

# BUSINESS

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## How Industry, Workers Handle Job Hazards

■ **Workplace:** A new survey underlines the dangers of chemical exposure. Many pregnant women must rely on the good will of their employers.

By JONATHAN WRBER and DENISE GILLEN  
TIMES STAFF WRITERS

**S**AN FRANCISCO—For a Silicon Valley electronics worker who had a stillborn baby a few weeks ago, the pain of losing a child has been made all the worse by a mystery that will probably never be solved: Was the stillbirth a result of exposure to chemicals at her job?

"I'm confused," she said, speaking on condition that her name not be used. "I put my trust in the company, and they were very concerned about my being pregnant. . . . They had meetings, they talked about the different chemicals. . . . There were certain rooms I wasn't allowed to enter. But maybe that was just management sweet-talk."

A comprehensive study released Thursday by UC Davis, showing that computer chip factory workers suffer 40% higher miscarriage rates than other semiconductor work-

ers, has identified reproductive hazards in the workplace. Numerous chemicals, metals and other substances used in a variety of industries may be putting pregnant women at risk.

But with insufficient medical data and few legal protections, women often have little alternative but to rely on the good will of their employers.

Chip companies say they are acting responsibly in dealing with the problem. Individually and through several industrywide organizations, they're developing alternatives to the set of compounds—known as ethylene-based glycol ethers—that the study identified as the cause of miscarriages and diminished pregnancy rates. In the meantime, some companies are also offering pregnant women transfers out of hazardous areas—and International Business Machines, American Telephone & Telegraph, Intel Corp. and a few other companies say they guarantee that such transfers won't result in a loss of pay.

Yet these actions address only a small piece of a very large problem, medical experts and worker safety advocates say. Alternative chemicals are often newer substances whose health effects are unknown, and thus they can sometimes create more problems than they solve.

Glycol ethers and other known reproductive hazards are also used widely in other industries, including painting and printing. More than 70 companies in California alone used

significant quantities of glycol ethers in 1991, according to hazardous waste data filed with the Environmental Protection Agency and collected by the Silicon Valley Toxics Coalition.

"One reason this has been focused on the semiconductor industry is because there are a lot of women in the industry," noted Nancy Lessin of the Massachusetts Center for Occupational Safety and Health. "For a long time the issue of reproductive hazards was viewed as a 'women's issue,' so it hasn't received much attention in industry [such as printing] that mostly employ men."

**Y**et evidence from animal studies in the early 1980s suggests that glycol ethers can cause sterility in men. The chip industry study found that in addition to causing more miscarriages, the chemicals also reduce pregnancy rates in women. But it didn't address the question of birth defects, nor did it shed light on whether a stillbirth might be attributable to chemical exposure.

Indeed, Marc B. Schenker, who directed the chip industry study, noted that reproductive problems were poorly understood phenomenon. It's rarely possible pinpoint a cause in a specific case, he noted, because there are so many potential hazards and so many unknown

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# C&R Chapter 1 Plan Approved

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cases of reproductive problems. These uncertainties help to muddy the question of employers' responsibility to pregnant women and unborn children. Willie Washington, lobbyist for the California Manufacturers' Assn., said that in cases of clear hazards, it may be necessary to "rewrite the laws so it is not viewed as discrimination to restrict employment to people who are susceptible to these chemicals."

The U.S. Supreme Court last year, in a case involving battery maker Johnson Controls, struck down as illegal employment practices that barred fertile women from hazardous jobs.

Worker advocates argue that as hazards become known, employers will face more and more pressure to clean up their workplaces under the threat of liability suits from injured employees or babies. But they admit that it is not always possible to remove hazards entirely.

And in California, the courts have held that employers have no liability in cases where fetuses are damaged, even if negligence is involved. A pregnant woman can collect for her injuries under workers' compensation.

A California law that takes effect on Jan. 1 will give pregnant employees more options. The law requires employers to provide voluntary transfers to safe positions for pregnant women, whenever possible.

But it doesn't require employers to create an open position if one doesn't exist. And the new law

doesn't establish any obligations regarding women who might have diminished odds of getting pregnant as a result of chemical exposure. "It may take a court case, or new legislation, to decide that," said Catherine Ruckelshaus, an attorney with the Employment Law Center in San Francisco.

Worker advocates said the new law would undoubtedly provide some protection to pregnant employees in computer chip factories, where the hazards are becoming more and more clear. But with the state's economy in a recession, some employers may not have the financial flexibility to offer a safe position to a pregnant worker, they said.

In such cases, pregnant employees must rely on the good will of their employers. Ruckelshaus said that in a number of cases she is familiar with, pregnant women have been placed on medical leave, or on unpaid leave. In other cases, she said, women have been fired because employers cannot leave their position unfilled for the nine-month duration of a pregnancy. While such firings are legally questionable, it takes resources to challenge them, and the court battle can take years.

Ruckelshaus expects more computer chip makers to seek waivers from employees saying they are aware of the potential hazards and accept them. She said some firms, which she did not identify, already require the forms. "We counsel employees not to sign them," she said.

Weber reported from San Francisco and Gallene from Los Angeles.

By GEORGE WHITE  
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A federal court in Los Angeles approved C&R Clothier's reorganization plan, paving the way for the apparel retailer's emergence from Chapter 11 bankruptcy.

The Culver City-based chain men's apparel stores filed Chapter 11 bankruptcy protection last April after it was unable to resolve a debt with Wells Fargo, its primary lender. The company expected to emerge from bankruptcy later this month after attorneys complete legal formalities.

Under the plan approved Thursday in U.S. Bankruptcy Court, C&R will make an initial payment of \$4 million on its \$11.8-million debt to Wells Fargo. The balance of the debt will be paid over a period ending in 1998. In return, Wells Fargo agreed to provide C&R with \$3.8 million in new revolving credit.

The plan was approved by Wells Fargo and most of C&R's creditors. Under the arrangement, unsecured creditors—those who had no collateral guarantees—will receive at least 15 cents for each dollar they are owed. As a result, C&R's total debt—\$25 million when the retailer filed for bankruptcy—will be reduced by about \$8.5 million, said David Levene, senior partner with the Los Angeles-based law firm Levene & Eisenberg, which represents the chain.

Stock that existed before the bankruptcy filing will be wiped out under the reorganization plan.