

DWP Central Freedom of Information Team

e-mail: [freedom-of-information-xxxxxxx@xxx.xxx.xxx.xx](mailto:freedom-of-information-xxxxxxx@xxx.xxx.xxx.xx)

Our Ref: Fol 242

17 November 2011

Dear Mr Taylor,

Thank you for your request to review the response provided to your Freedom of Information request of 20 October 2011. Your original request and response from DWP are included in **Annexe A**.

You asked:

*Dear Department for Work and Pensions,*

*Please pass this on to the person who conducts Freedom of Information reviews.*

*I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'Mandatort Work Activity /The UN Global Compact's ten principles'.*

*I am dissatisfied with your response to my request, please supply the information requested ASAP.*

*In addition your communication states:*

*"Any views expressed by the sender of this message are not necessarily those of the Department for Work and Pensions."*

*I have made a lawful request for information to the DWP and I require a response from the DWP containing the views of the DWP as I am entitled to by law.*

*A full history of my FOI request and all correspondence is available on the Internet at this address:*

*[http://www.whatdotheyknow.com/request/mandatort\\_work\\_activity\\_the\\_un\\_g](http://www.whatdotheyknow.com/request/mandatort_work_activity_the_un_g)*

*Yours faithfully,*

*Mr Taylor*

In your original Freedom of Information request you requested the following information:

*1.A: The DWP force claimants to work for companies taking part in their Mandatory Work Activity Scheme, under threat of destitution from the penalty of withdrawing*

*benefits if they fail to comply. I would like to request the DWP policy and any guidance etc which justifies encouraging the companies taking part in this scheme, and all other companies which take part in the governments compulsory labour schemes, to ignore the UN Global Compact's ten principles in the areas of human rights, labour, the environment and anti-corruption.*

And

*1.B: Also would you please supply a statement of whether the DWP and the government adhere to the UN Global Compact's ten principles in the areas of human rights, labour, the environment and anti-corruption.*

The Department has undertaken a review of the information you requested, and the reviewer has concluded that:

*In relation to 1A: "I would like to request the DWP policy and any guidance etc which justifies encouraging the companies taking part in this scheme, and all other companies which take part in the governments compulsory labour schemes, to ignore the UN Global Compact's ten principles in the areas of human rights, labour, the environment and anti-corruption."*

The Department does not hold a policy document or guidance that encourages companies delivering active labour market programmes to ignore the UN Global Compact's ten principles in the areas of human rights, labour, the environment and anti-corruption. The Department is therefore not able to provide a copy of the information requested because it does not exist.

Mandatory Work Activity is a scheme designed to assist claimants to obtain and retain employment. The Department does not accept that a requirement to undertake work activity as a condition of the continued receipt of benefits means that such activity is "forced or compulsory labour".

By way of background, and in the spirit of transparency, you may be interested in the following material that is publicly available:

- The House of Lords debated the Mandatory Work Activity regulations on 10 May 2011. A copy of the Lords Hansard text for the debate is available through the UK Parliament website:  
<http://www.publications.parliament.uk/pa/ld201011/ldhansrd/index/110510.html#contents>;  
and
- The Joint Committee on Human Rights undertook a review of the Work for Your Benefit regulations as part of the Welfare Reform Bill 2009. The attached link to a previous FOI response from DWP, which sets out the Joint Committee's conclusions, provides further information:  
[http://www.whatdotheyknow.com/request/proposal\\_re\\_compulsory\\_work\\_for#incoming-129240](http://www.whatdotheyknow.com/request/proposal_re_compulsory_work_for#incoming-129240)

*In relation to 1B: "Would you please supply a statement of whether the DWP and the government adhere to the UN Global Compact's ten principles in the areas of human rights, labour, the environment and anti-corruption."*

The Department does not hold a statement of whether the DWP and the government adhere to the UN Global Compact's ten principles in the areas of human rights, labour, the environment and anti-corruption. The UN Global Compact is a strategic policy initiative designed for businesses that wish to align their operations and strategies with the ten principles in the areas described above. The Department considers that it complies with relevant obligations under the European Convention on Human Rights as well as other international obligations preventing forced labour, such as the International Labour Organisation's Forced Labour Convention No. 29.

The reviewer has therefore concluded that the Department is not able to provide a copy of the information you have requested because it does not exist.

As noted in the original response, the Freedom of Information Act (FOIA) only applies to information held by the Department on the date of the request and does not require the Department to create new information to respond to FOI requests.

*In relation to your further question: "In addition your communication states: "Any views expressed by the sender of this message are not necessarily those of the Department for Work and Pensions." I have made a lawful request for information to the DWP and I require a response from the DWP containing the views of the DWP as I am entitled to by law."*

The text you refer to is part of a standard automatic addition to all outgoing email messages from the Department for Work and Pensions. The Department's response to your previous request was provided in accordance with its obligations under the Freedom of Information Act.

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

Yours sincerely,

DWP Central Fol Team

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### **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 [www.ico.gov.uk](http://www.ico.gov.uk)

## Annexe A

DWP Central Freedom of Information Team

e-mail: [freedom-of-information-xxxxxxx@xxx.xxx.xx](mailto:freedom-of-information-xxxxxxx@xxx.xxx.xx)

Our Ref: 2884

14 October 2011

Dear Mr Taylor,

Thank you for your Freedom of Information request of 28 September. You asked:

*I am making this request following your unhelpful attitude to a previous request I made:*

[http://www.whatdotheyknow.com/request/forced\\_labour\\_schemesthe\\_un\\_glob#outgoing-148733](http://www.whatdotheyknow.com/request/forced_labour_schemesthe_un_glob#outgoing-148733)

*The UN Global Compact's ten principles*

<http://www.unglobalcompact.org/AboutTheG...>

*in the areas of human rights, labour, the environment and anti-corruption enjoy universal consensus and are derived from:*

*The Universal Declaration of Human Rights*

*The International Labour Organization's Declaration on Fundamental Principles and Rights at Work*

*The Rio Declaration on Environment and Development*

*The United Nations Convention Against Corruption*

*Principle 4: the elimination of all forms of forced and compulsory labour States:*

<http://www.unglobalcompact.org/AboutTheG...>

*What does Forced and Compulsory Labour mean?*

*Forced or compulsory labour is any work or service that is exacted from any person under the menace of any penalty, and for which that person has not offered himself or herself voluntarily. Providing wages or other compensation to a worker does not necessarily indicate that the labour is not forced or compulsory. By right, labour should be freely given and employees should be free to leave in accordance with established rules.*

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*The DWP force claimants to work for companies taking part in their Mandatory Work Activity Scheme, under threat of destitution from*

*the penalty of withdrawing benefits if they fail to comply. I would like to request the DWP policy and any guidance etc which justifies encouraging the companies taking part in this scheme, and all other companies which take part in the governments compulsory labour schemes, to ignore the UN Global Compact's ten principles in the areas of human rights, labour, the environment and anti-corruption.*

*Also would you please supply a statement of whether the DWP and the government adhere to the UN Global Compact's ten principles in the areas of human rights, labour, the environment and anti-corruption.*

*Please bear in mind that however pedantic the DWP attempt to be in avoiding their responsibilities to provide public information I am in no hurry whatsoever. I will pursue my attempt's to gain access to public information despite the attempts to hinder that access which you are confident to publish on this website.*

The Department does not hold the information you have requested, and you should note that the Freedom of Information Act (FOIA) only applies to information held by the Department on the date of the request. It does not require us to create information.

Also, the FOI Act is not a complaints mechanism and does not require us to undertake new work to create information or deal with a complaint. If you are taking part in Mandatory Work Activity and wish to make a complaint regarding your provider, you should, in the first instance, raise the complaint with the provider. If your complaint cannot be resolved through this route, you can complain directly to the Independent Case Examiner.

Mandatory Work Activity is a scheme designed to assist claimants to obtain and retain employment. We do not accept that a requirement to undertake work activity as a condition of the continued receipt of benefits means that such activity is “forced or compulsory labour”. If you have any queries about this letter please contact me quoting the reference number above.

Yours sincerely,

DWP Central Fol Team

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## **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 [xx@xxx.xxx.gov.uk](mailto:xx@xxx.xxx.gov.uk) or by writing to DWP, Central Fol Team, 5<sup>th</sup> Floor The Adelphi, 1-11, John Adam Street, London WC2N 6HT. 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](http://www.ico.gov.uk)