

Significant evidence from [Gallup](#) and the [Chartered Institute of Personnel and Development](#) demonstrates that, in general, robust processes for worker voice lead to a range of better outcomes. This is the opportunity to bring WMT into this frame.

Though generative AI is not the focus of this consultation, the unilateral imposition of technology a driver of the [high levels of concern](#) on the changes that task-automation AI technologies may bring. The government must grasp this opportunity to empower workers to have voice, rights and a fair share of technology at work.

Finally, whereas most cases of WMT will be improved by consultation and negotiation, some types of this technology are fundamentally exploitative by design. [Dynamic pay setting](#) is one such case. The TUC calls on the government to confront this degradation of working lives.

How workers experience Workplace Monitoring Technologies

Workers are routinely excluded from influencing technologies that increasingly shape their working lives. Surveys from TUC affiliate unions point to a substantial gap between the importance of these technologies and the extent of worker involvement:

- [Prospect](#): more than 70 per cent of respondents had no confidence in employer engagement on technology decisions (2020)
- [CWU](#): 80 per cent of respondents did not trust technological advances in their workplaces (2024)
- [USDAW](#): 85 per cent of respondents either had not been consulted on new technology or could not identify any meaningful consultation process (2026)

Poorly-governed WMT can create significant workplace risks. [Evidence from Amazon warehouses](#) illustrates the problem: handheld scanners are used to measure productivity against targets without worker's being able to understand how those targets are determined. This drives intensification with mental and physical health impacts. In an indictment of the current regime to ensure fairness and dignity at work, the information available on the operation and impact of Amazon's WMT had to be [revealed](#) by the arduous work of trade unions, investigative researchers and parliamentarians.

This is not a one-off case or limited to logistics. In 2025, the Chartered Management Institute ([CMI](#)) [found that](#) one in three employers reported using "bossware" to monitor the online activity of employees. [The CMI research](#) notably found that 42 per cent of managers were opposed to invasive forms of WMT as it damaged trust. The CMI found that "Effective management [of WMT] depends on trust, fairness and confidence". However, the current regime relies entirely on voluntarism to establish these conditions.

Evidence identifies:

- **increased [stress and anxiety](#)**, reduced autonomy, lower trust and a chilling effect on freedom of association;
- **disproportionate [impacts](#)** on Black workers from some forms of digital surveillance; and
- **“productivity theatre”**, with research from [Asana finding](#) that 67 per cent of workers engage in behaviours designed to appear productive in response to excessive monitoring. [A search for mouse “jigglers”](#) (to give the impression of working to a WMT system) returns 3,000 results on Amazon marketplace.
- **Industrial relations conflict**, such as Mitie's imposition of WMT without consultation on cleaning and security staff on Network Rail and TfL contracts is causing industrial unrest.

Positive outcomes are possible where workers have meaningful input. A negotiated CWU/Openreach lone-worker technology trial identified reliability, battery and monitoring risks, leading to safeguards on location data, managerial access, personal phones and medical information. ASLEF and a train operator negotiated fatigue-monitoring trial identified risks including fatigue-inducing rostering and health conditions, and workers helped shape the design, data limits, and governance. Worker involvement can improve how WMT are designed, introduced and governed. However, such meaningful influence is not the norm and currently entirely relies on voluntarism or a strong trade union presence.

Consultation alone is often not enough. In one example, contact-centre workers were consulted about speech analytics but had little influence over its operation. Workers reported continuous assessment and work intensification, while managers could not adequately explain how machine-generated scores affected bonuses and performance management. Effective safeguards require workers and their representatives to shape deployment, set limits and hold employers to agreed arrangements. This finding is supported by evidence [from the OECD](#), which directly links worker representation with better outcomes from AI-enabled technologies.

Some uses of WMT are exploitative by design. For example, dynamic pay systems use algorithmic technologies to vary workers' pay in ways that can be opaque and difficult to predict or verify. [Dynamic pay setting fundamentally destroys the basis of a decent employment](#) relationship. This technology should be prohibited.

The existing legal regime cannot support the government's stated aims

In the consultation the government set out principles for the “responsible use of WMT which supports good industrial relations”, in particular, the principle of meaningful “worker engagement and voice”. The current legal regime cannot support these principles.

The two principal judgements that determine whether WMT is introduced – the UK GDPR's legitimate interests balancing test and the Data Protection Impact Assessment (DPIA) – are both made by the employer about itself, in private with no legal obligation to be transparent. A worker's rights are individual and can only be activated after WMT has been deployed. A worker needs to identify themselves to their employer as the person objecting and be prepared for a protracted

process with very limited and delayed regulatory enforcement.

The problem is particularly acute where workers are precarious or their employment status is contested.

A legislative requirement to consult and negotiate with trade unions or elected representatives on WMT is the only viable option

As the government sets out in this consultation paper, a key goal of the *Plan to Make Work Pay* is "raising standards across the board creating a level playing field".

On WMT, this is best be achieved through a legislative requirement to consult and negotiate on all employers, establishing a minimum floor that limits undercutting by competitors.

By engaging with the workforce's concerns, experience and expertise any technical or industrial relations issues can be tackled at an early stage.

These processes – especially when supported by a collective bargaining agreement – provide a local mechanism for governing WMT without reliance on overly prescriptive regulations.

Of the options set out in the consultation:

- **Option A, a statutory code of practice and guidance**, merely layers onto an existing regime that does not have a substantive legal duty able to give force to the government's stated principles. Good employers who follow the code will be undercut by those who do not.
- **Option B, a legislative requirement to consult and negotiate with trade unions or elected representatives**, is the only option that can fully meet the government's Make Work Pay commitment. Supplemented by a statutory code of practice and guidance, this would establish an enforceable right to worker voice, level the playing field for employers and drive product innovation while allowing the detail of how WMT are governed to reflect the circumstances of individual workplaces.
- **Option C, non-statutory guidance**, should be dismissed in that it would do nothing to promote the agenda set out by the government and the rights needed by workers.

Policy and legal reforms to deliver the Make Work Pay commitment on WMT

The TUC proposes a series of regulatory and legislative amendments to achieve the stated goals of the *Plan to Make Work Pay*.

1. Introduce a statutory duty to consult and negotiate

Employers should be required to consult and negotiate, with a view to reaching agreement, before deploying relevant WMT. The duty should:

- establish a clear threshold for when it applies, consistent with existing standards within data protection law, such as the Article 35 DPIA threshold
- apply while proposals remain formative, when changes can still be made

- take place no later than one month before relevant processing begins and
- enable workers and trade unions to trigger this process where an employer fails to do so.

2. Strengthen transparency and information rights

There can be no meaningful consultation without meaningful information. Employers should be required to provide workers and their representatives with WMT-relevant DPIAs and other key information about intended uses of technology.

The workforce-facing information should cover, at a minimum:

- purpose, categories of data collected and retention
- use in automated decision-making, and performance or disciplinary decisions
- necessity and proportionality.

Deployments should also be subject to reassessment at least every 12 months unless otherwise provided for through a collective agreement. Recognised trade unions should have an enforceable right to access relevant workforce data generated through WMT, subject to appropriate safeguards and anonymisation requirements.

3. Embed collective representation

Where a recognised trade union exists, it should be the representative through which the relevant workforce participates in negotiation. Where there is no recognised union, elected worker representatives should participate through a framework modelled on existing collective consultation arrangements. Workers should be able to discuss proposals collectively without managers present, and representatives must have sufficient time, information and protection to participate effectively.

4. Strengthen data protection and enforcement mechanisms

The TUC has set out a series of changes that can strengthen the existing legal framework. These include:

- adding WMT to the ICO's Article 35(4) list of processing activities requiring DPIAs
- using UK GDPR Article 22D powers to strengthen safeguards relating to automated decision-making, including prior notification requirements and collective exercise of safeguards through worker representatives
- implementing GDPR Article 80(2) provisions for mandate-free representative claims by qualifying non-profit bodies, including trade unions
- developing an UK GDPR Article 40 code of conduct covering the exercise of worker data rights by trade unions
- creating effective enforcement mechanisms, including tribunal remedies, protective awards, suspension of WMT use, restriction on employers relying on data obtained through unlawfully introduced WMT in disciplinary, capability or dismissal proceedings, and strengthened protections against dismissal or detriment.

5. Align with stronger employment-specific protections for worker data, and address the exposure of platform workers

The government should:

- restore a power equivalent to Article 88 of the EU GDPR, enabling specific rules to be made for employee data in the workplace
- ratify the ILO Convention on Decent Work in the Platform Economy (No. 193), which establishes rights and protections relating to WMT for platform workers
- move towards a single worker status that closes loopholes allowing workers subject to WMT to be denied basic employment protections.

6. Prohibit dynamic pay systems

The TUC agrees that there are positive use cases for WMT. However, some use cases of WMT cannot be positive. [Dynamic pay setting is one such case](#). Hundreds of thousands of workers are subject to the manifest unjustness of pay that is not transparently set and is changeable through algorithmic technologies based on WMT. The fact that pay is not transparent and static fundamentally destroys the basis of any decent employment relationship, and individual or collective pay bargaining – the exchange of labour for an agreed wage. Dynamic pay is a relatively new development in the platform economy, serving no purpose other than to drive down pay of the most vulnerable workers and thereby also harming the wider economy and public services. Dynamic pay should be prohibited under all circumstances.