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Via email

To: [andrewmoretta@live.co.uk](mailto:andrewmoretta@live.co.uk)

Our ref: 202201148

Date: 14 February 2022

Dear Andrew Moretta

**Freedom of Information Request Reference No: 202201148**

Thank you for your new request for information about:

*The current reasons cited for UK refusal to ratify/adopt the instruments in the amended list:*

* *C155 OSH Convention 1981*
* *P155 Protocol of 2002 to the OSH Convention 1981 (C155)*
* *C190 Violence and Harassment Convention 2019*
* *C189 Domestic Workers convention 2011*
* *C184 Safety and Health in Agriculture Convention 2001*
* *C171 Night Work Convention 1990*
* *C170 Chemicals Convention 1990*
* *C167 Safety and Health in Construction Convention 1988*
* *C162 Asbestos Convention 1986*
* *Recommendation 194 List of Occupational Diseases 2002*

Your new request was received on 17 January 2022and I am dealing with it under the terms of the Freedom of Information Act 2000 (the Act). Please find below the response to your revised request:

**Re: C155 OSH Convention & P155 Protocol of Convention OSH (C155):**

I can confirm that the Health and Safety Executive (HSE) holds information relating to your request on Convention 155 and its Protocol. This information is however, being withheld as it falls under the exemption in section 35(1)(a) (formulation of government policy) of the Act.

This is a qualified exemption that is subject to the public interest test. This means HSE has to balance the public interest factors favouring disclosure against those favouring non-disclosure.

There is a clear public interest in stakeholders knowing what international measures on health and safety at work may or may not become part of domestic law so that they know their responsibilities and can plan accordingly. The HSE, as a regulatory authority, should also be open, honest, and transparent in how it deals with the public.

The information requested relates to ongoing policy work to consider the details of Convention 155 and its associated Protocol and the potential for their ratification.

While the release of information might inform any public debate about the Convention and the Protocol, disclosure would open the discussions between officials and ministers up to interference from outside, particularly from those with special or vested interests in the workplace health and safety system. This could hinder full consideration of the issues involved and threaten the safe space between ministers and officials to discuss matters objectively.

On balance I have, therefore, concluded that the public interest in withholding the information outweighs that for disclosure.

**Re: C189 Domestic Workers Convention; C184 Safety and Health in Agriculture Convention; C171 Night Work Convention; C170 Chemicals Convention; C167 Safety and Health in Construction Convention; C162 Asbestos Convention:**

Please see the accompanying Excel spreadsheet for information on the current rationales for non-ratifcation of the conventions listed directly above. You will see in the spreadsheet that the entry against Convention 171 has been updated to avoid confusion against Convention 89, as they both cover night work. The entry for Convention 171 mentions Convention 89. The entry against Convention 167 has been updated in relation to the reference to the Grenfell review. The spreadsheet should not be read as an official statement of government policy.

HSE has engaged Section 40(2) of the FOI Act – personal data of a third party – to withhold all personal information detailed in the spreadsheet from disclosure. This is an absolute exemption and is not subject to the public interest test.

**Re: Recommendation 194 List of Occupational Diseases 2002:**

The HSE does not hold any information detailing reasons why Recommendation 194 is unratified.

**Re: C190 Violence and Harassment Convention:**

As of 15 December 2021, the Violence and Harassment Convention Command Paper had cleared through Parliament without objection which indicates that the government can proceed to ratification. The Instrument of Ratification has been drawn up and submitted for signature to the Foreign Secretary. It will be deposited at the ILO in Geneva as soon as is practicable in the near future. The Convention would enter into force for the United Kingdom (UK) one year after the date of the UK’s ratification.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

If you are unhappy with the decisions made by HSE you may ask for an internal review within two calendar months of the date of this letter by writing to me.

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. The Information Commissioner can be contacted at:

The Information Commissioner’s Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 0303 123 1113

Email: [casework@ico.org.uk](mailto:casework@ICO.ORG.UK)

Website: <https://ico.org.uk/>

Yours sincerely

NAME REDACTED

Health & Safety Executive / Central Disclosure Unit / Redgrave Court, Merton Road, Bootle, L20 7HS

|  \*: [InformationRequest@hse.gov.uk](mailto:InformationRequest@hse.gov.uk)