



Interoffice Communication

To R. L. Lembke, M.D., D. E. Nicholson
From R. E. Lehmkuhl
Date August 27, 1979
Subject GUIDELINES FOR EMPLOYMENT IN CHEMICAL PLANTS

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Any comprehensive policy for employment of men and women in our chemical plants must be compatible with sometimes conflicting restraints. It must give workers ample protection from hazards in the workplace yet be non-discriminatory where there is no reason to employ one sex but not the other. The subject guidelines are believed to strike a balance that will satisfy both requirements even in plants where chemicals such as benzene or vinyl chloride are found. The policy is not without risk to employees or Conoco. Indeed, we cannot provide a "risk-free" workplace for anyone. We believe, however, that the policy satisfactorily balances the needs to provide ample employee protection, maintain equal opportunity and keep the risk of costly litigation for Conoco low.

Please review this program and determine if it represents an acceptable course for Conoco Chemicals.

POLICY

- (1) Maintain the workplace in compliance or better with pertinent OSHA standards. Where OSHA standards do not exist, abide by industry consensus standards. When neither of these exist, establish Conoco standards, comply with them and exercise prudent control of all other chemicals.
- (2) Explain in detail to each employee at the time of initial hire and on a regular basis thereafter:
 - (a) What chemicals are present in the workplace and the safe practices for working near and handling these chemicals;
 - (b) What information we have about the potential carcinogenic, mutagenic, teratogenic, and other health effects of any chemicals in the workplace, the levels at which these effects have been known to occur and the fact that we maintain our exposures below these levels.
- (3) Assure that the safe practices are enforced.
- (4) Employ anyone capable of performing the job satisfactorily without regard to sex, race, age, or other non-performance standard.

BENEFITS OF THESE GUIDELINES

- (1) We maintain a workplace that amply protects the safety and health of everyone.

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- (2) We have a policy that responds properly to the requirements of occupational safety and health as well as equal opportunity.
- (3) We are able to reach our goals of employing more women in our operations, especially female chemical engineers at entry level jobs for future assignments in management.
- (4) We open up for our recruiting a larger resource base (women) where there are qualified candidates. Our success with this group may be better because other companies exclude them from consideration.

RISKS

If a claim is brought by a worker against the company for an alleged injury or illness when we are fully complying with OSHA, consensus or Conoco standards, it is likely that we would be liable for workmen's compensation alone and would not be susceptible to a negligence suit. On the other hand, the developing fetus is not a "worker" so presumably a malformed child could sue the company for putting him at an unacceptable risk in the workplace. Since there is no precedent for this kind of case, I cannot imagine what the outcome would be. However, considering the number of women in our employ, the number who will get pregnant, the known percentage of birth defects as well as the probability of suit, and the burden on the plaintiff to establish a causal link between the malformation and the parent's exposure to chemicals, the likelihood of such a suit is small. Further, while the risk of liability is not eliminated through this policy, our present policy does not eliminate the risk of such a suit on behalf of the deformed fetus as a result of the father's exposure to toxic chemicals.

R. E. Lehmkuhl

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