WOMEN IN THE WORKPLACE

-- AN EMERGING SOCIAL ISSUE

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I. INTRODUCTION

- o Greetings from Dr. Mathews, Dr. Cooper, Dr. Seneer
- o Thanks to Dr. Suskind and Dr. Brooks
- o Appreciation for all the help given to Federal environmental and occupational health programs.
- o In this talk we will consider the scientific, legal and social implications of changes in our workforce arising from our efforts to assure equal employment opportunities for all our citizens.
- o Specifically, consider some of the problems which we must solve as we assure women equal job opportunities.

II. SCIENTIFIC ISSUES

- o Federal occupational safety and health standards by and large were not established, keeping in mind the need to protect especially susceptible workers. In general the policy of pre-placement health assessment was relied upon to assure that one's capabilities meshed with job characteristics.
- o Specifically, we have not as a society considered all the health implications of assuring equal employment opportunities to women who may wish to have children and continue working.

- The Federal Government has addressed the issue on three occasions. These issues involve ionizing radiation, lead exposures and exposures to vinyl chloride monomer. Our uncertainty is reflected by the fact that we have offered three different kinds of advice. With ionizing radiation the responsible regulatory body concluded that the employees need only understand that there might be increased risk. In the case of lead we recommended a somewhat more stringent exposure limit. In the case of vinyl chloride monomer any exposures above the rather stringent action level were discouraged. Such exposures would probably occur in a number of job assignments in polymerization plants. Thus there were three different kinds of advice: know about it, reduce it, and avoid it.

- We do not have in place the surveillance system that is necessary to ascertain whether or not clusters of congenital abnormalities may be occurring and whether those that occure can be related to specific jobs.

- We have not conducted toxicologic tests to ascertain what teratogenic risks may be posed by many substances for which standards already exist and we do not know whether or not our existing recommended exposure limits adequately protect the developing fetus.

- o We do however know that a number of occupational exposures to pesticides and a few other agents could involve teratogenic risks.

- o It should be easier to relate teratogenic risks to occupational exposures than to relate carcinogenic risks to such exposures since the latency period is much shorter. However, it will be difficult to get a handle on risks before greater numbers of women are exposed to noxious agents in the workplace.

- o As you probably know our state of knowledge about mutagenic risks for all workers is even less well defined.

III. LEGAL ISSUES

- o Workmens compensation does not cover and thus does not limit awards for damages attributable to teratogenic effects.

- o A worker is not allowed to bind her unborn child with a "release from liability." In fact the child may seek to redress any damages for up to three years after the age of majority. Simply put, industry could accrue up to two decades of potential liability while problems are being worked out. Alternatively some women might be denied equal job opportunity for an extended period.

- If experience with existing class action suits and the trends of medical malpractice suits provide any sort of guide, it is likely that some rather large lawsuits could result.

- If industry is not meeting Federally mandated exposure limits, it is likely industry will be liable.

- If the Federal Government does not take steps to assure any information available to it, it becomes available to employers and employees, then the Federal Government may be held liable.

IV. SOCIAL ISSUES:

- The need to assure equal employment opportunities for women could provide a powerful economic incentive for reducing workplace exposures to harmful agents.

- The simple truth is that a large class action suit can have significant adverse effects on a business. Suits may be large enough to influence stock prices, influence the availability of capital and restrict corporate realignments.

- This is. : may also encourage industry make the results of any privileged proprietary studies available to workers and to the government. I would think that failure to voluntarily disclose such information would weigh heavily in any litigation. At the present time we have no assurance that all relevant technical data compiled by industry is available to those who are responsible for protecting public health. Indeed there is a tendency for certain regulatory procedures to restrict the flow of information to government, workers, and the public. It will be a challenge to structure a system that will better protect public health without unduely injuring proprietary interests of industry.

- It is my opinion that the issue of teratogenic effects will be faced first. But I believe the question of mutagenesis is likely to prove more difficult in its technical, legal and social aspects.

V. WHAT HAS OUR INSTITUTE DONE?

1. Focused attention on the problem:

NIOSH has taken the lead in emphasizing the potential hazards associated with occupational exposures and the complex social, legal, and health issues that must be resolved by:

(a) Discussing with the Equal Employment Opportunity Commission the scope of the potential problem and its implications regarding equal employment opportunities.

(b) With other Federal agencies involved in research on mutagenesis, teratogenesis, and transplacental carcinogenesis, e.g. CDC, NICH&HD, and NCI to sensitize the scientific community to the need for a foxused attention to the problem.

(c) Assembling representatives of organized labor, management, EEOC, and Government health agencies in a roundtable discussion of the complex issues involved by using exposures to vinyl chloride as an example. (Nov. 25, 1975, meeting--minutes available)

(d) In many informal contacts with various labor, management, and scientific groups to point out the priority that must be given to this issue now and in the future.

2. Identified the potential occupational hazards to pregnant women:

(a) Publishing in the List of Toxic Agents, those agents which have been shown to be teratogenic or mutagenic by animal experimentation.

(b) Including in criteria documents and medical surveillance guidelines to physicians in the Standards Completion Program any information which may implicate an agent as a potential human mutagen or teratogen.

(c) Conducting epidemiologic studies on possible relationship of VC and anesthetic gases to fetal wastage and malformations and keeping abreast of similar research efforts underway in this and other countries.

3. Assessing the current state of knowledge regarding mutagenesis, teratogenesis, and transplacental carcinogenesis and future research needs:

(a) In February NIOSH will conduct a review of current research activities underway with DHEW--representatives from CDC, NICH&HD, NCI, NIEHS, and NCI will undertake this review. This group will be asked to recommend an HEW position based on the current state of scientific knowledge, for the protection of the fertile female and her offspring and how this may differ from the protection of the male worker. They will also be asked to consider future research needs.

(b) Assisting non-Government agencies such as SOEH, City of Hope in conducting national seminars on the issue.

4. Controlling workplace exposures:

(a) The potential hazards to women and their offspring have been included as a special consideration in the recommendation for OSHA standards, e.g., the NIOSH recommendations for a lead standard. This will be required for all future recommended standards also.

(b) Since occupational carcinogens are suspected also of having mutagenic effects, the NIOSH policy of "no detectable levels of exposure" will, we believe, also offer adequate protection to the developing fetus.

(c) By informing the employer and physicians through the SCP program that specific agents have caused cancer, birth defects or fetal wastage via animal experiments, the possible human effects hopefully will cause control of exposures to levels below the present standards to protect against legal liability.

VI. SUMMARY

I have attempted to tell you of an emerging scientific and social issue. I have tried to be as candid as possible and yet allow you to ask questions. There are many other facets which you can consider, many questions which we haven't thought about, and many obvious questions we can't answer.

One thing is clear, however, our workforce is changing and we had better adjust our preventive medicine thinking to these changes in an expeditious fashion.