

Ms. Gabriella Habtom
Secretary, UN Human Rights Committee (gabriella.habtom@un.org)
United Nations Office at Geneva
1211 Geneva 10 Switzerland

RE: Preliminary observations of La Isla Network on the report on and country situation in the United States, 139th regular period of sessions of the UN Human Rights Committee

Dear Ms. Habtom:

I hope this communication finds you well. My name is Jason Glaser and I am the CEO and founder of La Isla Network (LIN). LIN is a U.S.-based non-profit, non-governmental international organization and consultancy dedicated to promoting and protecting the health of workers globally against the lethal and devastating effects of heat stress, climate change and extreme temperatures. More information about LIN is available at: <https://laislanetwork.org>

I would like to call your attention to LIN's concerns relating to a Texas legislation that does not comply with international human rights law and standards on civil and political rights related to the right of every worker to the highest attainable standard on physical and mental health ("right to health"). As you know, "heat stress" and "extreme temperatures" have become a hazard for safety and health in some working environments, especially in agricultural, construction and textile factory sectors. In this context, mandatory access to shaded rest and clean potable water during breaks, for workers, is not only an occupational safety and health issue. It is also an urgent civil and political rights issue.

Currently the Governor of Texas, in the United States, has signed into law a new measure that overrules mandatory water breaks for workers, affecting construction, post office and utility linemen workers (among others), while they work under triple-digit heat.¹ This new law, which will enter into effect on September 1st (2023), violates several human rights that are protected by the Constitution of Texas² and the United States³, the Universal Declaration of Human Rights⁴ and by several international human rights treaties ratified by the United States such as the International Covenant on Civil and Political Rights (among others).⁵ These measures also

¹ See House Bill 2127 of the Texas Legislature. Available at:

<https://capitol.texas.gov/tlodocs/88R/billtext/pdf/HB02127F.pdf>

² Constitution of Republic of Texas. Laws of the Republic of Texas in Two Volumes. Houston: Printed at the Office of the Telegraph, 1838, vol.1, pp. 9-25. Streeter 275. Available at:

<https://tlc.texas.gov/docs/legref/TxConst.pdf>

³ The Constitution of the United States: A Transcription. National Archives, U.S. National Archives and Records Administration, 4 May 2020. Available at: https://constitutioncenter.org/the-constitution/full-text?gclid=EA1aIQobChMIiKbgtdadgAMVz0dyCh3k1gY-EAAYASAAEgKz3fD_BwE

⁴ G.A. RES. 217 (III) A, UNIVERSAL DECLARATION OF HUMAN RIGHTS (Dec. 10, 1948). Available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (Recognizing that everyone is entitled to all human rights and freedoms without distinction of any kind such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status).

⁵ International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171, ratified by the United States on June 8, 1992 (ratified with reservations).

disregard international principles endorsed by the United States government on health-related civil and political rights enshrined in the preamble of the Constitution of the World Health Organization (WHO) and in resolutions of the Pan American Health Organization's (PAHO, WHO Regional Office for the Americas) Governing Bodies on Human Rights, Health-Related Law and Workers' Health.⁶

This Texas law, in LIN's opinion, violates not only the right of every worker to physical and mental health, but also other health and water-related rights State, federally and internationally recognized in the International Covenant on Civil and Political Rights such as the equal protection under the law, the right to life, the right to security of person and freedom from inhuman and degrading treatment or punishment in labor settings.

As you know, the civil and political rights and fundamental freedoms of workers and their health, including access to clean and potable water, shade and rest, act in synergy. Civil and political rights (such as the right to life and equality under the law) and occupational health are interdependent and interrelated. Health, including occupational health is a precondition to enjoy and exercise basic civil and political rights.⁷ Laws and policies that override local ordinances that require mandatory water breaks for workers due to extreme temperatures have negative effect on the life and personal integrity of workers as well as on their physical and mental health. Thus, these laws can even become a contributing factor to work injuries and communicable and non-communicable diseases such as the chronic kidney disease of non-traditional cause (CKDnt), work-related accidents, incapacities, disabilities and/or death in the workplace.

For these reasons, respectfully and within the scope of the Human Rights Committee's mandate, LIN kindly requests that during the 139th regular period of sessions, the Committee ask the United States of America's delegation for clarifications on what are the objectives of this law; take immediate actions at federal and state level to derogate this measure as soon as possible in order to save workers' right to life and other related civil and political rights and remind the

⁶ See the Preamble of the Constitution of the World Health Organization (WHO) which states that "the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition". Constitution of the WHO, adopted by the International Health Conference, New York, signed on 22 July 1946 by 61 Member States and subsequently ratified by 194 Member States. The United States of America ratified it on June 21, 1948. Available at: <https://apps.who.int/gb/bd/PDF/bd47/EN/constitution-en.pdf?ua=1> See also PAHO Health and Human Rights (concept paper CD50/12 and resolution CD50.R8) presented at the 50th Directing Council of PAHO, 62nd Session of the Regional Committee of the WHO for the Americas, Washington D.C. 3-4 (October 1, 2010). Available at: <https://www.paho.org/en/documents/health-and-human-rights-concept-paper-50th-directing-council> and <https://iris.paho.org/bitstream/handle/10665.2/426/CD50.R8-e.pdf?sequence=1&isAllowed=y> See also Strategic Line of Action 1, Objective 1.1 and Indicators 1.1.1 and 1.1.2 on legislation and technical regulations on workers' health. Pan American Health Organization (PAHO). Plan of Action on Workers' Health 2015-2025. 54th Directing Council of PAHO, 67th session of the WHO Regional Committee for the Americas from September 28 to October 2, 2015; Washington D.C., United States. Washington D.C.: PAHO, 2015 (document CD54/10). Available at: https://iris.paho.org/bitstream/handle/10665.2/33986/CD54_10Rev.1-eng.pdf

⁷ See Jonathan Mann et al., Health and Human Rights, 1 HEALTH & HUM. RTS. 6, 16-18 (1994) (discussing the links between health and human rights and health as a precondition to enjoy human rights). Available at: https://www.hsph.harvard.edu/hhrjournal/wp-content/uploads/sites/2469/2014/03/4-Mann.pdf?_gl=1*10aqe11*_ga*MTc4MjE3NzY0MC4xNjg5ODczMjQ2*_ga_Q1D7CRPVC5*MTY4OTg3MzI0Ni4xLjAuMTY4OTg3MzI0Ni42MC4wLjA.

Government of the United States of America and business enterprises based in this country what are the internationally accepted human rights law provisions and standards that apply in this case. LIN also would be very interested in supporting the UN Human Rights Committee's efforts, if it decides to issue a general comment on the civil and political rights of vulnerable workers in the context of extreme temperatures, heat stress and degrading practices. It would be our pleasure to support your efforts.

Madame Secretary, if the State of Texas, in the United States of America, and other States Parties to the International Covenant on Civil and Political Rights are serious about fulfilling their constitutional and international health-related civil and political rights treaty obligations, such as the protection of human life (among others), then, immediate (not progressive) compliance for and implementation of local ordinances and regulations that require mandatory breaks for workers and access to water, rest and shade is an imperative. Workers' life, personal integrity and wellbeing in the United States and abroad cannot wait amid heat stress and extreme temperatures.

Thank you very much for your attention to this communication and please accept the assurances of my highest consideration and respect. Please let us know if you need additional information or have questions on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Glaser', with a stylized flourish at the end.

Jason Glaser
CEO
La Isla Network
2219 California St. N.W., Unit 52
Washington D.C. 20008
USA
Tel. +1 (347) 585-7465
jason@laislanetwork.org