

Bill C-28
(Proposed Amendments to CEPA)
and (Select)
Vulnerable Populations

Anne Rochon Ford,
Nail Salon Workers Project @ Parkdale
Queen West Community Health Centre
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Caveat 1: “Vulnerable Populations”

Term “**vulnerable populations**” problematic - denotes victimization, helplessness, blame

- ▶ Focus should be on the conditions that make them “vulnerable”, most of which are structural
- ▶ However, the language being used in CEPA

Caveat 2: Missing in Action- Workers

- ▶ VULNERABLE POPULATIONS referenced but not clearly defined in C-28's amendments to CEPA
- ▶ “The Act will define a “vulnerable population” in a manner that captures **biological susceptibility** (e.g. infants, pregnant women) and **potential exposure** (e.g. Indigenous communities eating traditional foods, areas where pollution standards may be exceeded) [*clause 4(2)*].”
- ▶ No reference to a highly vulnerable group: workers who work extensively with chemicals

What guarantees for vulnerable workers of a Right to a Healthy Environment?

- ▶ “the preamble to the Act will recognize that every individual in Canada has a **right to a healthy environment** as provided under CEPA, and section 2 of the Act (respecting administrative duties) will require that the Government protect that right”
- ▶ “[with] trends data suggesting the **doubling of the global chemicals market** between 2017 and 2030”, **the risk for vulnerable populations will only continue to rise without more protections**
- ▶ **What does this mean in the context of people who have little or no control over the conditions of their (work) environment?**

Focus: Nail Salon Workers in the Greater Toronto Area

- ▶ Very clearly fall into category of “vulnerable population”
 - ▶ Rapidly growing sector (high percentage of new immigrant and foreign student - highly racialized community)
 - ▶ Language barriers, with little accommodation in H&S materials
 - ▶ Violation of employment standards are widespread (largely trained on the job)
 - ▶ City-based inspections are intended to protect the customer, **not the workers**

“Customers do not care about the health impacts of the products they are using; they simply want nice nails at a good price.”

- ▶ Quote from GTA Nail Technician, focus group

Products routinely used in Nail Salons

- ▶ Formaldehyde
 - ▶ Toluene
 - ▶ Parabens
 - ▶ Dibutyl Phthalates
 - ▶ Acrylamides
 - ▶ Methanol
 - ▶ TriPhenyl Phosphate (TPP, TPHP)
 - ▶ Methyl Methacrylates (despite being banned for commercial use by HC)
- **Multiple exposures and cumulative effects are ubiquitous**
 - **Current thresholds for safe exposure do not tell the full story**

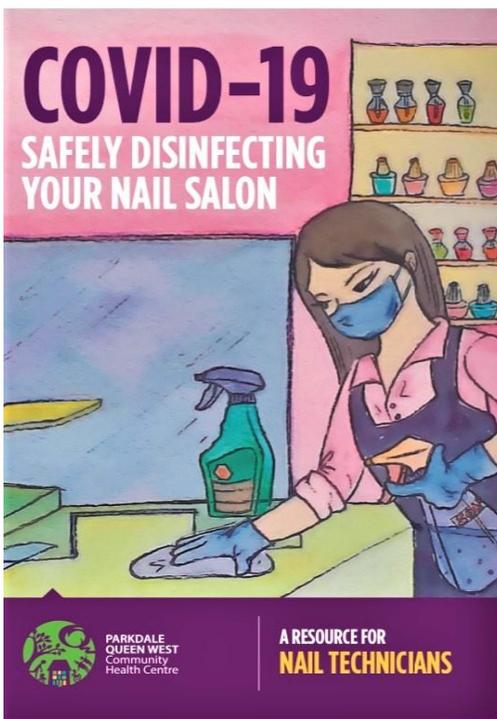
Enhanced Vulnerability

consider that...

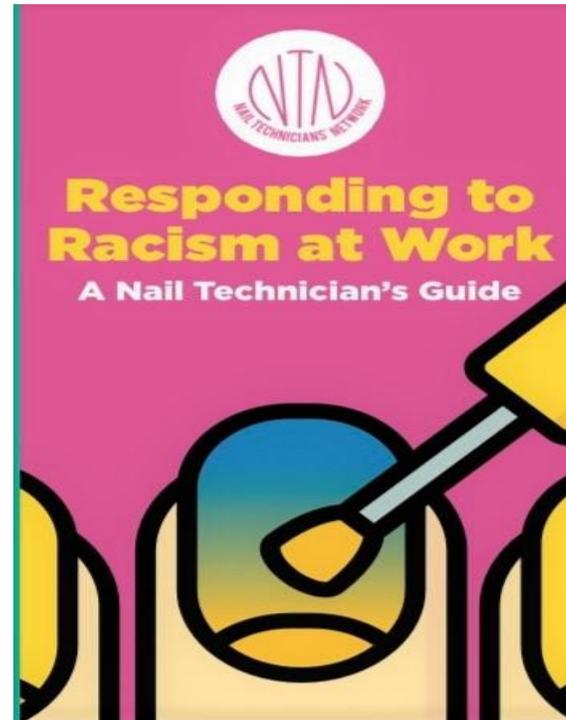
- ▶ The federal government does not require that products sold for professional use include ingredients on product labels - **proposed to change in C-28**
- ▶ The CMP assesses chemicals one at a time, not as mixtures; nail salon workers have **multiple** exposures daily - **no strong or clear language to address this in worker populations**
- ▶ Because of the small size of most nail salons, employers are not required to pay into the Workplace Safety and Insurance Board
- ▶ Across Canada, a growing sector that is universally non-unionized (no assumptions of proper training or protection)
- ▶ Three levels of government intersect with the nail salon environment

With COVID-19

Increased use of toxic products for cleaning and disinfecting



Rise in anti-Asian racism



Focus: Plastics Workers in Auto Industry



- ▶ Nationwide, more women workers than any other manufacturing industry
- ▶ Chemicals have been linked to higher rates of breast cancer and reproductive problems (Brophy & Keith et al)
- ▶ Current occupational exposure limits under the law are not protective enough
- ▶ For the most part, non-unionized

Unprotected in dangerous work

- ▶ Some Chemicals of Concern
- ▶ // ACRYLAMIDE //
ACRYLONITRILE // BENZENE
- ▶ // BENZOPYRENE // BISPHENOL A
// BUTADIENE
- ▶ // CARBON TETRACHLORIDE //
FORMALDEHYDE
- ▶ // POLYBROMINATED BIPHENYLS
// PHTHALATES
- ▶ // POLYCYCLIC AROMATIC
HYDROCARBONS // STYRENE
- ▶ // HEAVY METALS // SOLVENTS
- ▶ **Multiple exposures and cumulative effects are ubiquitous**



Precarious work

- ▶ Building cleaners
- ▶ Food canning workers
- ▶ IT manufacturing
- ▶ Hairdressers
- ▶ Auto-body shop workers
- ▶ Dry cleaners
- ▶ Customs officers at toll bridges
- ▶ often recent immigrants, some with language barriers
- ▶ from racialized communities
- ▶ often don't qualify for protections many take for granted (e.g. E.I., workplace safety insurance, safety training)

Language in proposed amendments

- ▶ “The preamble to the Act will include new language recognizing the importance of considering **vulnerable populations** in risk assessments and of minimizing the risks posed by the **cumulative effects** of toxic substances *[clause 2(4)].*”

Is placing this in the preamble sufficient?
Will this commitment be enforced enough to protect vulnerable populations in the workplace?

Language in proposed amendments

- ▶ “The Ministers must consider available information regarding vulnerable populations and cumulative effects”
 - ▶ NOTE: “available information” for many vulnerable workers is limited or spotty at best
 - ▶ There is no requirement for industries to produce information about cumulative effects

Need to uphold legislators to these commitments, and to go beyond them.