Date: 15 March 2019

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

Dear Baskut Tuncak,

I would first like to congratulate you on your much needed and insightful work, it is not often I read a UN report and see so many of my concerns reflected therein. It gives me such hope.  
  
Your recent report on the implications for Human Rights of the Environmentally Sound Management and Disposal of Hazardous Substances and Wastes is excellent and so very useful for all our work.

I welcome the opportunity to comment on the draft principles on the rights of workers and protection from exposure to toxic and otherwise hazardous substances.

While I find the report picks up on several issues to do with the gender blind nature of occupational health and safety and research, I feel this is not adequately reflected in the draft principles?

**Gender disaggregated data** should be a straightforward requirement for all research and information on toxic chemicals and especially when related to workplace exposure.

Workers are not a homogeneous group, which I think you more than adequately reflected in your report. However, I think this point needs to be raised as a specific principle? It is almost impossible to find research broken down by sex.

There are considerable resources to back up this point from the Karen Messing [[1]](#endnote-1)[[2]](#endnote-2) et al, the European Trade Union Institute [[3]](#endnote-3)’[[4]](#endnote-4), and Hazards magazine[[5]](#endnote-5).

I would also highlight the identification in the principles of **‘women of reproductive age’** for tworeasons.

Principle 1 — Everyone has a right to be protected from toxic exposures at work.

*“Protection of all workers, especially those most vulnerable or at risk – children, women of reproductive age, migrant workers and their families, older persons and persons with disabilities – is essential for the realization of the rights of all workers to a safe and healthy working conditions”.*

I feel this specifically identifies women of reproductive age as vulnerable while in the report you correctly state in the introduction:

*7. Of particular concern is the exposure to toxic chemicals of workers who are women of reproductive age. Protecting only pregnant women from exposure is insufficient because a developing fetus can be harmed by exposures that preceded knowledge of the pregnancy. Adverse health effects, especially in expectant mothers and the fetus but also for the workforce at large, occur at extremely low levels of exposure.*

Due to the nature of chemicals like Endocrine Disrupting Chemicals (EDCs) when a woman is pregnant it is already to late to begin protection from toxic chemicals. Research highlights that maternal exposures before and during the first trimester of pregnancy are associated with birth defects. There is also the issue of body burden received if a woman was working with reprotoxic substances before pregnancy – as you have correctly identified in your report. How then can we protect women and their foetuses in the workplace?

*“Women workers have a right to special protection during all periods that pose reproductive risks to them as well as to their offspring, which requires protection from work that exposes them or their fetus to toxic chemicals.”*

Shouldn’t we therefore be putting forward principles that set levels of toxic and harmful chemicals in the workplaces for the development foetus? While, understandably for certain chemicals such as EDCs there are so ‘safe’ levels.

We also need to highlight the need for more gender and sex specific occupational research, and we need to ensure that research on toxic chemicals including all CMRs and EDCs covers gender impacts.

Secondly, women’s unique biology creates specific vulnerabilities during critical periods in their life such as puberty, lactation, menstruation, menopause and pregnancy [[6]](#endnote-6)– again as your rightly point out in your report – it would be good to see this inclusivity of older women mentioned in the principles.

*“During pregnancy, lactation and menopause, women’s bodies undergo changes that may increase their susceptibility to health impacts from toxic exposures”.*Impacts on menopausal women are not well studied and more older women are entering and continuing to remain in the workplace. In the UK around 3.5 million women aged over 50 years are currently in employment. Menopausal symptoms can last from 4-10 years and the average woman spends nearly a third of her life being postmenopausal. That excludes the time spent perimenopausal. Women should enjoy the right to protection right across their working life, free from discrimination and prejudice.

Thank you for your consideration.

Best wishes

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1. # Messing, K. Sex, gender and women's occupational health: the importance of considering mechanism. Environ Res. 2006 Jun;101(2):149-62.

   [↑](#endnote-ref-1)
2. # Nowatzki, N & Grant, K .Sex Is Not Enough: The Need for Gender-Based Analysis in Health Research. Health Care for Women International. Vol: 32 2011 Issue 4. Pages 263-277

   [↑](#endnote-ref-2)
3. # Endocrine disruptors: an occupational risk in need of recognition

   Marie-Anne Mengeot 2016. https://www.etui.org/Publications2/Guides/Endocrine-disruptors-an-occupational-risk-in-need-of-recognition [↑](#endnote-ref-3)
4. ### Women, work and cancer Conference 2018. Conference Women, Work and Cancer

   https://www.etui.org/Events/Conference-Women-Work-and-Cancer [↑](#endnote-ref-4)
5. Hazards Magazine resources on women in the workplace. http://www.hazards.org/women/ [↑](#endnote-ref-5)
6. Dayna Nadine Scott Our Chemical Selves Gender, Toxics, and Environmental Health. UBC press 2014. [↑](#endnote-ref-6)