



May 24, 2016

The Honourable MaryAnn Mihychuk
Minister of Employment, Workforce Development and Labour
MaryAnn.Mihychuk@parl.gc.ca

Re: Reinstating the definition of “danger” in the *Canada Labour Code*

Honourable Minister,

We write concerning the March 2013 omnibus budget bill that included a revision to the definition of “danger” under the *Canada Labour Code (CLC)*.

Our partnership urges you to reinstate the previous definition of “danger” in the *Canada Labour Code* to ensure the health, safety and protection against future chronic disease or illness, including reproductive damage, of federally-regulated employees.

The Canadian Partnership for Children’s Health and Environment (CPCHE) is a national, multi-sectoral collaboration of organizations that have been working together since 2001 to improve children’s environmental health in Canada (www.healthyenvironmentforkids.ca). Our aim is to increase awareness, mobilize knowledge and catalyze action on children’s environmental health issues, with a specific focus on preventing/reducing exposures to toxic chemicals and pollutants during the vulnerable stages of fetal and child development. CPCHE’s rigorous adherence to facts and scientific evidence has positioned it as a respected source of information on children’s environmental health issues.

CPCHE’s interest in this issue arises from a long history of work to address public awareness about and regulation of toxic substances and sources of radiation. In particular, using the results of a year-long, cross-Canada National Policy Consultation convened in 2007 involving representatives from government, industry, public interest groups and other stakeholders, CPCHE partners developed *First Steps in Lifelong Health – A Vision and Strategy for Children’s Health and Environment in Canada*, released in December 2008.¹

Among this report’s recommendations is recognition that workplace exposures must be explicitly considered when assessing fetal and childhood exposures and risks associated with hazardous chemicals. This recognition in occupational health and safety legislation is essential because the assessment of toxic substances that occurs under the *Canadian Environmental Protection Act* does

¹ The report and associated media release are available on the CPCHE website at:
http://www.healthyenvironmentforkids.ca/english/special_collections/fulltext.shtml?x=4025

not account for the occupationally-exposed workforce, particularly where there are reproductive or developmental risks to prospective parents (male or female) or to pregnant women.

In our ongoing work, we are aware of the expanding scientific evidence confirming that the time of greatest vulnerability to toxic substances and radiation is in the womb where exposure to very low levels of toxic substances can create permanent health impacts, including chronic disease risks, with lifelong implications.² Of particular importance are adverse reproductive outcomes from exposure to endocrine disrupting substances. This reality was emphasized by the World Health Organization in a 2013 report wherein they note, “*endocrine disrupting substances have the capacity to interfere with tissue and organ development and function, and therefore they may alter susceptibility to different types of disease throughout life.*” The report further states, “*This is a global threat that needs to be resolved.*”³ Given that dozens and potentially hundreds of substances are known or suspected to act as endocrine disruptors, a diversity of workplaces may contribute to worker exposures. Such exposures are but one example of the need to ensure appropriately broad definitions of “danger” in environmental and worker health and safety legislation.

Throughout our work, we have also found that exposure to toxic substances increasingly occurs via consumer products. In our 2008 *Vision and Strategy* document we called for reforms to Canada’s outdated product safety law. Key among the changes enacted in 2010 in the *Canada Consumer Product Safety Act* (CCPSA) was the very welcome revision to this law’s definition of danger, expanding it beyond acute toxic effects to include the risk of chronic toxicity. It was therefore alarming and inconsistent with progressive changes in product safety law that the previous government decided to drastically limit the definition of “danger” in the *CLC* to address only immediate, acute hazard.

As previously defined in section 122(1) of the *CLC*, (emphasis added)

“*danger*” means any existing or **potential** hazard or condition or any current or future activity that could reasonably be expected to cause injury or illness to a person exposed to it before the hazard or condition can be corrected, or the activity altered, **whether or not the injury or illness occurs immediately after the exposure to the hazard, condition or activity, and includes any exposure to a hazardous substance that is likely to result in a chronic illness, in disease or in damage to the reproductive system;**

This definition was comparable to that incorporated into the *CCPSA* as both explicitly recognize that danger can be a potential hazard that may, in future, contribute to chronic illness or disease. The explicit inclusion in the previous *CLC* definition of “damage to the reproductive system” provided important protection for both men and women, particularly women of child-bearing age and pregnant women.

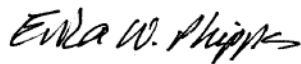
² Cooper K, Marshall L, Vanderlinden L, and Ursitti F (2011) *Early Exposures to Hazardous Chemicals/Pollution and Associations with Chronic Disease: A Scoping Review*. A report from the Canadian Environmental Law Association, the Ontario College of Family Physicians, and the Environmental Health Institute of Canada. <http://www.cela.ca/publications/EE-and-CD-Scoping-Review>

³ World Health Organization, International Program on Chemical Safety (2013) *Global assessment of the state-of-the-science of endocrine disruptors*. http://www.who.int/ipcs/publications/new_issues/endocrine_disruptors/en/

The revised definition states: “any hazard, condition or activity that could reasonably be expected to be an imminent or serious threat to the life or health of a person exposed to it before the hazard or condition can be corrected or the activity altered.” This revision is a backwards step, is out of line with the modernizing changes to the *CCPSA*, and was proposed and enacted in an omnibus budget bill with no consultation with businesses, unions, private sector lawyers, law professors, or experts in labour management.

For the sake of worker health and safety, protection against future chronic disease or illness, including reproductive damage, for federally-regulated employees, CPCHE strongly urges you to reinstate the previous definition of “danger” in the *Canada Labour Code*.

Yours very truly,



Erica Phipps
CPCHE Executive Director on behalf of CPCHE Partners

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Canadian Partnership for Children’s Health and Environment (CPCHE) – Partner Organizations

