

Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

REFERENCE:SHD/NF/MD/ff

17 January 2018

Excellency,

I have the honor to address you in my capacity as Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, pursuant to Human Rights Council resolution 36/16.

As part of my efforts to inform States, United Nations agencies and other relevant stakeholders of the impact on human rights of the environmentally sound management and disposal of hazardous substances and wastes, including in the implementation of the 2030 Agenda for Sustainable Development, I have decided to focus my annual report to the Human Rights Council in 2018 on the protection of workers from hazardous substances.

As detailed in the information note enclosed, my intention in this study will be to map the main challenges faced in the protection of workers from hazardous substances in various contexts and the main international and national legal and institutional instruments relevant to promote their protection. As a result of this process I intend to provide the Human Rights Council with recommendations on the integration of human rights norms into international and national efforts to ensure occupational health and safety.

In this regard, I am contacting States and other stakeholders, including international organizations, private companies and civil society, to collect information on the issues to be studied. Therefore, I would like to request your Excellency's Government information on the topics listed below:

- 1) Please provide the existing **national laws and regulations that protect workers from hazardous substances and establish the right of workers to a safe and healthy working conditions.** (These may include as per definition proposed by ILO and WHO¹ norms aiming at: the promotion and maintenance of the highest

¹ This definition has been adopted by the International Commission on Occupational Health (ICOH) and features in the 2002 update of the International Code of Ethics for Occupational Health Professionals. The code is available at: <http://www.icohweb.org>.

degree of physical, mental and social well-being of workers in all occupations; the prevention amongst workers of departures from health caused by their working conditions; the protection of workers in their employment from risks resulting from factors adverse to health; and the placing and maintenance of the worker in an occupational environment adapted to his physiological and psychological capabilities).

- a) Please indicate if there are specific standards in place for the protection of health and safety in particular sectors of economic activity.
 - b) Please indicate if there are specific standards in place for protecting workers against specific risks such as the exposure to radiation, toxic substances (including industrial chemicals, pesticides and building materials), and air pollution, among others.
 - c) Please provide specific information on permissible exposure levels of workers to such risks, including URL links (or other documentation) on established levels, and information regarding procedures for the establishment of such levels.
- 2) Please indicate the main authorities tasked with overseeing the implementation of occupational health norms and a description on their mandate.
 - 3) Please provide the national laws establishing the right to information and the instruments establishing the specific rights of workers to information on issues relating to their occupational health and safety.
 - 4) Please provide the national laws and regulations providing protection to whistle-blowers sharing information on their work activity and environment, particularly concerning disclosures on harms to the environment and public health.
 - 5) Please provide information on the existing national laws ensuring workers can realize their right to justice and an effective remedy for occupational exposures to hazardous substances.
 - 6) Please indicate if public officials periodically analyse the situation of occupational safety and health and how these assessments are publicized.
 - 7) Please indicate if your Government considers revising its existing norms for occupational health and safety and the reasons for this possible revision.

I expect to incorporate this information into my report to the 39th Session of the UN Human Rights Council, to be presented in September, 2018.

I wish to thank you in advance for your cooperation and I hope to continue a constructive dialogue on issues related to my mandate. Given the timeliness of this subject, I would respectfully request that any available information be provided, by fax or email (srtoxicwaste@ohchr.org), not later than 28 February 2018. Please, to identify your response use the email title "*Submission to study on workers protection from hazardous substances*"

Please accept, Excellency, the assurances of my highest consideration.



Baskut Tuncak
Special Rapporteur on the implications for human rights of the environmentally sound
management and disposal of hazardous substances and wastes