



Department
for Work &
Pensions

DWP Central Freedom of
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[DWP Website](#)

Our Ref: IR2021/99456

31 January 2022

Dear Mr Moretta,

Thank you for your Freedom of Information (Fol) request received on 4th December. You wrote:

“You appear to have responded to the lengthier original list of instruments rather than the considerably shorter amended list. This is the amended list:

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

C152 OSH (Dock Work) Convention 1979
C148 Working Environment (Air Pollution, Noise and Vibration) Convention 1977
(currently ratified only with respect to air pollution).
C139 Occupational Cancer Convention 1974
C129 Labour Inspection (Agriculture) Convention 1969
C161 Occupational Health Services Convention 1985

C89 Night Work (Women) Revised 1948
P089 Protocol of 1990 to the Night Work (Women) Convention (Revised) 1948 (C89)

While I will reduce this list still further, my experiences at the National Archives when looking at the records of the Ministry of Labour, DEP and Department of Employment relating to ILO instruments suggest that assembling the required material would be very inexpensive and take very little time.”

DWP Response

In response to your internal review request, we can confirm that the handling of your original request and response has now been appropriately reviewed by someone unconnected with the handling of your original request.

As a result of this review we find that the original decision was not correct and as such your complaint is upheld. The reason behind this decision is as follows.

Due to a clerical error, your previous request was uploaded rather than your revised request, which led to a repeat response to the original request being sent.

Please find below the response to your revised request:

C155 OSH Convention 1981 & P155 Protocol of 2002 to OSH Convention 1981 (C155) & C161 Occupational Health Services Convention 1985

The Freedom of Information Act Section 35 sets out four exemptions designed to protect good government and provide a safe space for policymaking. Only central government can use these exemptions. The purpose of section 35 is to protect good government. It reflects and protects some longstanding constitutional conventions of government, and preserves a safe space to consider policy options in private.

Section 35(1)(a) covers information relating to the formulation or development of government policy:

*“35.—(1) Information held by a government department or by the Welsh Assembly Government is exempt information if it relates to—
(a) the formulation or development of government policy”*

The purpose of section 35(1)(a) is to protect the integrity of the policymaking process, and to prevent disclosures which would undermine this process and result in less robust well-considered or effective policies. In particular, it ensures a safe space to consider policy options in private.

The Government is currently reviewing its position with regards to ratifying these Conventions and has not yet formulated a policy recommendation or recommendations to submit to Ministers for a decision. As such, we are not releasing the information we hold with respect to these Conventions to protect the policy development process.

C148 Working Environment (Air Pollution, Noise and Vibration) Convention 1977 (currently ratified only with respect to air pollution).

Please see the report attached on C148 Working Environment (Air Pollution, Noise and Vibration) Convention.

C152 OSH (Dock Work) Convention 1979

Please see the report attached on C32 Protection Against Accidents (Dockers) Convention, which includes a response to a Direct Request on C152, the Occupational Safety and Health (Dock Work) Convention.

C139 Occupational Cancer Convention 1974

C129 Labour Inspection (Agriculture) Convention 1969

C89 Night Work (Women) Revised 1948

P089 Protocol of 1990 to the Night Work (Women) Convention (Revised) 1948 (C89)

Please see the attached Excel spreadsheet, which includes the latest review and position on these Conventions. This is an internal spreadsheet developed in consultation with lead departments and used to track the reasoning for not ratifying conventions. The spreadsheet should not be read as an official statement of government policy. Please note, redactions in the table have been made where it relates to information not requested, personal information, or in relation to Conventions 161, 155 and Protocol 155 where Freedom of Information Act Section 35 has been applied, as above.

Any further information falls out of the five-year timeframe set and thus the scope of this request.

If you have any queries about this letter, please contact us quoting the reference number above.

Yours sincerely,

DWP Central Freedom of Information Team
Department for Work and Pensions

Your right to complain under the Freedom of Information Act

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Web: [ICO Contact Information](#) or telephone 0303 123 1113 or 01625 545745