



Department for Business, Energy & Industrial Strategy

Labour Markets
Department for Business, Energy &
Industrial Strategy
1 Victoria Street
London
SW1H 0ET

Mr Andrew Moretta
andrewmoretta@live.co.uk

T +44 (0)20 7215 5000 - Public enquiries
+44 (0)20 7215 6740 - Textphone (for
those with hearing impairment)
E foi.requests@beis.gov.uk

www.gov.uk/beis

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31 May 2022

Dear Mr Andrew Moretta,

Thank you for your email of 17th January, where you requested the following information:

I was disappointed to receive your response to my amended Fol request.

However, in accord with your kind suggestions, I am prepared to narrow the scope of my request still further. All I require are the current reasons for failing to ratify the instruments set out below. I was able to determine the pre 1990 stance of the Departments which succeeded the Ministry of Labour by looking up files at the National Archives, a process which took around two hours, most of which was spent waiting for the files to be retrieved. Consequently, I don't think that it will cost the BEIS much to determine the current stance.

C155 OHS Convention 1981

P155 Protocol of 2002 to the OSH Convention 1981 (C155)

P081 Protocol of 1995 to the Labour Inspection Convention 1947 (C81)

Conventions

C183 Maternity Protection Convention 2000

C176 Safety and Health in Mines Convention 1995

C174 Prevention of Major Industrial Accidents Convention 1993

Under the Freedom of Information Act 2000 ('the Act'), you have the right to:

- know whether we hold the information you require;
- be provided with that information (subject to any exemptions under the Act which may apply).

Thank you for providing a refined list of ILO conventions and protocols. The information that you have requested and reasons for non-disclosure are provided for every point separately below.

In interpreting information that represents the 'current reasons for failing to ratify the instruments' we have taken a wide view of what would be in scope. The information we are releasing should not be considered an official statement of the Government's position on reasons for not having ratified the instruments, but as internal information produced for official-level business. It should also be noted that if the Government were to review its position on ratification of these conventions, it is possible the relevant information within scope of your request could change, for example as a result of domestic policy changes. You should therefore be aware that for the purposes of responding to your request, the Department has not sought to ensure that this is accurate or up to date. It is however, the most recent information within scope of your request that we hold.

1. C155 OHS Convention 1981 and P155 Protocol of 2002 to the OSH Convention 1981 (C155).

We hold information relating to the Convention and to the Protocol. However, we will not be releasing this information as we consider that it falls within the exception set out in Section 35(1)(a) of the Act.

As you may be aware, Section 35(1)(a) of the Act exempts information from being released if it relates to the formulation or development of government policy. The Government is currently conducting a review of its position on ratification of this convention and associated protocol. While this review is ongoing, the information requested forms part of the Government's policy formulation and development. The review has not yet produced recommendations and Ministers have not received advice. We therefore will not be releasing the information we hold within scope of your request in relation to Convention 155 and Protocol 155.

The use of section 35(1)(a) is subject to a public interest test. We understand there is a public interest in information about current reasons for not having ratified Convention 155 and Protocol 155. A disclosure could provide better insight into the policy in the UK, and some decisions that Ministers make may have a significant impact on the lives of citizens.

However, the ratification or not of a Convention or a Protocol may be of general interest but does not directly impact the lives of citizens. Further, there is a strong public interest in ensuring that Ministers and officials are able to discuss policy options fully and frankly and for the space in which such discussions take place to be protected. Releasing information on reasons for not having ratified these instruments which are subject to review we believe would inhibit the ability for these discussions to take place, and the Department would be prevented from taking well-informed decisions.

We therefore consider that the public interest is in not releasing the information you have requested.

2. P081 Protocol of 1995 to the Labour Inspection Convention 1947 (C81)

The Department for Business, Energy and Industrial Strategy does not hold any information that is in the scope of your request.

3. *C183 Maternity Protection Convention 2000*

Please see attached Excel spreadsheet. The Department for Business, Energy and Industrial Strategy is releasing the information that is in scope of your request, information that is not in the scope of your request has been removed.

4. *C176 Safety and Health in Mines Convention 1995*

Please see attached Excel spreadsheet. The Department for Business, Energy and Industrial Strategy is releasing the information that is in scope of your request, information that is not in the scope of your request has been removed.

Note that Section 40(2) of the Act exempts information from disclosure if that information constitutes personal data of someone other than the applicant, and if disclosure of that information would contravene any of the data protection principles at Article 5 of the UK General Data Protection Regulation (UK GDPR). In this case, we believe disclosure of some of the information we hold would contravene the data protection principle in Article 5 (1) (a) of the UK GDPR which provides that Personal Data shall be processed “lawfully, fairly and in a transparent manner in relation to the data subject (‘lawfulness, fairness, transparency’). Information of this sort has been redacted.

5. *C174 Prevention of Major Industrial Accidents Convention 1993*

Please see attached Excel spreadsheet. The Department for Business, Energy and Industrial Strategy is releasing the information that is in scope of your request information that is not in the scope of your request has been removed.

Note that Section 40(2) of the Act exempts information from disclosure if that information constitutes personal data of someone other than the applicant, and if disclosure of that information would contravene any of the data protection principles at Article 5 of the UK General Data Protection Regulation (UK GDPR). In this case, we believe disclosure of some of the information we hold would contravene the data protection principle in Article 5 (1) (a) of the UK GDPR which provides that Personal Data shall be processed “lawfully, fairly and in a transparent manner in relation to the data subject (‘lawfulness, fairness, transparency’). Information of this sort has been redacted.

Appeals procedure

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original request and should be addressed to the Information Rights & Records Unit. It would be helpful if you can tell us why you are dissatisfied with the response to your request so we may address this during the internal review.

Information Rights & Records Unit
Department for Business, Energy and Industrial Strategy
1 Victoria Street
London
SW1H 0ET
Email: FOI.Requests@beis.gov.uk

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Complaints can be made to the Information Commissioner via their website at: <https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>.

Yours sincerely,

Labour Markets