



**A Statement before the House of Commons Standing Committee on
Environment and Sustainable Development (ENVI)**

Re: Bill C469 – An Act to Establish a Canadian Environmental Bill of Rights

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Thank you for the opportunity to speak before the committee. My name is Matthew Firth. I am a senior officer in the Health, Safety and Environment Branch of the Canadian Union of Public Employees (CUPE), Canada's largest trade union, with a membership of approximately 600,000.

CUPE is a socially active union and this extends to environmental issues. CUPE works to improve all facets of our members' quality of life. Enhancing the natural environment augments the quality of life of our members and, by extension, all Canadians.

CUPE supports Bill C-469.

Specifically, CUPE will put its support in context by pointing to the timeliness of this Bill with respect to the state of the global natural environment and with respect to an emerging trend to enshrine environmental rights as a response to ecological stressors.

Secondly, CUPE supports the need for the Bill because of Canada's declining environmental record – as shown via various indicators – as a way to improve Canada's protection and enrichment of the natural environment.

Lastly, CUPE will highlight the importance of certain key points of the Bill that it supports.

Presently, the state of the Canadian and global natural environment is perilous. Various environmental factors show that more protection is called for due to decades of environmental degradation and exploitation of the planet's natural resources. Climate change, diminishing biodiversity, deforestation, deteriorated water and air quality – these and other environmental problems show the timely need for an environmental bill of rights.

There are indications that the world is moving toward enshrining the rights of the planet. For example, in April 2009 the United Nations General Assembly proclaimed the 22nd of April “International Mother Earth Day”, a step up from Earth Day. Speaking to the declaration, Bolivian President Evo Morales said the world body had “taken a historic stand for Mother

Earth”.¹ The UN declaration states: “the Earth and its ecosystems are our home ... it is necessary to promote harmony with nature and the Earth.”² Furthermore, Morales dubbed this declaration a first step toward making the 21st century the century of “the rights of Mother Earth” in the same way the 20th century was characterized as the century of human rights.³ A next step would be taking up this opportunity by laying out a declaration for the rights for the planet. We use this example to show that Bill C-469 is in step with what could well be an international trend to integrate human rights with ecological rights to ensure human prosperity. Adopting Bill C-469 would be a progressive environmental move by Canada and help further the movement toward linking ecological well-being and health with social and economic prosperity, rather than seeing the natural environment and the economy as separate and/or at odds, which is an outdated viewpoint inadequate for the 21st century. Closer to home, Ontario, the Northwest Territories and other Canadian jurisdictions have environmental statutes that call for environmental rights, as do dozens of other jurisdictions across the world.

Numerous environmental performance indices point to Canada’s faltering environmental record. For example, the Yale University Environmental Performance Index 2010 assessed 163 countries on 25 performance indicators measured across ten policy categories covering both environmental public health and ecosystem vitality. The indicators provide a gauge at a national government scale of how close countries are to meeting their established environmental policy goals. Overall, Canada ranked in 46th place out of 163 countries with a score of 66.4, a percentage score, equivalent to a C grade.⁴ The ranking puts Canada in the middle of the pack, behind developing nations such as Mexico and Romania, and well behind other industrialized nations such as Switzerland and Sweden. Canada scored well on its water quality index, access to sanitation, access to water, and on indoor air pollution levels. Canada received failing grades on ecosystem vitality, fisheries, climate change, and air pollution.

¹ “General Assembly Proclaims 22 April ‘International Mother Earth Day’, Adopting by Consensus Bolivia-led Resolution”. Sixty-third General Assembly Plenary, 80th Meeting: (<http://www.un.org/News/Press/docs/2009/ga10823.doc.htm>).

² Ibid.

³ Ibid.

⁴ *Environmental Performance Index, 2010*. Yale University: (<http://epi.yale.edu/Countries>).

Canada scores worse when environmental indicators are narrowed to, for example, climate change, which is presently the most serious global threat to environmental stability. The social research centre Germanwatch with the Climate Action Network International issues yearly reports on the nations that are responsible for more than 90 per cent of global energy-related CO2 emissions. Countries are assessed on their emission levels, emission trends and on their national and international climate policies. Canada's national climate change policy was assessed as "very poor" and is centred out for specific comment in the 2010 report. The report points to Canada's rising emissions levels: 34 per cent above its Kyoto target level. Overall, the report ranks Canada second to last – in 56th place of 57 countries, a ranking that is unchanged from the 2009 index.⁵ These results highlight that Canada needs to do more to improve its environmental performance, something Bill C-469 would help ameliorate.

Specific aspects of Bill C-469 will help strengthen and expand Canada's environmental performance. For example, the Bill confirms that the Government of Canada has a public duty to protect the environment. The Bill also takes a long-term, multi-generational approach by stating that future generations have a right to a healthy and ecologically balanced environment. Moreover, the Bill recognizes the inherent value of essential ecological processes; meaning natural systems are viewed as vital not from simply a resource or commodity perspective but implicitly and fundamentally. This marks a shift in thinking about the natural world that will benefit all Canadians.

Another key facet of the Bill is the precautionary principle, which is deemed a basis on which action can be taken to address environmental wrongs. Too often, actions on environmental problems are shackled by what is construed as conflicting evidence – the precautionary principle would improve this stand-off by allowing actions to be taken to preserve the integrity of the natural world simply by virtue of the fact that a threat is very likely apparent and/or imminent. Such an approach is proactive and progressive. Likewise, the principle of environmental justice described in Bill C-469 provides a democratic view of the natural world.

⁵ Burck, J., Bals, C. & Rossow, V. (December 2009). *The Climate Change Performance Index Results 2010*: (<http://www.climateactionnetwork.ca/e/publications/ccpi-2010.pdf>).

The foundation of this Bill is the right to a healthy environment for all Canadians, another key point that CUPE supports. Ensuring accountability via making environmental information available to the public in a reasonable, timely and affordable fashion also shows the strength of this Bill.

The process by which this Bill would be enforced is credible; through investigations, judicial review and, subsequently, various remedial actions. The Bill's language on reprisal could be bolstered to prohibit reprisals so that no employer or person acting on behalf of an employer or in a position of authority in respect to an employee of the employer shall dismiss, discipline, penalize, coerce, intimidate or harass an employee because that employee has applied to the Commissioner for an investigation under the terms of the Canadian Environmental Bill of Rights. A provision like this would ensure worker protection.

Lastly, the proposed amendment to the Canadian Bill of Rights to ensure consistency with an environmental Bill of Rights indicates a more holistic perspective that is in step with current movement toward reintegrating humanity with ecology, as witnessed in the UN Mother Earth declaration, other laws in other jurisdictions, and other actions.

In summary, Bill C-469 would expand the scope of environmental protection of the government of Canada, which would help improve our country's environmental record and help advance the rights of the planet at a time of major ecological challenges.

Thank you.