

## ITUC Contribution to consultation on workers' exposure to chemicals

The International Trade Union Confederation welcomes the [decision](#) by the UN Special Rapporteur on Human Rights and Hazardous Substances and Wastes to focus on rights of workers and toxic chemical exposure. Exposure to toxic chemicals is an urgent concern for workers across the world, and a key priority for the ITUC and its affiliates.

The ILO estimates that 2.02 million people die each year from work-related accidents or diseases each year. A further 317 million people suffer from work-related diseases,<sup>1</sup> with most occupational diseases caused by chemical agents<sup>2</sup>. At least one in ten cancers –and this is a conservative estimate - are the result of preventable and predictable workplace exposure<sup>3</sup>.

The risks are often specific to certain sectors. For instance, it is estimated that in any year around 3% of agricultural workers suffer from acute intoxication by pesticides<sup>4</sup>. There is no global data for chronic diseases but recent evidence suggests that long-term exposure to pesticides – even those considered relatively safe – is responsible for a large number of occupational diseases<sup>5</sup>. While official statistics indicate work-place related cancer to be largely a blue collar, largely male concern – women face high cancer risks in some industries and this gender dimension needs to be taken into account. Women workers are disproportionately represented in sectors with fewer labour protections, greater systemic discrimination based on race, informality, migration status and experience precarious employment conditions such as in rural-based and contract work. Endocrine disrupting and cleaning chemicals have been implicated in the higher breast cancer rates found in women in a large range of industries including agriculture, plastics, food packaging, metal manufacture, electronics and the hospitality and gambling industries<sup>6</sup>.

Despite these unacceptable statistics, regulators and companies are often reticent to take measures to protect workers' health and safety, even when they are aware of the risks. The technology company Apple, for instance, was long aware of the toxicity of benzene – a known carcinogen that can cause leukaemia and other blood disorders - as well as n-hexane – a potent neurotoxin that can cause nerve damage and paralysis, from their supplier factories, but they did not move to remove these from their supply chains until 2014, following months of campaigning from labour and environmental groups<sup>7</sup>. There is even evidence of collusion between chemical companies and regulators in some cases. For example, the release of around 20,000 documents in the United States, colloquially known as the 'Poison Papers', shows that both industry and regulators understood the toxicity of many chemical products and worked together to conceal this information to workers and the public<sup>8</sup>.

Such lack of action is not only putting workers' lives and livelihoods at risk, but also has sizeable economic consequences. Within the United Kingdom, for instance, the costs of workplace illness are estimated at

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<sup>1</sup> ILO (2018)

<sup>2</sup> ITUC Factsheet (2015) Toxic Work: Stop deadly exposures today!  
<https://www.ituc-csi.org/toxic-work-stop-deadly-exposures>

<sup>3</sup> Landrigan, Espina and Neira (2011) Global prevention of environmental and occupational cancer.

<sup>4</sup> UNEP (2013)

<sup>5</sup> See for example <http://www.iarc.fr/en/media-centre/iarcnews/pdf/MonographVolume112.pdf> or <http://www.thelancet.com/journals/lanonc/article/PIIS1470-2045%2815%2970134-8/abstract>

<sup>6</sup> See for example <http://www.hazards.org/vulnerableworkers/ituc28april.htm>

<sup>7</sup> See for instance ITUC (2014) statement here: <https://www.ituc-csi.org/apple-takes-a-tiny-step-away-from>

<sup>8</sup> Access the documents here: <https://www.poisonpapers.org/the-poison-papers/>

£9.7 billion per year (or around £18,500 per individual case), with workers themselves bearing the vast majority of these costs<sup>9</sup>. For work-related cancer in particular, the costs are estimated to total economic costs of new cases of work-related cancer in the UK were around £12.3 billion<sup>10</sup>. On the other hand, there are demonstrated economic benefits of health and safety regulation. For example, the United States Office of Management and Budget estimated the costs and benefits of health, safety and environmental regulation, showing up to \$833 billion in net benefits over the past decade and benefits reaching as much as 12 times the costs<sup>11</sup>.

The challenges of work-related diseases due to chemicals is in spite of several international commitments. Most notably, in 2002 at the World Summit on Sustainable Development in Johannesburg, governments endorsed a goal vital for workers everywhere: by 2020 all chemicals must be produced and used in ways that minimize significant adverse impacts on human health and the environment. There has nevertheless been little progress since this commitment has been made as governments have quietly sidelined it.

Several important international labour standards also exist in the area of occupational health and safety and chemical exposure<sup>12</sup>, which provide critical frameworks for states and social partners to prevent and manage risks in the workplace. That being said, ratifications of these instruments are dismally low. ILO Convention 155 on Occupational Health and Safety, which provides for the adoption, implementation and periodical review of national occupational safety and health policy, and sets out actions to be taken by governments and social partners, has only received 65 ratifications from the 187 member states of the ILO. Convention 187 on a Promotional Framework for Occupational Safety and Health, which also sets out the ways to create a preventative safety and health culture and progressively achieving a safe and healthy working environment, has received 43 ratifications.

There is even less success when it comes to adhering to specific international conventions related to workers' chemical exposure. ILO Convention 170 on Chemicals, in particular, sets out a policy on safety in the use of chemicals at work, however it has received on 29 ratifications to date. ILO Convention 139 on Occupational Cancer provides for the establishment of a mechanism for the control of carcinogenic substances and agents at the workplace, including prescriptions to make every effort to replace these substances and agents by non- or less carcinogenic ones, and prescribe protective and supervisory measures. It has been ratified only by 41 states.

Lack of appropriate action at national and international level is unacceptable. Trade unions have consistently demanded that:

- ✓ **National laws must effectively protect workers** from chemical, biological and physical hazards and risks to their health and safety as well as ensure companies disclose information on hazardous and toxic use and exposure. Occupational health, particularly the prevention of chronic diseases, should be treated as seriously as occupational injury and accident prevention.
- ✓ Regulations must establish a **hierarchy of control**. The priority is to first eliminate or completely isolate hazards by elimination of use, changes in the production process or substitution with less hazardous substances. Then, along the exposure path, risks should be reduced or controlled by

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<sup>9</sup> UK Health and Safety Executive (2018) [Costs to Great Britain of workplace injuries and new cases of work-related ill health - 2015/16](#)

<sup>10</sup> UK Health and Safety Executive (2016) [Costs to Britain of Work-Related Cancer](#)

<sup>11</sup> US Office of Management and Budget (2017) [Draft Report to Congress on the Benefits and Costs of Federal Regulations and Agency Compliance with the Unfunded Mandates Reform Act](#); See also Public Citizen (2018) [White House Report Makes the Case for Regulation: Shows Health, Safety, Environmental Protections Are a Great Investment](#)

<sup>12</sup> See list of relevant ILO standards here: <http://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/occupational-safety-and-health/lang--en/index.htm>

adopting measures at, or as close to the source of the exposure as possible: for example near-complete isolation, aspiration, effective local ventilation systems, and other industrial hygiene actions. And then, as a last resort when effective control at the source or along the exposure path is not possible, the worker must be provided with personal protective clothing and equipment, or alternative, effective administrative controls.

- ✓ **Regulations must support workers' rights to fully participate in health and safety decisions** via worker representatives and workers' representation on joint health and safety committees, with worker representatives allowed paid time off for training and to undertake their union safety functions.
- ✓ **Occupational health and safety labour inspections** by official regulatory agencies should in line with ILO Convention 81 Labour Inspection, be frequent, properly resourced and free from interference.
- ✓ **Chemical risk reduction requirements should be included in legislation**, and should include a workers' right to know what substances are in use, the hazards of the work and the implications for health and the environment.
- ✓ **The precautionary principle, the prevention principles and companies' liability for their environmental and health impacts** should be enshrined in law.
- ✓ Negligent employers should face **criminal and economic penalties**, sufficient to create a real deterrent effect. Access to justice requires addressing long latency diseases that can occur decades later, systems of company record keeping and access by affected workers or their representatives assured.
- ✓ Workers must have to **right to know** the hazards of what they are using, including impacts on their health and the environment. This means proper labelling, complete and up-to-date material safety data sheets, and capacity building (education and training) on chemical, biological or physical hazards and how to do their jobs with minimal risk.
- ✓ Workers must be able to exercise in good faith **a right to refuse or stop dangerous work**. Anyone doing this must be protected from discipline, dismissal, or other negative outcomes, so there must be **legal whistleblower protection and protection from victimization**.
- ✓ Workers must have the right to **adequate compensation for work-related injuries and diseases**. Social Protection Systems must also ensure **adequate employment injury benefits** in line with ILO Convention 102 on Social Security, as well as **survivors' benefits** for family members affected by a workers' death.
- ✓ Effective integration of health and safety considerations must be included in **all public sector procurement processes**.
- ✓ **Governments should ratify and implement all ILO standards** on occupational health and safety.
- ✓ The International Labour Organisation should **incorporate occupational health and safety standards into its Fundamental Principles and Rights at Work**.

The ITUC recommends that the Special Rapporteur consider these demands when preparing his recommendations to the UN Human Rights Council. We also recommend that he look into the important role that trade unions play – at national, sectoral and enterprise-levels - in promoting occupational health and safety. National centres can highlight the importance of this issue, advocate for improvements in the

law on hazardous substances and improved enforcement of the law, and by exposing the preventable risks faced by workers. Sectoral federations can educate their membership on risks in their industries, promote when possible sectoral agreements on hazardous substances, and encourage unions to include the issue in collective bargaining. Unions at the company and workplace level can mobilise for joint occupational health and safety (OHS) committees to identify and address hazardous substances, bring this issue to a union's collective bargaining agenda, improve union capacity through effective organisation and training, and fight for workplace rights.

***For questions on this position paper, please contact Alison Tate, Director of Economic and Social Policy at [Alison.Tate@ituc-csi.org](mailto:Alison.Tate@ituc-csi.org)***