

Concept Note:

Report on the Rights of Workers and Toxic Chemical Exposure January 2018

I- Background

The Special Rapporteur on Human Rights and Hazardous Substances and Wastes wishes to pay particular attention to the implications of hazardous substances for the human rights of workers. Increasingly, States, civil society and trade unions are requesting the expertise and engagement of the Special Rapporteur in cases of adverse health impacts among workers that are caused by or linked to toxic chemical exposures.

According to the ILO, nearly two million workers per year – or three workers per minute – die prematurely from non-communicable diseases such as cancer and respiratory illnesses brought on by toxic exposures in the workplace. Global supply chains are often implicated for both failing to protect workers from toxic exposures and refusing to provide an effective remedy for individuals harmed. Poverty, gender, age, ethnicity and migration are among the many themes that frequently recur in cases of workers and toxic harms.

There is a need to bridge relevant discussions within the labour, human rights and environmental health fora on the rights of workers. Ongoing revisions of occupational health conventions within the ILO, discussions at national, regional and global levels on business and human rights, and negotiations over future policy frameworks for sound management of chemicals present clear opportunities for mainstreaming the human rights framework into labor and public health regulatory frameworks.

II- Report on the rights of workers and toxic chemicals exposure

The Special Rapporteur intends to prepare a report to the Human Rights Council in September 2018 focusing on the rights of workers and toxic chemicals exposure. Such report would outline some recurrent concerns regarding the promotion and protection of human rights of workers and will propose a set of recommendations to bridge discussions in various fora.

The recommendations will articulate relevant international standards from various bodies, most particularly ILO conventions, standards by the World Health Organization with human rights principles and obligations.

The aims of this process will be:

- a) **Outline key human rights concerns regarding workers exposure to toxic chemicals today:** The study will look into recurrent concerns in different regions and across different economic sectors today, it will pay specific attention to specific challenges faced by women, migrant workers and other potentially vulnerable groups. It will

pay specific attention to the steps taken by States and corporations to, *inter alia*, promote a safe and healthy workplace, prevent toxic exposures, monitor and respond to inadequate conditions and ensure remedy for impacts of occupational exposures to hazardous substances.

- b) Articulate principles for the protection of workers from toxics reflecting human rights standards:** The main goal of the study will be the provision of a common platform articulating human rights principles and obligations with international labor and public health standards focusing on the protection of workers from toxics. The right to safety and health at work is enshrined in the United Nations Universal Declaration of Human Rights, 1948 and article 7 of the United Nations International Covenant on Economic, Social and Cultural Rights, among others. Furthermore, multiple treaties provide additional obligations which are crucial for the protection of workers from toxic exposures at work, including the rights to non-discrimination, to information, to freedom of association and to an effective remedy.

III- The mandate of the UN Special Rapporteur

The Special Rapporteur on “hazardous substances and wastes” is mandated by the UN to examine the human rights implications of toxic and otherwise hazardous substances. The scope of the mandate includes: extractive industries, particularly oil, gas and mining; labour conditions in manufacturing, agriculture and other sectors; consumer products; environmental emissions of hazardous substances from all sources; military activities, war and conflict; and the disposal of waste. Mandate holders are appointed for a three-year term, and report to the United Nations Human Rights Council and to the United Nations General Assembly on key themes and countries they visit.

The current mandate holder is Mr Baskut Tuncak (Turkey/USA). Mr. Tuncak is an international attorney specializing in toxic chemical-related matters. He is a senior researcher at the Raul Wallenberg Institute.

IV- Proposed activities

The preparation of this report requires the consultation of multiple stakeholders. The Special Rapporteur already initiated preliminary consultations through the collaboration with Friedrich-Ebert-Stiftung (FES) Geneva. In 2017, two workshops and several smaller consultations were held with trade unions, civil society, medical experts, the ILO and other participants.

The activities envisaged for the preparation of this report include the following:

- a) **Questionnaire to Governments:** Preparation of a questionnaire to Governments on existing national standards and practices for the protection of workers from hazardous substances in the work place. Responses from Governments will be displayed in the webpage of the mandate after the conclusion of the report.
- b) **Call for public submissions:** The Special Rapporteur will invite civil society and academic experts to submit information on topics and cases they consider

particularly relevant to illustrate the challenges in the protection of workers from hazardous substances, including relevant examples from the international and national jurisprudence.

- c) **Communications on specific cases:** As part of its regular mandated activities, the Special Rapporteur will process communications to States, private enterprises and other relevant stakeholders on relevant cases of alleged human rights violations related to the exposure to chemicals in the work place. Communications offer space for more in depth discussions on the obligations at stake in different contexts.
- d) **Expert consultation:** The Special Rapporteur intends to convene expert meetings in order to discuss his main findings and recommendations prior to the finalization of the report. Participants would include representatives from unions, and institutions monitoring labor and public health standards. Depending on the availability of resources, the expert discussions could be followed by a one-day open discussion with States.

Depending on the availability of resources, activities may take place in accordance with the following timeline:

- January –Distribution of questionnaire and public call for submissions
- March/April – Compilation of responses/inputs and elaboration of detailed draft report
- March-May – Expert consultation and consultation with States (depending on resources)
- May-July – Drafting of the final report for submission
- September – Presentation of the report at the HRC and dissemination

For more information on this study and to submit information please write to srtoxicwaste@ohchr.org.

The Special Rapporteur respectfully requests that any available information be provided, by email to srtoxicwaste@ohchr.org using the email title *“Submission to study on workers protection from hazardous substances.”*

While early submissions are encouraged, please submit comments no later than 31 March 2018. The Special Rapporteur will be evaluating submissions as they arrive and will accept them immediately.

Submissions will be posted on the OHCHR website at the time of the report’s publication, except for non-State submissions containing a clear request not to be made public.