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DATE NOVEMBER 1, 1978

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10 DR. L. H. BALLOU
MEDICAL DEPARTMENT

FROM R. V. VELIE

DR. L. H. BALLOU

REFERENCE

SUBJECT SHELL OIL SURVEY - "PROTECTION OF THE UNBORN CHILD"

We enclose copy of captioned survey, and also copy of our completed questionnaire of 8/4/78.


EMPLOYEE BENEFITS DEPARTMENT

RVV:rc

Encl.

S1273

BFS

005837

NOVEMBER 1, 1978

MISS MARTHA NELSON
CORPORATE PERSONNEL

R. V. VELIE

SHELL OIL SURVEY - "PROTECTION OF THE INDIVIDUAL CHILD"

We enclose copy of captioned survey, and also copy of our completed questionnaire of 8/4/78.

EMPLOYEE BENEFITS DEPARTMENT

RVV:rc

Encl.

cc: HLB, m. d.

BFS

005838

SUMMARY OF SURVEY RESULTS
PROTECTION OF THE UNBORN CHILD

- 1(a) Does your company have a policy regarding the female employee working around chemical substances which affect only the unborn child?

Of the 32 companies surveyed, 23 responded. Nine of the respondents have either a formal policy (7) or an established practice (2). Among the fourteen respondents with no formal policy or practice, four firms provided some useful information representing preliminary views on certain aspects of the survey. (See Attachment 1 for a synopsis of this information.)

- 1(b) Does this policy prohibit females of child bearing capability from exposure to these substances?

Six respondents with a policy or practice answered "yes" to this question. Five of these respondents listed substances considered hazardous to the fetus above certain exposure limits. Those substances listed were as follows:

Lead (three respondents)
Vinyl Chloride (three respondents)
Hexachlorobenzene
Mercury
EDTA
Chloroform
Bromoform
Herachlordibenz-para-Dioxin
Acrylonitrile
Dimethylacetamide
Dimethylformamide
Formamide
Ethylenethiourea
Heraflouroaletone

- 1(c) Does this policy prohibit pregnant employees from exposure to substances that other females of child bearing capability may be exposed to?

Three respondents with a policy or practice answered "yes" to this question. One of these respondents listed the substances to which this policy applied

Lead	Polychlorinated Biphenyls
Benzene	Nickel Compounds
Mercury	Chromium Compounds

- 1(d) Does this policy apply equally to maintenance and operating employees?

All nine companies answered "yes".

- 2 What evidence do you require for a female to prove her "non-capability for child bearing?"

Two of the respondents require nothing more than the applicant or employee's verbal assurance of non-capability. Other companies require evidence of non-capability in the form of documented medical history or surgical scar.

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- 3 What evidence do you require for a female to prove that she is not pregnant?

All three respondents require nothing more than notification of the Company by the employee as soon as she suspects that she is pregnant.

- 4 Which of the following applies to employees removed from jobs under 1(b) and 1(c) above?

Of the seven companies that have removed women from jobs, two guarantee a non-hazardous job with maintenance of seniority and benefits. One of these companies does not necessarily maintain pay but the other company maintains pay unless prevented by union contract.

The other five companies reassign to a non-hazardous job if available with all maintaining pay, seniority, and benefits. All five companies grant a leave of absence if a job is not available. Three of these companies provide pay (4 to 6 weeks) for part of the leave of absence (same as regular maternity absence).

- 5 Does your policy give employees the choice of working in jobs that could expose their unborn children to hazardous substances?

One of the respondents has such a policy.

- 6 If an employee chooses to discontinue working in a job under (5) above, which of the following applies: (a) Guarantee non-hazardous job (b) Reassign to non-hazardous job if available (c) Leave of absence (d) Termination?

Respondent will assign to non-hazardous job with maintenance of seniority and benefits but with pay depending upon the job. If job not available then leave of absence is granted with maintenance of seniority and benefits but without pay except for the four weeks of disability pay normally provided for maternity absences.

- 7 Does your Company's policy on disability absences include absences for maternity reasons? 8 If the answer to "7" is no how are these absences handled?

Of the nine respondents with a formal policy or practice on protecting the unborn child, six provide some disability benefits (sick pay). The other three respondents provide a leave of absence without pay.

- 9 How are absences for protection of unborn children handled versus maternity absences for normal child bearing?

All respondents reported that absences for protection of unborn children are handled the same as normal maternity absences.

- 10 Explain your handling of the following situation.

A pregnant employee's personal physician, out of concern for the unborn child, recommends that the employee be removed from a job that you consider to be safe for employee and unborn child.

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Five of the respondents indicated that the Company physician or corporate medical department must agree with the employee's personal physician before the employee is removed from the job. Three of the respondents indicated that the personal physician's recommendation would be followed even if the Company physician or medical department does not agree.

Having made the decision to remove the employee from the job, all eight respondents would handle the situation the same as those situations where the Company initiated the action to remove the employee from the job. (See No. 10 on the preceding page.)

- 11 Explain your handling of the following situation.

A pregnant employee's personal physician, out of concern for employee, recommends that the employee be removed from a job because of the physical requirements and/or other chemical agents connected with job. After consideration, the Company agrees with the physician. How would you handle pay, seniority, etc.?

All respondents handle this situation the same as the situation described in "10" above.

- 12 Who counsels employees about your Company's policy or practices?

Responses to this question varied considerably with no prevailing pattern. Generally the counseling is handled by local employee relations professionals, local company medical personnel, the employee's supervisor or some combination thereof.

- 13 Are employees required to sign an acknowledgement of having been counseled?

Of the nine respondents with a policy or practice, three answered in the affirmative and six answered in the negative.

- 14 Explain how you handle temporary assignments?

All nine respondents stated that their policies/practices for permanent job assignments also apply to temporary assignments.

- 15 Has an involved union responded to your policy?

- 16 Has the union grieved or protested application of your policy?

- 17 If the answer to 16 is yes, how was the matter resolved?

Of the nine respondents with a policy or practice only two reported any union involvement. One respondent reported that at two of its unionized plants, there are contractual provisions covering the transfer of employees to different jobs for medical reasons. And this same company reported a well established practice for such transfers at a third unionized plant where there is no special contractual language covering the subject. The jobs to which persons would be reassigned at these plants could be lower rated than the former job.

The other respondent reported a grievance and subsequent arbitration case in which the Company's position was upheld. The Union alleged that the Company violated the labor agreement's anti-discrimination clause when it prohibited a fertile female employee from taking a job that would expose the fetus to a hazardous substance. The arbitrator ruled that the enforcement of reasonable safety rules was management's right and did not violate

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the anti-discrimination provision of the labor agreement. The arbitrator pointed out that it was outside his jurisdiction to determine whether the Company's action violated anti-discrimination laws.

- 18 Have any of your employees filed discrimination charges?
19 Please explain the outcome of the charge.

Of the nine respondents with a policy or practice, two reported activity in this area. One of these companies reported the filing of a charge by one of several fertile female employees who were reassigned to other jobs from an operating unit where a fetus would be exposed to a hazardous substance. After investigating the charge the local EEOC office advised the company more than one year ago that the charge had been referred to the Washington, D. C. office for further handling. The company has heard nothing further from the EEOC.

The second company reporting a charge declined to provide detailed information about the charge which is still pending.

- 20 Does your Company have a policy regarding mutagenic substances?

Of the nine respondents with a policy or practice only one responded in the affirmative to this question.

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FOUR RESPONDENTS' PRELIMINARY VIEWS
PROTECTION OF UNBORN CHILD

As stated in the "Summary of Survey Results" four of the fourteen respondents with no formal policy or practice provided some preliminary views on certain aspects of the survey.

Three of these companies would prohibit females of child bearing capability from jobs that would expose the fetus to teratogenic or fetotoxic substances. One of these companies would also prohibit pregnant females from working around certain substances that other fertile women would be allowed to work around. These substances would be ones about which existing medical research is inconclusive as to the teratogenic and/or fetotoxic effect. The fourth company would remove pregnant females from certain but not prohibit fertile females from working certain jobs.

Concerning the handling of situations where employees are removed from jobs, three of the companies would reassign to non-hazardous jobs if available. If such jobs were not available, two of the companies would place employees on a leave of absence with some full pay while the third company would grant a leave of absence entirely without pay.

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16-24-73

Survey

Hold open

August 4, 1973

Mr. W. Baker, Manager
Policy and Benefits
Personnel Department
Shell Oil Company
One Shell Plaza
P. O. Box 2463
Houston, Texas 77001

Dear Mr. Baker:

Your letter of July 17th has been referred to my attention.

We are pleased to enclose completed questionnaire, and copy of 8/2/73 memo clarifying questions #15, 16 and 17.

With respect to your July 27th letter, we would appreciate exchange of information from participating companies.

Very truly yours,

R. V. Valie
Employee Benefits Department

RVV:rc

Encl. (1)

BFS

005844

Firestone
INTEROFFICE

DATE AUGUST 2, 1978

TO MR. R. VELIE

FROM PAUL KUHN

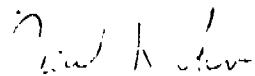
REFERENCE

SUBJECT SURVEY - PROTECTION OF FEMALE EMPLOYEE'S UNBORN CHILDREN

The answers shown on the attached form for 15, 16 and 17 applied only to the Pottstown salaried technician union.

The answers to these questions as they apply to Local URW Union #336 (Production and Maintenance) would be "No."

It should, however, be kept in mind that the same union officers represent both unions.


CORPORATE LABOR RELATIONS

PK:jeg

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Protection of the Unborn Child

Survey Questions

1. (a) Does your Company have a policy regarding the female working around chemical substances (teratogenic and fetotoxic) which are suspected of affecting only the unborn child?

yes X no

If so, please attach a copy of that policy or briefly explain your policy or practice. Yes - but VCM can also affect the non-pregnant, but we feel fetus in the 1st trimester is most susceptible. We do not permit the employment of women of child bearing potential in areas where VCM (Vinyl Chloride Monomer) will exceed the Action Level.

- (b) Does this policy prohibit females of child bearing capability from exposure to teratogenic and/or fetotoxic substances?

yes X no

If so, please list the substances.

Vinyl Chloride monomer above the "Action Level"

- (c) Does this policy prohibit pregnant employees from exposure to substances that other female employees of child bearing capability may be exposed to?

yes no X

If so, please list the substances.

It doesn't permit a distinction between females capable of being pregnant and those who are pregnant.

- (d) Does this policy apply equally to maintenance and operating employees?

yes X no

If it does not, please indicate differences.

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2. If your answer to (1b) above is yes, what evidence do you require for a female to prove her "non-capability for child bearing".

She must be in menopause, either spontaneous or due to surgical intervention or she must show satisfactory medical evidence of sterilization.

3. If your answer to (1c) above is yes, what evidence do you require for a female to prove that she is not pregnant.

X

4. Which of the following applies to employees removed from jobs under (1b) and (1c) above?

 a. Guarantee non-hazardous job

 maintain pay, seniority, and benefits
 do not maintain pay, seniority, and benefits
 other - please explain

 X b. Reassign to non-hazardous job if available

 maintain pay, seniority, and benefits
 do not maintain pay, seniority, and benefits
 other - please explain

Our plant having PVC has maintained the policy since 1974 that women are not assigned to jobs if they are of childbearing age; therefore, we will have no more occasion to reassign an employee who becomes pregnant.

 c. Leave of absence

 maintain pay, seniority, and benefits
 do not maintain pay, seniority, and benefits
 other - please explain

 d. Termination

5. Does your policy give employees the choice of working in jobs that could expose their unborn children to hazardous substances?

yes _____ no X

If so, please list substances.

6. If an employee chooses to discontinue working in a job under (5) above, which of the following applies:

_____ a. Guarantee non-hazardous job

_____ maintain pay, seniority, and benefits
_____ do not maintain pay, seniority, and benefits
_____ other - please explain

X b. Reassign to non-hazardous job if available

_____ maintain pay, seniority, and benefits
_____ do not maintain pay, seniority, and benefits
_____ other - please explain

Ditto question #4

_____ c. Leave of absence

_____ maintain pay, seniority, and benefits
_____ do not maintain pay, seniority, and benefits
_____ other - please explain

_____ d. Termination

7. Does your Company's policy on disability absences include absences for maternity reasons?

yes X no _____

8. If answer to (7) above is no, explain how absences for maternity reasons are handled.

9. How are absences for protection of unborn children handled versus maternity absences for normal child birth?

No distinction is made.

10. Explain your handling of the following situation.

A pregnant employee's personal physician, out of concern for the unborn child, recommends that the employee be removed from a job that you consider to be safe for employee and unborn child.

We place the responsibility for a pregnant female's leave of absence for maternity on the physician; therefore the physician is requested to make out a form stating the date through which he recommends we permit a pregnant employee to start her leave of absence.

11. Explain your handling of the following situation.

A pregnant employee's personal physician, out of concern for employee, recommends that the employee be removed from a job because of the physical requirements and/or other chemical agents connected with job. After consideration, the Company agrees with the physician. How would you handle pay, seniority, etc?

At the time an employee starts a leave of absence for maternity, she is eligible for six weeks of vacation disability pay. Her seniority is continued through the cessation of her pregnancy plus six weeks. If she returns at the end of that period, she receives full credit for her previous service plus the leave of absence time period.

12. Who counsels employees about your Company's policy or practices?

The Personnel Manager and/or Company physician.

13. Are employees required to sign an acknowledgement of having been counseled as to the potential consequences involved as to working around these hazardous substances?

Employees receive an annual training program in how to work with hazardous substances, and we make ~~XXXXXXXXXXXXXXXXXXXX~~ a health maintenance program available to these employees. If they elect not to take the annual or semi-annual*

14. Explain how you handle temporary assignments (such as engineers on start ups) to jobs involving exposure to substances hazardous to the unborn child. Women of childbearing age are not assigned -- even temporarily -- to jobs involving exposure.

* physical, they must sign a statement indicating their unwillingness to receive the benefits of the health maintenance program.

15. Has an involved Union responded to your policy?

yes X no

If so, please explain its response.

16. Has the involved Union grieved or protested application of your policy to:

a) a particular case

no

or

b) the policy in general

yes X

no

17. If answer to (16) above is yes, please explain how the matter was resolved.

The case was taken to arbitration, and our position was upheld.

18. Have any of your employees filed discrimination charges with the Equal Employment Opportunity Commission or any other agency because of your policy?

yes X no

19. If answer to (18) above is yes, please explain outcome of the charge.

It is still pending.

20. Does your Company have a policy regarding employees working around suspected mutagenic substances which might affect both males and females?

yes no X

If so, please attach a copy of that policy or briefly explain your policy or practice.