

# Labor Occupational Health Program

# MONITOR

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**STRESS: A UNION APPROACH**



**On the Cover:**

*Stress on the job (see pp. 7-9) is increasingly a characteristic of many occupations, but unions are finding ways to help deal with it. For clerical workers, stress can cause serious health effects, but worker participation can help alleviate the problems. (Photo: Earl Dotter.)*

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— Workers' Health

# Union Liability for Health and Safety Activities

by **Larry Drapkin**

*LOHP Legal Coordinator*

Congress enacted the Occupational Safety and Health Act a little over a decade ago. This legislation arose out of an unrelenting crisis—an epidemic of injury, illness, and death in America's workplaces. The enactment of this legislation, together with the Federal Coal Mine Health and Safety Act of 1969, signaled official recognition of a problem already well-known in the industrial world.

The passage of the OSH Act represented a new approach to the problem of workplace hazards. For the first time, a comprehensive federal law was intended to prevent workplace injuries and illnesses rather than to compensate workers already injured or ill. Under the common law an employer was often legally liable for the work-related injuries of employees. With the passage of workers' compensation legislation, employers again were recognized as being primarily responsible for those injuries and illnesses arising "out of and incidental to . . . employment." Similarly, under the OSH Act it is the employer who must "furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees." Although employees have a duty to comply with the OSH Act's standards, the standards are primarily directed toward, and only enforceable against, employers. The Act does not explicitly or implicitly require employees' unions to ensure or to seek safe and healthful working conditions. Furthermore, the health and safety obligations of employers under the Act are non-delegable and cannot be contractually assumed by other employers or unions.

## BARGAINING AGREEMENTS

While the federal OSH Act and its California counterpart establish some minimum standards for health and safety rights, they do not go far enough in

ensuring that workers will be adequately protected from the hazardous conditions and substances encountered on the job. In essence, the OSH laws are akin to the minimum wage laws—they establish a minimum standard which is not, in itself, adequate to protect worker health and safety.

Unions have begun to respond to this lack of protection by pushing for health and safety clauses in their collective bargaining agreements. These provisions seek to expand the rights and remedies available to both workers and unions who are seeking more effectively to promote safety and health in the workplace. These provisions establish, for example, labor-management health and safety committees, workplace health and safety practices, and limitations for workplace exposure to hazardous substances and working conditions.

As unions began to bargain for the right to influence and, at times, control workplace health and safety practices, they were subjected to greater legal scrutiny. Since the early 1970's, numerous lawsuits have been brought against unions by union members, employers, and third-party manufacturers. These cases usually involve allegations that the union (particularly a union that has negotiated contract provisions dealing with health and safety issues) inadequately used its power to secure safer

and more healthful working conditions. Consequently, many unions fear costly and time-consuming litigation. Responding to this fear, some unions have reassessed their desire to negotiate actively on health and safety issues; other unions have withdrawn entirely from such negotiations.

## UNIONS AS THE TARGET

Some background is needed in order to understand the threat of union liability. As mentioned previously, the employer has the exclusive duty to provide a safe and healthful workplace for his or her employees. Yet, under most workers' compensation laws, the employer's liability is generally limited to the workers' compensation remedy—which is often inadequate because of limited benefits for lost wages and medical expenses and because injured or ill workers cannot recover damages for the pain and suffering caused by their work-related condition. Thus, the victims of the workplace are forced to look for other potential defendants who are not insulated from civil liability. Further, defendant employers and manufacturers have sought to name unions as co-defendants in order to divert the liability they may incur. Thus we have seen an increase in cases brought against

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## LIABILITY

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unions arising out of health and safety matters.

The issue of potential union liability is a complicated one. The significance of the threat depends upon the relevant law which is to be applied. Some cases are brought under the standard of the union's *duty of fair representation*, which requires that a union not represent any member in a manner which is arbitrary, discriminatory, or in bad faith. Under this standard, a union can only be successfully sued if it acts in such a way that its behavior is somewhat outrageous (such as ignoring a grievance altogether, carelessly processing it, or not even bothering to evaluate its merits.) Only one duty of fair representation suit has been successful in the area of safety and health.

## NEGLIGENCE STANDARD

Many courts have interpreted federal labor law's duty of fair representation as providing the exclusive standard of care owed by the union to its unit members. However, two state courts (Missouri and Idaho) have allowed parties (unit members or their families, employers, or third party manufacturers) to bring cases under a state law (common law) standard of *negligence*. This standard makes the potential for union liability much greater because it requires only that the union's conduct be deemed to have not been adequately protective of the unit member. The standard of care which a union owes a member under this theory is more akin to the standards of competence a medical doctor owes to a patient. Such a standard of care ignores the fact that unions have limited resources, personnel, and expertise relating to health and safety matters. In addition, this standard of care also ignores the fact that the union often lacks the power to implement health and safety changes, as well as the fact that it is the employer who must provide and ensure that the workplace is free of both health and safety hazards.

## WHAT CAN UNIONS DO?

Unions need not withdraw from health and safety bargaining and activities because of the threat of future liability. Rather, through various means unions can ensure protection against

such suits. These include staff and membership training in health and safety issues, conscientious follow-up of health and safety grievances, and a willingness to consult health and safety experts from OSHA, the National Institute for Occupational Safety and Health (NIOSH), or other private or public organizations.

Further, contract language may protect unions from liability through such provisions as "hold harmless" clauses which provide that the employer will not sue the union for health and safety related activities or omissions. Finally, some unions have successfully lobbied for state laws that limit the union's standard of care to the duty of fair representation standard, which will ensure significant protection for the union.

In conclusion, it appears that the potential for unions being sued for their health and safety activities exists. However, it must be remembered that these

cases are generally not successful and that the courts are often likely to apply only the duty of fair representation standard in such cases. It appears that the initial concern and fear over potential liability may have been over-emphasized. It is clear that unions can deal with this problem without backing away from health and safety activity. In fact, as it becomes clear that OSHA will be de-emphasizing enforcement activity, the need to include health and safety issues in the collective bargaining agreement grows. To turn away from this task is an unwise and legally unnecessary step.

*For more information on this topic, the Labor Occupational Health Program has available for free distribution a limited number of copies of a reprint of a research paper, Health and Safety Provisions in Union Contracts: Power or Liability? Written by Larry C. Drapkin and Morris Davis, the paper appeared in Minnesota Law Review, April, 1981. For a free copy, write to: LOHP, 2521 Channing Way, Berkeley, CA 94720.*

### *National Secretaries' Day* **Women's Group Asks Investigation of Hazards**

On April 22, National Secretaries' Day, a nationwide group representing office workers released results of a survey which suggests that routine clerical work may be a health hazard. Karen Nussbaum, director of Working Women, also called for congressional hearings on clerical workers' hazards.

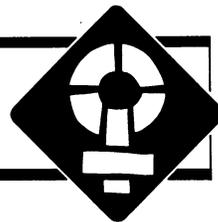
"On National Secretaries' Day, it's even more imperative that office workers reject the gesture of roses," Nussbaum said. "In the face of problems uncovered by our survey, our very health depends on our organizing for adequate wages, clean and safe working environments, and more control over decisions affecting us on the job. We

know now that it's not only the highly paid executive who is likely to get a heart attack from the heavy responsibilities of his job. It's also his secretary."

More than a thousand survey participants in Boston and Cleveland named stress and indoor air pollution as the top office hazards.

Working Women called for congressional hearings on automation and job stress; legislation for safety in the manufacture of office machines; support for laws requiring the labeling of office products containing toxic substances; standards for office air pollutant levels; and fire code reviews.

—UPI



## *Little Radiation, Many Other Health Hazards*

# NIOSH Releases VDT Reports

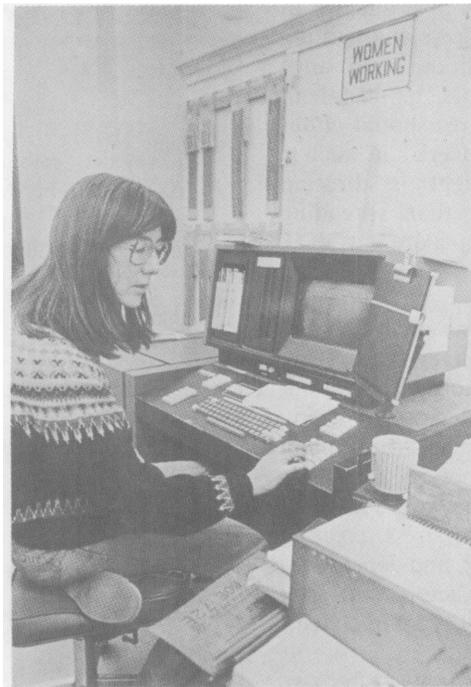
by Sharon Samek

Yes, video display terminals (VDTs) can be dangerous to your health! That's the latest word from NIOSH (the National Institute for Occupational Safety and Health) as documented in three recently released reports on the hazards of VDTs in San Francisco Bay Area workplaces.

A VDT is usually part of a computer system: an electronic keyboard is attached to a TV-like screen which displays letters and characters as you type them into the machine. As these machines began to show up in offices across the country, typists who were operating VDTs found themselves suffering from blurred vision, burning and sore eyes, neck and shoulder pains, migraine headaches, and dizziness. The increasing number of complaints prompted a coalition of about 20 California local unions and five International Unions (Communications Workers of America, the Newspaper Guild, Office and Professional Employees, Graphic Arts, and Transport Workers) to call for a government study (a NIOSH Health Hazard Evaluation) of health questions raised around the use of VDTs.

The investigation began in November, 1979, with walk-through surveys at three worksites: the Oakland Tribune, the San Francisco Newspaper Agency (which publishes the San Francisco Chronicle and Examiner), and Blue Shield of California. These surveys were followed by a more in-depth study which included radiation emission checks, analysis of workroom air samples, a questionnaire survey of employees, and an evaluation of work station areas.

A separate NIOSH Health Hazard Evaluation report was issued for each of the three Bay Area employers in early



*Hazards associated with video display terminals, which are used by 7 million Americans in offices, are addressed by several new studies.*

*(Photo: Tom Tuthill, LNS.)*

1981. The reports, entitled "Potential Health Hazards of Video Display Terminals," may be consulted at the LOHP library and should be available soon directly from NIOSH.

Key findings of the study include the following:

- **Radiation.** The VDTs examined recorded low levels of radiation emission. Given the low levels, and considering the complexity of performing and interpreting the results of radiation surveys, NIOSH determined that further tests for radiation were unnecessary.
- **Work station design.** It was also recommended that work station

areas be designed with maximum flexibility so that they can be adapted to each individual operator. This would include adjustable seats and backrests; detached and adjustable screens; and contrast and brightness controls.

- **Illumination.** Recommended illumination levels were harder to determine since different tasks performed in the same work area often required different levels of illumination. Reading from a "hard" or white paper copy places different demands on your eyes than reading from a dark VDT

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## NIOSH ON VDTs

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screen. To assure comfortable reading, illumination levels between 500 and 700 lux were recommended for VDT areas, provided that hard copy used by operators has a sufficiently high print/background contrast.

A number of methods for limiting direct or reflected glare were also suggested. Drapes, shades, and blinds should be closed to block the direct sunlight; terminals should be properly positioned with respect to all windows and lighting fixtures; screen hoods and anti-glare filters should be installed; and lighting fixtures should either be recessed or covered in such a way that the light is directed downward rather than spreading out and casting a glare on VDT screens.

- **Rest breaks.** It was clear that the VDT operators surveyed were not happy with their jobs. Many complained of blurred vision, burning and sore eyes, color distortion, and neck and back aches due to muscle tension. Operators also suffered from high levels of stress, creating anxiety, irritability, and depression. Taking all these factors into consideration, NIOSH recommended:

1. 15-minute rest breaks after two hours of continuous VDT work for operators under moderate visual demands and/or workload; and

2. 15-minute rest breaks after one hour of continuous VDT work for operators under high visual demands, high workload, and/or those engaged in repetitive work tasks.

While there is no evidence that this proposed work/rest schedule is sufficient, NIOSH recommends that these measures be tried before implementing "more disruptive" remedies such as job redesign or job rotation.

- **Vision testing.** The final set of recommendations, based on the overwhelming evidence of serious eye problems, called for manda-

tory preemployment and periodic vision testing. The American Optometric Association can be contacted for a list of procedures that should be followed when eye exams are conducted.

### WHAT NEXT?

The VDT coalition needed answers to the basic questions involving equipment design, length and frequency of rest breaks, eye exams, illumination levels, and glare control before they could petition OSHA to set VDT usage standards.

Now that the NIOSH reports have been issued, the coalition can proceed with its work. In addition to pressing for standards, the coalition is putting out a monthly newsletter which covers the latest developments in research, health and safety contract language for VDT operators, and other union approaches to fighting office automation. If you, your union, or your organization are interested in joining forces with the VDT coalition, call Helen Palter, S.F.-Oakland Newspaper Guild, at (415) 777-7334.

#### *New FDA Report*

### Agency Finds Low VDT Radiation Risk

In a widely publicized report released in April, the Federal Food and Drug Administration found little radiation hazard from video display terminals. The FDA report, however, did not deal with other health effects of VDTs as did the more comprehensive NIOSH study also released this year. (*See accompanying story.*)

Noting that an estimated seven million Americans now use VDT equipment at work, the FDA report concluded that the machines "emit little or no harmful radiation under normal operating conditions (and) the emissions that are detectable are well below any existing national and international standards."

Tests at an FDA laboratory facility in Winchester, Massachusetts found that VDTs emit less visible and ultraviolet light than fluorescent lamps; less infrared radiation than space heaters; and less x-radiation than television sets.

125 VDTs were tested for x-rays and 34 for other radiation. The tests were done with the machines adjusted to produce the most radiation possible and with safety devices inoperable.

Eight of the 125 units tested for x-rays did emit more radiation than the FDA standard for television sets, but, according to the report, manufacturers were notified of these findings and corrected the problem.

—UPI

#### *Mt. Sinai and Newspaper Guild*

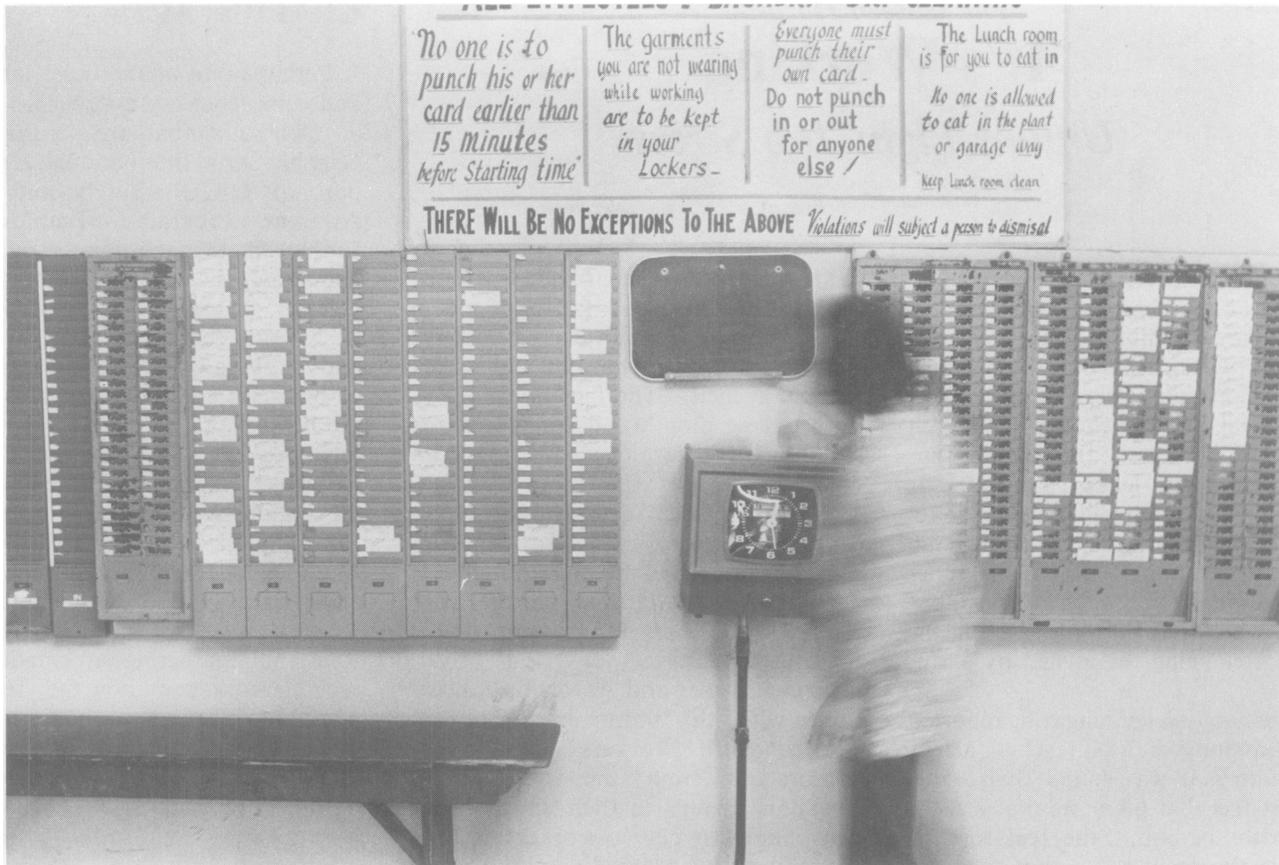
### New VDT Study Planned

On February 3, 1981, The Newspaper Guild, AFL-CIO, and Mt. Sinai School of Medicine in New York City announced plans for a wide-ranging epidemiological study into the health effects of operating video display terminals.

The study will include ophthalmological examinations, radiation tests, a survey questionnaire for VDT operators and, if the questionnaire results appear to justify it, full scale medical examinations. The study will cover some 2,000

employees, both VDT users and non-users, in four to six Guild locals in the U.S. and Canada.

Measuring the responses, symptoms, and physical condition of VDT operators against those of nonusers in the same offices, the study will investigate both radiation and other health effects. The radiation phase will be coordinated with a broad investigation now being conducted by Mt. Sinai and the Workers' Institute for Safety and Health (WISH) into the effects of non-ionizing radiation in the workplace.



## *The Unseen Hazard* **It's Working** *Unions Fight Job Stress*

**by Joanne Molloy**

*LOHP Program Representative*

When the insurance company secretary turned on the stress-reduction tape given her by the company's Employee Health Service, she was surprised to hear its message. "Put your mind into your arm," a voiced cooed. "Relax." Did it work? "Not really." said the secretary. "I became so exhausted trying to figure out how to put my mind into my arm that I fell asleep."

One could fill a small library with all that has been written about stress, its causes, and its health effects. But much of this material reflects the view of industry and the mass media that we live in a stressful world, and all we can do about it is learn to cope. The cavalcade of stress reduction programs initiated by management has created a thriving

business for consultants in biofeedback, meditation, behavior modification, and other coping techniques. These relatively inexpensive "stress reduction" methods do teach people how to relax, but don't begin to alter the *sources* of stress at the *workplace*. The telephone operator who must give information to customers in a prescribed courteous manner, yet "get rid of them" within 25 seconds while a supervisor may be listening in is working under *stressful conditions* which no amount of coping could alleviate.

Even the courts have recognized the workplace origins of stress, reflected in increasing numbers of decisions awarding compensation to workers claiming

stress disability. But once a worker has become disabled by stress, the problem has gone too far. Like any other job hazard, stress can be prevented or controlled.

### **THE UNION APPROACH: TEACHERS**

Labor has been in the forefront in the fight against job stress. Unions have developed an innovative range of solutions, from protective contract language to committees with decisionmaking power over workplace conditions.

The Chicago Teachers' Union, American Federation of Teachers Local

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*"Stress reduction" methods do teach people how to relax, but don't begin to alter the sources of stress at the workplace.*

# *The Unseen Hazard* **It's Working** *Unions Fight Job Stress*

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1, has initiated a series of changes since it found overwhelming reports of burnout and stress symptoms in a 1978 survey of its membership. The teachers' list of the "Top Ten" stressors placed fear of physical and psychological assault first. In response, the union has negotiated assault-leave clauses into its contracts, providing paid days off to recover from attacks. The local recently won an arbitration award for a member who had not actually been attacked, but had become disabled by a fear that he might after being threatened by a student.

*American Teacher* magazine reported that in a study of 7000 teachers across the country, it was found that, while teachers feel that there are many problems with the job, "the real root of stress is the feeling. . . that they are unable to do anything to effect solutions to these problems. This contributes to the 'what's the use' or 'burned out' syndrome." At the Bay Shore Teacher Center in New York, director Bill Fibkins organizes daily workshops in the school buildings where teachers meet to discuss how they're feeling about the job and what they can do about it. Fibkins, whose program is funded by the school district through a contract provision, says the goal is to "establish a feeling of community amongst the teachers and initiate self-renewal." In the workshops, which the teachers take turns running, specific stressors are discussed, and the "after school" hobbies and interests of the teachers are also shared. "They need to see they can develop as whole human beings," Fibkins said. "And by growing that way, be renewed."

## **PUBLIC EMPLOYEES**

Public employee unions, like the teachers, have a high proportion of reported burnout among their membership. Service Employees International Union Local 400 in San Francisco recently negotiated with the City that labor-management committees be established in several work units to discuss workplace stressors and implement solutions. The City-funded Work

Improvement Project provides two staffers trained in group facilitation who meet with the committees which have formed in the city hospital and social service agencies. The facilitators try to direct these monthly meetings towards solutions with which both sides can agree.

Stewards from several union locals have been undergoing their own training in how to facilitate problem-solving groups through the Institute of Labor and Mental Health in Oakland. At the Institute, the psychology skills of Dr. Michael Lerner and Aaron Back combine with the union know-how of United Auto Workers member Lee Schore to train the stewards to facilitate groups in their shops. They learn how to get co-workers to talk openly about themselves and their jobs, and how to get them together to make some changes on the job.

On the International level, SEIU Research Director June McMahan reports that many locals have negotiated contract clauses which protect members from specific stressors, such as limiting the caseload for social workers and patient number for nurses. McMahan predicted that the recent affiliation of the office worker organization Working Women with SEIU promises increased activity around stress in the future.

## **GRAPHIC ARTS**

Perhaps one of the most innovative and comprehensive approaches used by a union to combat stress is that of the Graphic Arts International Union. A part of GAIU's Safety and Health Awareness Program for Employees and Employers (funded jointly by OSHA and the National Institute for Mental Health), the union's Job Stress Project has already been tried out in the Detroit and Washington, D.C. locals. Conceived by union consultant Eugene Martin, the Project first set up a labor-management Advisory and Planning Committee which ultimately received recommendations for action developed by the rank and file in a series of six workshops. After reaching a common understanding of what stress is and how it affects health, workshop participants went about gathering information from their co-workers on how they felt about work through the use of surveys, interviews, or whatever was most comfortable to them. "The method isn't important," said Martin. "The main thing is to get a good gut feeling for how the membership feels."

In the next stage of the workshops, GAIU members sampled a variety of stress reduction techniques which were again brought back to co-workers. In the final two sessions, participants reported to fellow workshop members the results of their information-gathering and experiments with stress-reduction techniques, and developed a list of recommendations for change for the Advisory Committee. "The program is a good balance between individual and workplace change," said



*Stress.* (Photo: Tom Tuthill/ LNS.)



4 pm. at the U.S. Steel Homestead Plant outside Pittsburgh, Pennsylvania.  
(Photo: LNS Women's Graphics.)

## NIOSH STRESS CONFERENCE

The National Institute for Occupational Safety and Health (NIOSH) will be sponsoring a Conference on the Stress of Clerical Work, July 21-24, 1981, in Cincinnati, Ohio. For more information, call Barbara Cohen at (513) 684-8291 or write to NIOSH, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

—J.M.

Martin. "The Union didn't want to see individual workers getting psychologized. We found that a lot of the rank and file and labor-management reps thought stress was a major problem, and that something could be done about it."

Can something be done about it? "One of the most common complaints we heard was that management never asks workers their opinion on how to do a job or run an operation," Martin said. "Participation in decisionmaking and worker involvement are excellent ways to make the job more rewarding for workers." The GAIU Stress Project takes a step in that direction.

### COMMUNICATIONS WORKERS

One of the strongest weapons in the fight against job stress is research into just what aspects of the job are causing it and how worker health is affected by it. Negotiators need such factual information in order to back up demands for improved working conditions. The Communications Workers of America (CWA), who raised the consciousness of the nation on this issue through its Job Pressure Day demonstrations and voluminous grievances against Ma Bell's feudal supervisory methods, is now considering participation in a stress study. The study, part of the Office Worker Health and Safety Project at Columbia University, headed by Dr. Jeanne Stellman and Gloria Gordon, will survey 1500 office workers about job conditions, while aspects of the of-

fice environment such as ventilation, lighting, and noise will be monitored for possible hazards.

CWA has also negotiated Quality of Work Life and Job Evaluation committees in their recent contract. Dave LeGrand, head of CWA's Health and Safety Dept., said, "We hope to deal with the problem of stress in these committees. We've already begun in the Job Evaluation Committee to tackle one of the worst stressors, lack of job security. We're seeing a greater influx of technology in the telecommunications industry, which is eliminating people-hours. This committee reviews how our members are going to be affected by proposed automation, and makes recommendations for protective language in the contract. We've negotiated that workers with 15 years seniority are guaranteed their jobs, and we want to negotiate steady wage increases for those whose jobs may be threatened."

### VIDEO TERMINALS

The recent strike against Blue Shield in San Francisco by members of Office and Professional Employees International Union (OPEIU) Local 3 was in part precipitated by speedup and excessive monitoring which followed close

on the heels of automation. "When I first started this job five years ago, I had to process 116 claims a day," said Barbara Pottgen, Chief Shop Steward. "Now, using the video display terminal, I am expected to process over 350 claims a day. The pressure can really get out of hand." The strikers did win some health and safety contract language which should cut down on some of the pressure.

Local 3 was also a part of the Bay Area VDT Coalition, which successfully petitioned the National Institute for Occupational Safety and Health to study stress and other health effects of VDT use. (See related story on p. 6.) The NIOSH findings (that VDT operators do experience more stressful conditions than non-VDT-using clericals) will be used by the unions in the coalition to lobby for government regulations protecting VDT users from adverse health effects.

Job stress is not a given fact of life. Organizing around stressful conditions and doing something about them may be a strengthening and uplifting force in the labor movement, and may give workers more control over the places in which they spend most of their waking hours.

*One of the most common complaints the Graphic Arts Union heard was that management never asks workers their opinion on how to do a job or run an operation.*

# Clearinghouse



## BOOKS

*Bargaining for Equality—A Guide to Legal and Collective Bargaining Solutions for Workplace Problems that Particularly Affect Women. Women's Labor Project, San Francisco, 1980. Single copies \$4.50 plus \$1.50 first class or 50¢ book rate postage and handling, prepaid. 40% discount for orders of ten or more. Order from: Women's Labor Project, P.O. Box 6250, San Francisco, CA 94101.*

**Bargaining for Equality** is a 140-page handbook of legal and collective bargaining solutions to workplace problems particularly faced by women. The authors are members of the Women's Labor Project, which is a part of the San Francisco - Bay Area chapter of the National Lawyers' Guild. The Women's Labor Project recognizes that unionization presents a viable solution to many workplace problems for women and works toward that end in a legal supportive role.

**Bargaining for Equality** is organized into major topics—each a workplace problem, with first legal remedies, then collective bargaining possibilities following. Many sample contract clauses in each problem area are provided as suggestions. The book may be used both by women who are unionized and those who are not, although the solutions presented would often be much easier to implement within a union context.

The topics covered display a good understanding of the most pressing problems challenging women workers. Legal remedies for discrimination are discussed, including Title VII, the Equal Pay Act, Executive Order 11246 (forbidding discrimination by employers who are contractors of the federal government), the Age Discrimination in Employment Act, and State Fair Employment Practice laws. In addition, there is a brief explanation of union structure and the benefits of unionization for women.

The Women's Labor Project points out that many workplace problems for women arise from their traditional dual role in society—obligations of

child-rearing and homemaking coupled with increased responsibility for working outside of the home to bring in money. As explained in the book, many Americans do not realize that women are often the sole supporters of their families and/or that a woman's income may be absolutely necessary to maintaining a decent standard of living for her family.

Several problems that result from a working woman's dual role are discussed in a problem/solution format. Such topics are: Maternity Benefits and Rights of Pregnant Workers; Child Care; Overtime Work; Flexible Work Hours; and Part-Time Work and Job Sharing.

Job segregation and undervaluation of women's jobs are also addressed in the book. The point is made that since women have historically had fewer job opportunities than men, they have been forced to take jobs that pay much lower than the jobs men have traditionally held. Often the difference between men's and women's wages has nothing to do with the difficulty of the work being performed; many times women are paid less simply because they are working in jobs traditionally held by women. Today, women in full-time jobs, on an average, earn only 59% of what male workers earn. This is an even larger gap in salary than that which existed 25 years ago.

Issues stemming from job segregation and undervaluation of women's jobs that are discussed in the book include: Affirmative Action; Hiring and Promoting Women into Nontraditional Jobs; On-the-Job Training and Employer-Paid Education; the Low Seniority of Newly Hired or Promoted Women; and Discrimination in Pensions.

Even if a woman gets the job or pay that she deserves, she may still be subject to other workplace problems particular to women. Some of these problems are: sexual harassment (any unwanted sexual attention which causes the worker discomfort and/or causes problems on the job, frequently resulting in stress); use of sexist language

in job descriptions and union contracts; expectations that women employees will perform special services (like personal shopping for the boss or getting his coffee) for which they are not paid; and discriminatory dress codes and grooming standards. Legal suggestions for action and collective bargaining possibilities are again given.

The final chapter of **Bargaining for Equality** will be of special benefit to labor unions in their attempt to incorporate equality for women into their contracts and negotiations. Suggestions are given to union women for: becoming familiar with the union and how it operates; gaining a voice in meetings and negotiations; having women run for office; ensuring representation by women in appointed positions; forming a women's caucus; and in general encouraging and requiring the union to be more responsive to women's needs.

—Susan Salisbury

## BIBLIOGRAPHY

**Occupational Disease Among Black Workers: An Annotated Bibliography** is a new publication from the Labor Occupational Health Program. Compiled by former LOHP staff members Morris Davis and Andrew Rowland, this comprehensive, 80-page bibliography summarizes several hundred research papers, journal articles, and studies dealing with the health of Black workers. The bibliography is organized into three sections: studies that document occupational disease patterns among Black workers and in industries employing large numbers of Black workers; sources of information about chronic disease among Blacks; and statistical, sociological, and historical sources on the condition of Black labor.

The bibliography is available for \$7.00 (including book-rate postage and handling) from: LOHP, 2521 Channing Way, University of California, Berkeley, CA 94720. A shorter, unannotated version is available from the same address for \$1.00.

## FARMWORKER MATERIALS

The National Association of Farmworker Organizations has a variety of health and safety materials available for sale. All are available from: NAFO, OSHA, 1332 New York Ave., N.W., Washington, D.C. 20005.

Computerized bibliographical searches have been compiled on nine common pesticides, utilizing the National Institutes of Health TOXLINE toxicological search service. Copies, available at \$12. per pesticide including postage, or 5 for \$50., summarize the literature on the following pesticides: Treflan, Kocide, Simazene, Ramrod,

Sutan, Diazinon, Paraquat, Dinoseb (DNBP), and Sencor (Metribuzin).

A documentary videotape, **49 Years in the Land of Plenty**, is available in either English or Spanish for \$50. (purchase) or \$10. (rental). The 30-minute tape features interviews with men, women, and children who have suffered pesticide poisoning.

Another videotape, **Legal Steps in Pesticide Poisoning**, deals with legal strategies for pesticide and occupational poisonings of farmworkers, with an emphasis on tort and administrative law actions. This two-hour tape is available for \$75 (purchase) or \$15. (rental).

Four slide shows, with accompanying

tapes, developed by the University of Minnesota, are available for rental only from NAFO. They are: **Noise**, **The Invisible Agricultural Hazard**; **Farm Accidents: Reducing the Odds**; **Safe Use of Farm Machinery: Repair and Maintenance**; and **Dangers in the Air When Handling Livestock**. All run 12-15 minutes and rental is \$7.50 each (all four for \$22.50).

**The Purdue Agricultural Tractor Safety Film**, a 20-minute film produced by the Purdue University, in 16mm., can be used to improve farmworker safety in those areas where migrant and seasonal workers operate tractors for employers. Rental is \$25.

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## LOHP Resources Conference

From April 13 to 15, 1981, the Labor Occupational Health Program sponsored its first Conference on Health and Safety Resources in San Francisco. Among those attending were trade unionists, labor educators, health and safety professionals, government agency representatives, and media workers.

Designed to introduce participants to new audiovisual and written materials available for use in health and safety training, and to share techniques, the conference featured workshops on: Developing the Written Word; Slide-Tape Development; Setting Up a Health

and Safety Library; Working With the Media; and Teaching Health and Safety. Among guest workshop leaders were: Matt Witt, American Labor Education Center, Washington, D.C.; Bonnie Bellow, Shop Talk Film Productions, New York City; Mara Liasson, radio station KPFA, Berkeley; and Paul Shinoff, labor reporter, San Francisco *Examiner*.

A number of organizations displayed a wide variety of books, pamphlets, and fact sheets. Among the new audiovisual materials screened were: *Nothing But the Truth*, a film on the OSHA discrim-

ination complaint process, from Ohio State University; *Smeltonville*, a Docu-merica Productions film by LOHP's Ken Light and Charles West, about lead problems affecting children in Kellogg, Idaho; *Acceptable Risks*, a slide show by the Windsor (Ontario) Occupational Safety and Health Council; *Danger Zone: Acrylonitrile*, a slide show by Shop Talk Productions; and *The Plight of the Migrants*, a videotape by the Arizona Center for Occupational Safety and Health.

—Gene Darling

## OSHA Asks Public Comment on Lab Safety

Federal OSHA has requested public comment on how laboratory workers can be better protected against hazardous exposures to toxic chemicals.

The agency is considering whether a generic laboratory standard or non-mandatory guidelines would offer better protection than the present standards which apply both to laboratories and other workplaces. OSHA expects that its eventual regulations or guidelines will cover toxic chemicals, including carcinogens, but that physical agents such as noise or radiation would continue to be regulated by present standards.

Among the issues on which the agency seeks comment are:

- Is environmental monitoring the best method to protect lab workers or would an alternative, like recommended or mandatory work practices, be more effective?
- In what types of laboratories should OSHA's guidelines or regulations apply?
- What provisions should be included in a lab guideline or standard in the following areas: administrative

procedures, employee training and education, medical programs, housekeeping, ventilation, exposure monitoring, hygiene facilities, signs, labels, and work practices?

The April 14 *Federal Register* contains a detailed discussion of the issues. Comments should be submitted in triplicate by July 15, 1981 to: Docket Officer, Docket No. H-150, Room S6212, Frances Perkins Labor Dept., 3rd St. and Constitution Ave., NW, Washington, D.C. 20210.

# AROUND LOHP

## LOHP Summer, 1981 Training Conferences

### **Health and Safety for Working Women**

**Saturday, July 18, 1981**  
**8:30 am - 5 pm.**

*University of California Extension  
Laguna and Haight Sts., San Francisco*

*Registration: \$10.00*

This is LOHP's third annual Women's Conference. This year, the focus will be on office workers. We will take a broad view of occupational health in offices, and will cover such topics as automation and speed-up, health and safety for the video display terminal operator, stress, sexual harassment, indoor air pollution, etc. We will also address the overall socioeconomic issues faced by office workers, such as the dual role of homemaker and worker, the lack of adequate child care, job insecurity, and being on the bottom of the corporate pyramid.

Karen Nussbaum, Director of *Working Women* and Acting President of the new nationwide office workers' local union, SEIU 925, will be the keynote speaker. Also featured will be speakers from the recent San Francisco Blue Shield strike and the Bay Area VDT Coalition. There will be a "speakout" for participants to relate their own experiences.

### **Collective Bargaining for Health and Safety**

**August 13 - 14, 1981**  
**Thursday, 8:30 am - 5 pm.**  
**Friday, 8:30 - noon.**

*Institute of Industrial Relations Lounge  
2521 Channing Way, Berkeley*

*Registration: \$10.00*

This day-and-a-half workshop is designed to assist union representatives and negotiating committee members charged with the responsibility of draft-

*During the summer months of 1981, the Labor Occupational Health Program will sponsor four health and safety training conferences in the San Francisco Bay Area, designed for workers and union representatives. We hope that a broad spectrum of needs and interests may be met by the topics offered. For more information on any of the conferences listed below, please contact LOHP at 2521 Channing Way, University of California, Berkeley, CA 94720, or call (415) 642-5507.*

*Please note, also, that a fifth conference, dealing with health and safety problems of minority workers, will be presented later in the year, in September. (See next page.)*

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ing contract proposals and negotiating with employers on the complex subjects involved with health and safety in the workplace. Discussions will include defining and setting goals, preparing for negotiations (e.g. checklists), specific clauses (e.g. general duty clauses, protection from hazardous work, rest periods). We will have sample language from many actual contracts, and will role-play and solve problems.

### **Toxic Substances**

**August 19 and 26, 1981**  
**Two Wednesday evenings—7 - 10 pm.**

*Institute of Industrial Relations Lounge  
2521 Channing Way, Berkeley*

*Registration: \$10.00*

This evening course is structured to give attendees basic skills in understanding and evaluating toxic substances. We will discuss issues such as standards and employee rights. Regarding standards, we will determine which substances are regulated by OSHA, and how to get involved in the standards-setting process. Regarding employee rights, we will cover the right to know (including the new California labeling law, SB 1874), access to information, OSHA and Cal/OSHA Injury and Illness logs (Forms

200), and other topics. We will learn how to research hazardous substances—where to look for information, and how to obtain assistance from various agencies. As we examine toxic substances—their use, properties, and toxicity—we will emphasize possible substitutes and other methods of alleviating their problems.

### **Intensive Training Course for Union Representatives**

**Monday-Friday, September 14-18, 1981**  
**8:30 am - 5 pm. (and possible evening session)**

*Institute of Industrial Relations Lounge  
2521 Channing Way, Berkeley*

*Registration: \$50.00*

This is a week-long residential health and safety course for union representatives, shop stewards, or anyone involved in health and safety activities in their local. Participants will learn pragmatic health and safety skills and acquire a great deal of information. New and different approaches to communicating the information to the membership through steward training, health and safety committees, membership meetings, executive board presentations, etc. will be suggested.

## LOHP Plans Minority Workers' Conference

The occupational health and safety problems faced by minority group workers will be examined in a two-day conference sponsored by LOHP. The conference will be held Friday, Sept. 11 and Saturday, Sept. 12, 1981 at Dwinelle Hall on the University of California campus.

Specific topics will include an historical and present-day analysis of the occupational health and safety problems fac-

ed by minority workers, discussion of occupational health and safety rights of workers as well as legal rights under workers' compensation laws, various labor laws, and anti-discrimination laws. In addition, workshops are planned to examine the problems faced by minority workers in specific industries and occupations. Other workshops will focus on specific health problems faced by affected groups.

The conference will conclude with discussion of strategies and approaches which individuals and unions can adopt in order to improve the occupational health and safety of minority workers.

For more information on this conference, call Brenda Presley or Larry Drapkin at LOHP, 2521 Channing Way, University of California, Berkeley, CA 94720.

### *LOHP Training, Screening*

## Northern California Boilermakers Attend Hearing Loss Day

by Joanne Molloy, LOHP

In a valuable combination of medical screening, educational forums, and occupational health research, about 100 members of Boilermakers' Local 10 in the San Francisco Bay Area recently attended the Labor Occupational Health Program's Noise and Hearing Loss Day. Set up by union leaders Joe Gonzaga and Guy Brooks with Dr. Richard Ginnold, Project Director of LOHP's Noise and Hearing Loss Study, the session benefitted all concerned. As an all-day educational forum on noise and hearing loss was being conducted in the meeting room of the large union hall, teams of members were having their hearing tested by trained audiologists. The Boilermakers made a great contribution to the field of hearing loss research by patiently responding to a questionnaire, developed by LOHP under a grant from the Environmental Protection Agency, to determine whether workers who suffer noise-induced hearing loss experience economic and occupational handicap as a result.

Several of the Local 10 Business Agents who speak both English and Spanish were instrumental in helping the LOHP staff administer the questionnaire.

Unexpectedly, the process of filling out the questionnaire stimulated a great deal of discussion about noise on the job, what it is like to be hearing-impaired, the effectiveness of noise-control devices, etc. Although the results of the questionnaire have not yet been tabulated, a general head count revealed that a strong percentage of the Boilermakers attending had some degree of noise-induced hearing loss, and many

wore one or two hearing aids. Mr. Gonzaga arranged with the union lawyer to speak during the forum on workers' compensation for hearing disability.

One of the high points of the day, not to be forgotten, was a banquet luncheon, produced by the union secretary, Pat, and Mrs. Gonzaga, that had several Boilermakers returning for seconds (and LOHP staff returning for thirds).



*Boilermakers at LOHP's Noise and Hearing Loss Conference.  
(Photo: Kate Caldwell.)*



## *Medical and Exposure Records*

# **New California Standard Grants Employee Access**

Under a new standard recently adopted by the California Occupational Safety and Health Standards Board, employers who maintain exposure or medical records of workers exposed to toxic substances or harmful physical agents must make these records available to their employees, former employees, employee representatives, and to Cal/OSHA.

The new regulation, General Industry Safety Order 3204 (in Title 8, California Administrative Code), took effect on April 19, 1981. It parallels a similar federal OSHA standard, issued last year.

The new standard applies to all employer-generated medical and exposure records, regardless of whether created in-house or on a fee-for-service basis, and regardless of whether the records

are required to be kept by specific occupational safety and health standards. Exposure records include workplace and biological monitoring information as well as material safety data sheets. Medical records include medical histories, medical and laboratory test results, medical opinions and diagnoses, descriptions of treatments and prescriptions, and employee medical complaints.

The standard requires exposure records and analyses of workplace conditions to be maintained for 30 years, and medical records to be kept for the duration of employment plus 30 years. Employers must notify workers of the existence, availability, and location of the records once a year. Access to the records must be provided within 15 days of a request by an employee, former employee, or representative.

## **PCB Ash Covers Building**

Health officials in Binghamton, N.Y. are grappling with a unique problem—an 18-story office building completely coated with a fine ash that contains large proportions of the hazardous chemical PCB.

Floors, ceilings, walls—even the insides of desks and office machines—were coated with PCB when an electrical transformer exploded in the building basement in February. About 180 gallons of insulating fluid, two-thirds of which were polychlorinated biphenyls (PBCs), were sucked up by the building ventilation system and blown into every office and corridor in the building.

“It may be the first time a modern office building has ever had to be cleaned of toxic chemicals—and that means scrubbed from top to bottom, by hand,” said Dr. Arnold Schechter, health commissioner in Broome Coun-

ty, N.Y. “We aren’t sure at what stage of scrubbing we can call it clean.” The cost of the cleanup will be at least several million dollars.

PCB’s, which are not found in nature, were first marketed in the 1930’s. They are heavy oils that are chemically inert and will not break down. They are resistant to heat, do not burn easily, and do not conduct electricity. Often used in electrical transformers, their manufacture was recently banned because they continue to spread throughout the environment indefinitely once released.

Building operators around the country are watching the situation closely because, according to a General Electric spokesman, indoor transformers loaded with PCBs are the rule rather than the exception in U.S. office buildings.

## **New OSHA Head: Thorne G. Auchter**

In March, 1981, the U.S. Senate confirmed President Reagan’s nomination of Thorne G. Auchter, a Florida construction executive, to be Assistant Secretary of Labor for Occupational Safety and Health.

Auchter will head federal OSHA’s activities. He replaces Dr. Eula Bingham, a Carter administration appointee, who resigned recently.

Auchter has worked for 20 years in all phases of the construction industry, from laborer to company executive. Since 1975, he has been Executive Vice President of the Auchter Company, in Jacksonville, Florida. His duties included company safety and health responsibilities, as well as labor relations.

Born in Jacksonville in 1945, Auchter received a B.A. degree from Jacksonville University in 1968. He is a member of the Board of Directors of the Associated General Contractors.

## ***Fluorescent Bulbs Called Cancer Hazard***

The light from fluorescent bulbs causes cancer in laboratory animals, according to a recent *Reader’s Digest* article by scientist Lowell Ponte.

Ponte said that the hazard from fluorescent light is the same as that from ultraviolet rays from the sun, which cause skin cancer. He recommended that the U.S. government require warning labels on fluorescent bulbs as it does on cigarette packages.

Ponte said that a solid plastic shield, which would absorb the ultraviolet light that all fluorescent bulbs give off, could eliminate the danger if placed between the bulbs and people.

—United Press International

*A New Publication From LOHP*

# Getting the Facts:

- **How to Organize a Labor Health Library**
- **An Occupational Health Bibliography**

by Susan Salisbury

*LOHP Librarian*



## **Getting the Facts:**

- How to Organize a Labor Health Library
- An Occupational Health Bibliography



*Getting the Facts* is a 100-page softcover book designed both to aid groups which are setting up an occupational safety and health library and to assist those who need to find specific information for research.

Chapter One, *How to Organize a Labor Health Library*, is an easy-to-follow guide to starting a library. Material is included on planning, acquisitions, cataloguing, the card file, shelving, pamphlet and clipping files. A special section in this chapter deals with the problems of small operations with limited resources.

Chapter Two, *An Occupational Health Bibliography*, is a comprehensive listing and ordering guide of books, pamphlets, newspapers, journals, and audiovisual materials. It is organized in a step-by-step manner so that the reader may find materials necessary to identify workplace health problems, learn about their effects, understand their causes, and discover methods of dealing with them. Hundreds of materials are listed and complete ordering information is provided.

Susan Salisbury A Labor Occupational Health Program Publication

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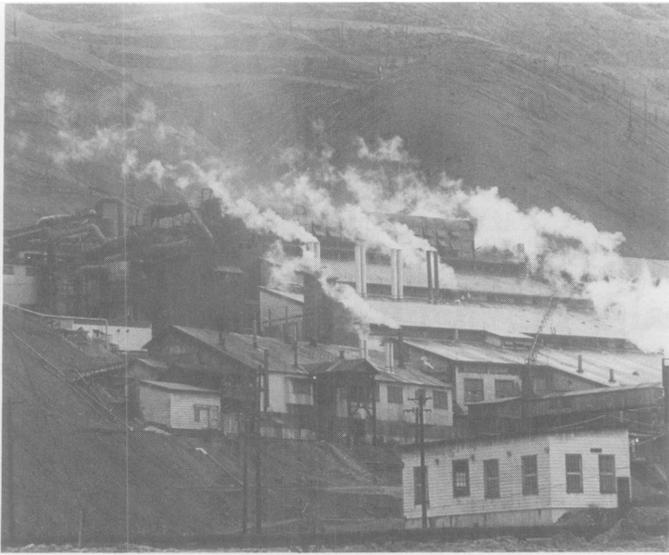
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(Photo: Ken Light.)

# ***SMELTERVILLE***

## **A Documerica Film Production**

**Directed by Ken Light**

**Edited and Written by Charles West**

*Smelterville, a 20-minute, 16mm. color sound film, has just been released by Documerica Films, Inc. Directed by LOHP photographer Ken Light, and edited and written by former LOHP consultant Charles West, the film tells the story of an Idaho industrial town and its environmental health problems. Rentals are available at \$50. from: Documerica Films, P.O. Box 315, Franklin Lakes, N.J. 07417; telephone (201) 891-8240. Prints may be purchased at \$350. from: Documerica Films, P.O. Box 985, Vallejo, CA 94590.*

**In few U.S. communities is the intimate connection between industrialization and environmental health more striking than in Kellogg, Idaho.**

**As one enters Kellogg, an enormous stack to reduce pollution is seen rising from the Bunker Hill Company Lead Smelter. Nearby hillsides once blanketed by homes and evergreens lie barren. But the landscape is not the only victim.**

**Children from the community were first tested for lead poisoning in 1974. The startling results showed all but two of the 175 children living within one mile of the smelter had dangerously high lead levels in their blood.**

**As in other cases of environmental poisoning, the residents are often the last to know the effects of their exposures. It**

**may take years for them to fully realize that their health problems are in any way related to where they grew up or lived. In Kellogg, the powerful of the valley closed ranks, taking a "business as usual" attitude. The most affected families were relocated outside the valley and forgotten. But the problem has not been solved.**

***Smelterville* examines the economic, political, and business forces which shape and make inevitable the environmental health problems that are often faced by small communities. By examining the problems, we are able to have a better understanding of how environmental crises will continue to happen until we look more closely at the products that are manufactured in our communities and determine their real costs.**

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**Institute of Industrial Relations  
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