

DWP Central Freedom of Information Team

e-mail: freedom-of-information-request@dwp.gsi.gov.uk

Our Ref: VTR 3330

DATE: 05 September 2012

Dear Jan Cosgrove,

Thank you for your Freedom of Information request made on 27 June 2012. I am sorry for the delay in replying.

Your original Freedom of Information request emailed on 5 May 2012 was in the following terms:

Regarding all current 'Work-Fare' style schemes operated by DWP and its agents and agencies for all ages, please list each scheme together with any International Labour Organisation Treaties to which the UK is party and whose terms have been considered by the Department in respect of each such scheme. If a scheme has not been thus considered, please mark 'not considered'. Does the DWP as a matter of practice scrutinise all such 'Work-Fare' style schemes with regard to ILO Convention obligations and in particular those concerning forced/compulsory labour. Please describe how this is done if it is done.

The Department responded on 17 May 2012 saying that the Government does not operate any "Work-Fare" style schemes.

On 28 May 2012 you emailed the following explanation of your original request:

I will clarify. Schemes such as 'Mandatory Work Activity' where there is a requirement to undertake work at a designated place of employment for no pay, and benefits sanctions able to be applied. That is what was meant by 'work fare' so if you could kindly progress my request with that clarification, I'd be so grateful.

And on 20 June 2012 you provided a further explanation of your original request:

Further to my recent clarification. Please read the Guardian story here:

<http://www.guardian.co.uk/uk/2012/jun/04/jubilee-pageant-unemployed>

also here:

<http://www.guardian.co.uk/uk/2012/jun/05/call-inquiry-jobseekers-jubilee-stewards>

These are the types of scheme to which I was referring.

Kindly identify such schemes and provide the information as requested as if applying to all such schemes operated by the DWP and its agencies etc.

I want to know whether or not these have been reviewed with respect to commitments under ILO conventions regarding forced/compulsory work and which conventions apply to each such scheme.

The Department responded saying that:

"The press articles that you provided links to refer to the Work Programme. We reiterate that the Government does not operate "work fare" schemes. However, DWP or its contractors do currently operate two schemes on the basis of sections 17A and 17B of the Jobseekers Act 1995, namely Mandatory Work Activity and the Community Action Programme trailblazer, under which persons claiming jobseeker's allowance can be mandated to take part in work-related activity at a place of employment.

When designing the above schemes, the Department considered (in particular) the following International Labour Organisation Conventions,

The ILO Forced Labour Convention, 1930 (No. 29), and

The Abolition of Forced Labour Convention, 1957 (No. 105),

with a view to ensuring that the schemes are compatible with the United Kingdom's obligations under those Conventions. We are satisfied that they are.

The Department does as a matter of practice scrutinise all new and existing activities to ensure that they are compatible with ILO Conventions and other obligations of the United Kingdom in international law.

On 27 June 2012 you emailed the following request for further clarification:

Thank you for your response. Let us agree to drop 'workfare' and instead to concentrate on the schemes you describe.

I want further clarification of these paragraphs in your response:

"However, DWP or its contractors do currently operate two schemes on the basis of sections 17A and 17B of the Jobseekers Act 1995, namely Mandatory Work Activity and the Community Action Programme trailblazer, under which persons claiming jobseeker's allowance can be mandated to take part in work-related activity at a place of employment.

"When designing the above schemes, the Department considered (in particular) the following International Labour Organisation Conventions, The ILO Forced Labour Convention, 1930 (No. 29), and The Abolition of Forced Labour Convention, 1957 (No. 105), with a view to ensuring that the schemes are compatible with the United Kingdom's obligations under those Conventions. We are satisfied that they are."

Kindly provide detail of the justification employed by your Department you describe that the above are not forced or compulsory labour as defined in the IL Conventions mentioned.

We reiterate that we are satisfied the two schemes referred to are compatible with the United Kingdom's obligations under the relevant ILO Conventions. However, we do not hold written information on our justification for deeming them so and are therefore unable to provide the information you request.

Our view that the schemes are compatible with the relevant treaties, and do not constitute a form of forced or compulsory labour, has been accepted on various occasions by the courts, most recently in relation to the Wilson/Reilly Judicial Review (specifically in relation to Article 4 of the European Convention on Human Rights). You may find the judgement from this Judicial Review helpful: <http://www.judiciary.gov.uk/Resources/JCO/Documents/Judgments/reilly-wilson-sec-state-work-pensions.pdf>

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

Yours sincerely,

DWP Central Fol Team

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing freedom-of-information-request@dwpgsi.gov.uk or by writing to DWP, Central Fol Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

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 www.ico.gov.uk