

# WOHRC NEWS

WOMEN'S OCCUPATIONAL HEALTH RESOURCE CENTER

## Victories Won in Discrimination Cases

**Courts rule that companies cannot exclude women only from jobs with hazards.**

by Mary Sue Henifin

In three cases considered victories by women's groups, courts have ruled that excluding women, but not men, from jobs with reproductive hazards constitutes sex discrimination.

The cases concern women barred from jobs at a plant of the Olin Corporation, a paper and chemical company in Pisgah Forest, North Carolina, and two pregnant X-ray technicians who were fired by hospitals in Alabama and Texas.

The court decisions "suggest that the tide has turned," commented Joan Bertin, attorney for the American Civil Liberties Union who helped prepare arguments in two of the cases. "Employers will see that their approach has been much too simplistic and that they have taken much too lightly the rights of women workers."

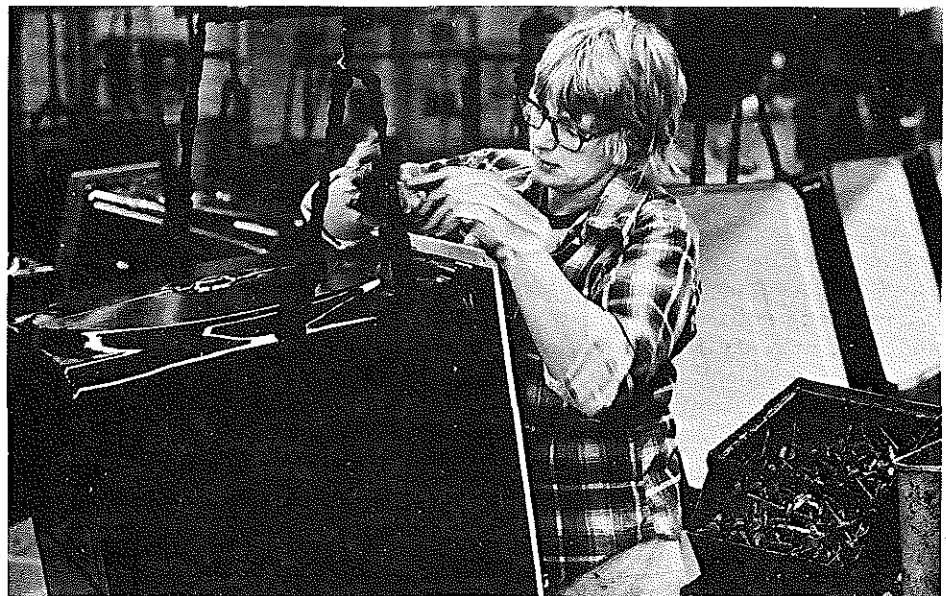
However, in some cases employers were allowed the right to prove that discriminatory practices are the only way to protect fetuses and therefore constitute a business necessity.

### Jobs in three categories

In the Olin case, where exposure to lead was of primary concern, the company divided all jobs into three categories. The first, called "restricted," were those that might require exposure to substances known or suspected of causing miscarriage or damage to the fetus. All fertile women were excluded from such jobs.

The second category, called "controlled," had very limited contact with harmful substances and were open to pregnant women only after they were individually evaluated. Both pregnant

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UAW Solidarity by Earl Dotter

A new UAW publication discusses stress to wrists, arms and backs (page 5).

## New Jersey Right to Know Bill Includes Both Workers and the Community

A bill now before the New Jersey state legislature would give not only workers but the community at large the right to know about potentially hazardous chemicals used and emitted by factories.

Most state Right to Know bills passed thus far require employers only to furnish such information to workers in affected plants.

A spokesperson for the Right to Know coalition backing the New Jersey bill said that two firefighters' unions had been a major force in extending the provisions to the community. A recent fire at a chemical dump in Elizabeth had seriously injured several of their members, he explained. "If they had had full information about the kind of chemicals they were dealing with they might have been better prepared to fight the fire safely."

The Worker and Community Right to Know Act, as the bill is known, states that "The Legislature hereby finds and determines that the proliferation of chemicals in the workplace and the community poses a growing threat to the health of employees and community residents" and "that the number and variety of these chemicals makes effective monitoring of these potential health hazards by governmental agencies difficult and expensive." It suggests that "employees and community residents themselves are often in the best position to detect evidence of effects of exposure to hazardous substances, provided they are aware of the nature of the chemicals to which they may be or have been exposed...."

Like most state Right to Know laws, the proposed legislation would require

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## Workers at Hanes Plants Protest That Job Conditions Cause Tendonitis

Workers at Hanes hosiery plants in the South are protesting working conditions which they claim have caused many cases of painful tendonitis.

Tendonitis is an inflammation of the tendons leading to the hand and wrist caused by sharp, repeated, rapid motions of the type used in sewing, bagging and various kinds of assembly line work. Some Hanes workers have been afflicted so badly that they have undergone surgery and lost months of work. Most are low-skilled, low-paid women who do piecework.

"I first got severe pains when they had us bagging 'seconds' and irregulars three times as fast as normal in order to clear out everything before inventory," one woman reported. "We do about 700 motions an hour."

The workers dramatized their case by demonstrating last October at a stockholders meeting of Hanes' parent company, the Consolidated Foods Corporation, in Chicago. Representatives from the Galax, Virginia, plant supported by several religious activists, told the stockholders that the company had failed to

live up to an agreement signed with OSHA last year which would have made specific changes in working conditions. The agreement was signed after an OSHA citation against the company in 1980, which it appealed unsuccessfully.

The changes recommended by OSHA experts would have placed workers' hands and wrists at an angle to reduce strain. Also promised was awareness training for workers and supervisors about good work methods and the importance of rest breaks.

However, the workers complain that new chairs bought for sewers have not been individually adjusted as promised, and that the size of bundles to be packed, after first having been reduced, is now up to its old size.

OSHA's response to the latest complaints has been to turn over enforcement of the case to its Virginia state agency. However, according to the *Washington Post*, Virginia OSHA officials as recently as a year ago were not aware of tendonitis as an occupational hazard. The condition, according to

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*New Jersey continued from page 1*

every employer to maintain a material safety data sheet for any chemical used in his workplace that is potentially hazardous or that is handled in unusually large amounts. Material safety data sheets are U.S. Labor Department documents which state the properties and dangers of workplace chemicals.

However, the New Jersey bill would also require employers to prepare public information data sheets for each of the chemicals so described. The public information data sheets would also include data about the amounts of the material handled and emitted, the location of the emission, the kinds of containers used and the disposal of waste matter. These sheets would have to be updated annually, posted on bulletin boards readily available to employees and filed with the state Department of Environmental Protection.

Employees and their trade unions are given the right to request copies of either kind of data sheet, and in another unusually strong provision, workers are given the right to refuse to work with the chemical in question without loss of pay if the request is not complied with within 24 hours.

Also mandated by the bill are programs to educate employees about chemical hazards in their workplaces and to train them to handle the chemicals safely. Containers of chemicals must be labeled clearly and any discharge reported promptly to the Department of Environmental Protection.

Employers who claim that posting information about chemicals gives away trade secrets are allowed an administrative hearing and the possibility of keeping some material confidential so long as it does not endanger the public.

Members of the New Jersey Right to Know coalition include many environmental groups and such labor unions as United Automobile Workers District 9 and locals of the Oil, Chemical and Atomic Workers and the International Chemical Workers Union.

Copies of the bill (Senate, No. 1670) are available from the New Jersey State Legislature at 800-792-8630.

Other states with Right to Know legislation include New York, California, Michigan, Maine and Connecticut. A bill passed by the city of Philadelphia, Pennsylvania also extends right to know provisions to the community. (See WOHR NEWS January/February 1981.)



### SPERM COUNT



A 20 percent rate of miscarriage and stillbirth was found among wives of some chemical workers at a Louisiana Exxon refinery in a study conducted for the company by Environmental Health Associates of Berkeley, California.

The miscarriage and stillbirth rate for these women was only 4 percent before their husbands' exposure to chemicals at the refinery's waste-water treatment plant.

The researchers declined to draw "firm conclusions" because they said the data was too limited. However they felt that the statistics pointed toward an association between the pregnancy problems and the husband's exposure. "It is very important to do more work," said Dr. Robert Morgan of EHA, especially since virtually every refinery in the United States has a

water-treatment system similar to the one studied.

However, Exxon turned down an EHA proposal to continue the study, and has decided not to publish its results because, the company said in an August 1982 announcement, the findings were "not conclusive."

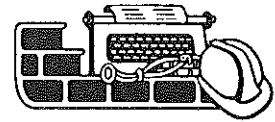
Dr. Morgan told WOHR that no one chemical or group of chemicals was particularly suspect because too little is known about chemical effects on male reproductive cells and because further surveillance of the workers was needed. The report on the study is still being completed, he said, and will be offered to a scientific journal.

The study was originally ordered by Exxon after complaints by workers and their wives.

*This box contains periodic reports showing that toxic chemicals in the workplace and environment affect male as well as female reproductive capacity. Contributions are welcome.*

# WOHRC FACT SHEET

WOMEN'S OCCUPATIONAL HEALTH RESOURCE CENTER



## Bus Driving: Exhaustion and Exhaust Fumes

Of an estimated 354,000 bus drivers in the United States some 46 percent are women. They drive the majority of the nation's school buses, with smaller percentages on city and commercial intercity lines.

The health hazards faced by these drivers and their male colleagues include air pollution — especially from carbon monoxide in exhaust fumes — noise, body stress

from vehicle vibration and inadequately designed seats, and the psychological stress caused by driving in traffic while serving customers or policing students.

Although some of these hazards are being met by better design and engineering in new buses, conditions vary widely from place to place. Many of these working conditions still need attention.

### Air Pollution

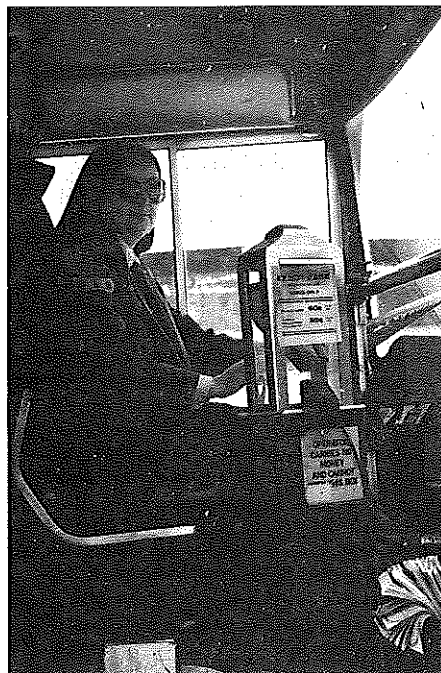
Carbon monoxide produced by motor vehicle exhaust is the most dangerous pollutant to which bus drivers are exposed. Even low levels can cause fatigue, headache, confusion, irritability, dizziness and disturbed sleep. Studies have shown that it can also affect driving accuracy.

Carbon monoxide is also released by cigarette smoke in buses that still permit smoking. Cigarette smoke also causes eye irritation, cough, wheezing and headache in some non-smokers. Such reactions can also increase fatigue.

Other air pollution is caused by passengers with colds and viruses and cleaning and fumigating chemicals. The new, air-conditioned buses in which windows do not open are designed to minimize dirt, noise and carbon monoxide pollution from surrounding traffic. But their design often makes it difficult to remove the odor and residue of chemical cleansers and roach sprays.

Although some of these problems cannot be completely eliminated, many can be lessened by better maintenance of old buses and better design of new ones. Carbon monoxide pollution is particularly traceable to poor care of engines and windows as well as to parking in tight patterns.

If buses must be left in an idling mode between uses, particular attention should be paid to ventilation.



Naomi Barko

Women are drivers on many city lines.

Filters in ventilation systems should be changed according to manufacturers' instructions, and account should be taken of varying pollution levels caused by different driving conditions.

To counter fumigation odors, only approved pesticides should be used and buses should be thoroughly ventilated after the process.

### Noise

Some noise measurements taken in buses have shown levels as much as 20 decibels above the U.S. Occupational Safety and Health Adminis-

tration recommended level of 90 decibels. Excessive noise like this can contribute to hearing problems as well as present a safety threat insofar as it interferes with the driver's ability to communicate or get auditory cues from traffic on the road.

Newer buses are less noisy, and closed windows shut out much traffic noise, but city traffic and obstreperous children in school buses can still present a noise hazard.

Installation of acoustic material near the driver's seat and acoustically insulated engines can reduce noise. Radio playing and other passenger noise should be kept to a minimum.

### Vibrational Stress

Research has shown that the bodies of bus drivers are subject to vibration and shock under normal working conditions. One study of 1,448 interstate male drivers with more than 15 years on the road concluded that whole-body vibration contributed to a number of health problems. These included disorders of the veins, bowels, muscles, back and respiratory system. Whole-body vibration, along with poor diet and posture, can influence the development of varicose veins, hemorrhoids, diverticulitis, appendicitis and some hernias. It is also suspected of having an influence on stiffness of joints, back disc problems and back pain. The potholes often encountered in city driving may aggravate body shock and



Naomi Barko

Most of the nation's school bus drivers are women.

some of these conditions.

Another factor that may aggravate the effects of body vibration are uncomfortable, badly designed drivers' seats. At this writing, there are no enforceable guidelines for the construction of comfortable seating for bus drivers.

The effects of whole-body vibration can be ameliorated by the proper use and maintenance of shock absorbers, adequate rest stops, better maintained roads and highways, and seats and driver areas designed for comfort. These should take into account the different dimensions of individual male and female drivers.

### Psychological Stress

A recent study by the Paris (France) Metropolitan Transportation System suggests that the job title "bus driver" is "biotechnically illegitimate." Two

fundamentally incompatible tasks are required, it points out: driving a vehicle safely in heavy traffic and, at the same time, checking passenger fares. Although in some U.S. cities, the latter burden has been somewhat eased by the requirement that passengers have exact change, the driver is still responsible for seeing to it that fares are paid and that order is maintained in the bus. In school buses, although there are no fares, maintaining order can be a particularly difficult task.

That stress is a major problem for bus drivers has been shown in a number of studies in other countries. In Sweden, increased frequencies of illness were found, as well as early retirement. In West Berlin, 75 percent of drivers surveyed were forced to leave their jobs prematurely because of occupational stress.

The ideal solution to the conflict in the driver's job would probably be to have two workers aboard each vehicle — one to drive and one to collect fares. Since mounting municipal budget deficits make this unlikely, more practical solutions may be to extend the exact-change rule, to provide special bus lanes in cities, and to have clearly marked routes and schedules for passengers so that they do not have to distract the drivers with questions. For school children, bus safety classes may be of some help in encouraging quiet and order on the bus.

Another significant stressor of bus

drivers, some studies also point out, is the lack of social support on the job. This might be helped by providing for meetings at which drivers exchange grievances and suggestions. Some cities have also attempted to show support to drivers by encouraging passengers to report extra courteous treatment and by displaying "driver of the month" commendations among the bus advertisements.

*This fact sheet is based on the report Occupational Health Effects of Driving a Bus by Marian Olsen, a graduate student at the Columbia University School of Public Health.*



Naomi Barko

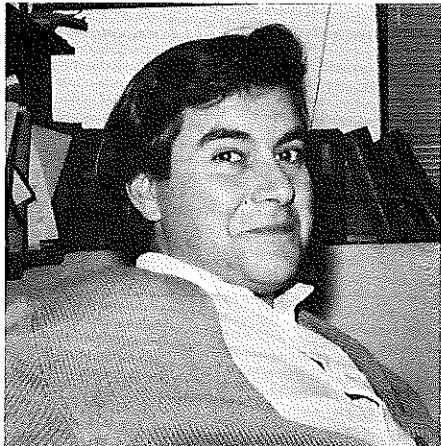


Naomi Barko

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## Italian Public Health Services Are Described



Barbara Aufiero

Dr. Marco Biocca

Public health services in Italy have traditionally been the responsibility of local governments, Dr. Marco Biocca, a member of the Italian National Institute of Health recently explained in a lecture to WOHRC staff.

Thus, when the first occupational health codes were written in that country in the late 1960s, unions appealed to local governments to carry them out.

The unions asked the localities to organize staff and services to enter factories and find out what they could do to improve working conditions, Dr. Biocca reported. Some of the local governments, especially in the North and Central part of the country, did begin to do so.

At the same time, Dr. Biocca said, there was a strong movement to establish a national health service which would encompass occupational health. When this was accomplished, the unions decided not to have a specific staff to handle occupational health, but rather to deal with all health problems on a preventive basis. Now all health services are combined under the National Health Service.

Progress in occupational health has been impeded by economic problems as it has in this country, said Dr. Biocca.

us. It is only when the workplace is made safe for all workers that risks to women and their children will be lessened significantly.

**Strains & Sprains, by Dan McLeod, United Automobile Workers Health and Safety Department. 1982. 36 pages. \$2.**

In plain, straightforward language, with clear drawings and diagrams, this excellent booklet reviews the stresses to wrists, arms and backs that can be caused by poor job design. It discusses such conditions as carpal tunnel syndrome, tendonitis and white finger, and tells how they can be treated when they occur and better still, avoided by altered working conditions. Many of the drawings illustrate exactly how some work situations can be remedied, but workers are encouraged to make their own observations and, when necessary, to call on professional engineering help.

Although the publication is addressed to UAW members, it could be useful to workers in any plant or industry where there is twisting of wrists, lifting of arms or bending of backs.

To order, write to WOHRC, Columbia University, 60 Haven Avenue, B-1, New York, N.Y. 10032

## PUBLICATIONS

**Eve's Journey; The Physical Experience of Being Female, by Susan S. Lichtendorf. G.P. Putnam's Sons, New York. 1982. \$16.95.**

This briskly written, readable book is an overview of the physical experiences and health problems women encounter from 10 to 80. Special sections on *Body/Mind Connections and Collisions* and *The Impact of the Way Women Live Today* emphasize the psychological situations and social environments that so much affect our health.

Readers of this newsletter will be especially interested in a chapter on *Stress, Work and Leading Men's Lives* which challenges the notion that women suffer more from stress as they achieve more outside their homes.

Women working outside their homes are more likely to suffer stress from too many domestic chores added to their job chores, too little time, and the anger that comes from job discrimination and feeling constantly overburdened, says Lichtendorf.

Real, physical hazards do exist in many jobs the author notes. They are pointed out succinctly in Drs. Jeanne and Steven Stellman's chart, *Potential Occupational Health Hazards in Selected 'Traditionally Female' Occupations*, which she reprints from their article for the American Cancer Society. These can affect men as well as women, she reminds

### New 9 to 5 Guide

9 to 5, the National Association of Working Women has developed a guide for potential buyers and users of automated word processors. The publication, *The Human Factor*, features a chart showing comparative safety and user comfort aspects of the machines.

Those rated include Digital, Honeywell, IBM, Lexitron, Phillips, Prime, Savin, Syntrex, T.I. and Wang. The chart rates them for such factors as screen tilt, amount of glare, exhaust ventilation and detachability of keyboard, among others. Also included are 9 to 5's own recommendations on features that should be included and desirable working conditions for their operators.

*The Human Factor* can be ordered from 9 to 5, National Association of Working Women, 1224 Huron Road, Cleveland, Ohio 44115. The cost is \$1.50 for individuals, \$5.00 for institutions. □



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(Subscription information on page 6.)



## Photographic Chemicals Linked with Birth Defect

Doctors at Lutheran General Hospital in Park Ridge, Illinois, recently reported the birth of a baby with unusually poor muscle tone and a "dull, fixed facial expression," whose condition seemed to be caused by chemicals in a photographic laboratory where its mother had worked all during her pregnancy. No exposure levels were reported.

Follow-up examinations of the baby during her first year showed that she was developing normally, with the symptoms disappearing. However, the doctors warned that photographic chemicals, including activators and developers, contain sodium and potassium bromides and may cause birth defects.

A similar association between higher than normal concentration of bromides and temporary poor muscle tone has appeared in other cases, noted Drs. Henry H. Mangurten and Celia I. Kaye, the authors of the report, which appeared in the *Journal of Pediatrics*. □

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### Courts rule *continued from page 1*

and fertile women who held such jobs were required to sign a form stating that they recognized that the job "presents some risk, although slight." The third category consisted of unrestricted jobs.

The categories, however, only applied to women. Although lead has also been shown to be detrimental to the health and reproductive systems of men, male employees were warned of this fact, but not restricted in any way.

The Federal Court of Appeals for the Fourth Circuit decided in December 1982 that these policies constituted a prima facie case of sex discrimination. However, the court ruled that a full lower court hearing was needed to determine whether the discrimination could be excused as "necessary to the safe and efficient operation of the business."

It found that the employer has a legitimate interest in the safety of a fetus and compared this interest to the employer's interest in the safety of business customers. In the past, courts have found that sex discrimination is not unlawful where the safety of the customer is an overriding business necessity, as where airline passenger safety rules require mandatory leaves for pregnant stewardesses.

The Olin decision is considered significant by women's rights groups, however, in that it places the burden of proof

on the employer to justify discriminatory policies. The employer is also required to prove that there is no harm to the children of exposed male workers and that there are no acceptable alternative policies.

In the hospital cases, an appellate court in New Orleans and a district court in Alabama ruled that hospitals could not deal with the potential hazards to fetuses from X-rays by simply firing pregnant employees. The courts rejected the business necessity defense in these cases because neither hospital had attempted to assign the employee to less hazardous duties, grant them requested leaves of absence, or rearrange their work schedules to minimize their exposure to ionizing radiation. □

### Hanes *continued from page 2*

medical experts, is often misdiagnosed.

A nationwide citizens committee to support the Hanes workers is now being formed, and Sister Imelda Maurer, one of three Franciscan nuns present at the stockholders' meeting, is enlisting church support. For further information write to Sister Imelda Maurer, c/o Connective Ministry Across the South, P.O. Box 521, Bennettsville, South Carolina 29512. (A fact sheet on tendonitis is available from WOHRC for 50 cents.)

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