



Provincial Election 2007



The Precautionary Principle

On January 9, 2007 the final report of the SARS Commission was released to the public. The Commissioner was Justice Archie Campbell of the Superior Court of Justice. This commission was established by the Ontario Government as an independent investigation into the introduction and spread of Severe Acute Respiratory Syndrome (SARS) which swept through Ontario during the Spring of 2003. SARS was responsible for 44 deaths and resulted in approximately 330 cases of serious lung diseases. The title of the final report is *Spring of Fear*.

In this report there are more than 80 recommendations impacting both the *Occupational Health And Safety Act* (OHSA) and the *Health Protection and Promotion Act* (HPPA) and their regulations. Both the Ministry of Labour (MOL) and the Ministry of Health (MOH) were strongly criticized in the report and there are recommendations that impact how the two ministries operate individually and in-concert during emergencies.

If the Ontario government moves ahead with the occupational health and safety recommendations contained in the SARS Commission's final report it would profoundly change Ontario's workplace health and safety system for all workers, not just in health care.

The key recommendation is as follows:

That the precautionary principle, which states that action to reduce risk need not await scientific certainty, be expressly adopted as a guiding principle throughout Ontario's health, public health and worker safety systems by way of policy statement, by explicit reference in all relevant operational standards and directions, and by way of inclusion, through preamble, statement of principle, or otherwise, in the *Occupational Health and Safety Act*, the *Health Protection and Promotion Act*, and all relevant health statutes and regulations.

The commissioner was unequivocal about the importance of this principle, repeatedly emphasizing it throughout the report. He referred to it as the "take home message" of the commission and "the most important lesson of SARS". Justice Campbell said:

...we should not be driven by the scientific dogma of yesterday or even the scientific dogma of today. We should be driven by the precautionary principle that reasonable steps to reduce risk should not await scientific certainty.

Adoption of this recommendation would fundamentally shift how the Ontario government deals with workplace and public health hazards and by extension environmental hazards. Issues such as Clean Production & Toxic Use Reduction, Extended Producer Responsibility, Community Right to Know and more all fall into place if the Precautionary Principle becomes the guiding principle in law.

Currently, hazardous agents are given the equivalent of civil rights, where they are treated as innocent until proven guilty. In the face of scientific uncertainty, corporations have been allowed to proceed with dangerous activities until sufficient evidence has been gathered requiring those corporations to implement control measures. Millions of people and our environment have suffered as a result.

While the Ontario government has promised to “carefully assess the recommendations” in the final report, to date it has moved only on some very narrow points in the report. The government promises to define precautionary principle for health care but in a future regulation. Even then it will only apply during an infectious disease outbreak. We do not know if the definition will be in keeping with what Justice Campbell envisioned.

It will be up to all of us to pressure the politicians and hold the next government’s feet to the fire and make Justice Campbell’s recommendations a reality for the people of Ontario. The executive summary of the final report can be download at www.sarscommission.ca

Ask your Local Candidates:

Do you support amending the *Occupational Health and Safety Act* and the *Health Protection and Promotion Act* to explicitly reference the precautionary principle as the guiding principle for Ontario’s worker safety, health and public health systems?