

Take Action!

- 1** Find out which chemicals you may be exposed to
 - Check product labels and ask to see Safety Data Sheets (SDSs) to identify the chemicals you use and that are used around you.
- 2** Find out about the health effects of the chemicals you may be exposed to
 - Your employer is required to provide training on the health hazards of the chemicals you are exposed to at work.
- 3** Find out how you and your baby can be exposed to chemicals
 - You can be exposed to chemicals at work by breathing contaminated air; getting them on your skin or in your eyes; or ingesting them when you eat, drink, or smoke.
 - Your fetus can be exposed to chemicals that get into your body.
 - Your baby can be exposed to chemicals if they enter your breast milk.
- 4** Identify harmful exposures
 - The type of chemical you are exposed to, the amount, and how and when you are exposed are important factors in determining whether your exposure will be harmful.
 - Ask your health care provider and others knowledgeable about chemicals and their effects on health for advice.
- 5** Prevent harmful exposures
 - Learn as much as you can about the chemicals used in your workplace.
 - Ask your employer to use safer alternatives to toxic chemicals.
 - Follow health and safety procedures.
 - Find out about accommodations while pregnant or nursing.
- 6** Know your rights
 - You have the right to a safe and healthy workplace.
 - You have the right to information and training on chemical hazards and protection against them.
 - You have the right to protection against pregnancy discrimination and to family and medical leave.

Where to get more help

For a list of resources to help you reduce your exposure to toxic chemicals and understand your legal rights, see:

www.prhe.ucsf.edu/prhe/workmatters_resources



Work Matters

When you work with or around toxic chemicals, what you know really matters.



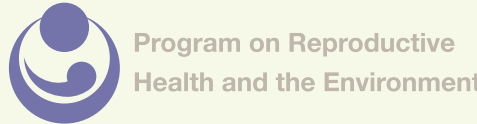
Are you pregnant? Or are you planning to become pregnant?
Are you exposed to chemicals at work?
If so, the information in this booklet can help you.



It is always important to keep your exposure to toxic chemicals as low as possible. But it is especially important while you are pregnant. This is because exposure to toxic chemicals can harm your health and your ability to have a healthy child.

The law requires your employer to make sure that your exposure to workplace chemicals does not cause such harm. This booklet will help you learn what to do to ensure your rights to protect you and your baby from harmful chemical exposures.

WORKSAFE
safety, health, and justice for workers



Magee-Womens Hospital of UPMC



Printed on 100% recycled paper, using soy-based ink and wind power in a unionized printing shop

Revised May 2016



Acknowledgments

This brochure was developed by the University of California, San Francisco, Program on Reproductive Health and the Environment (PRHE) in collaboration with Worksafe, a nonprofit organization dedicated to eliminating workplace hazards.

As You Sow, a California nonprofit organization dedicated to corporate accountability, provided funding to Worksafe for the development of this brochure.

Written by Supryia M. Ray, Esq. - www.rayediting.com

Designed by Danielle Velazquez - www.DanielleVelazquez.com

Content update by Julieta Pisani McCarthy, M.A.

Design update by Carolina Rojas - unportfolio.tumblr.com

Information on legal rights provided by Danielle Lucido and Michael Smith, both of Worksafe, and Supryia M. Ray

Research assistance provided by Dylan Atchley, PRHE

We are indebted to our late dear friend and colleague Julia Quint, PhD, Chief, Hazard Evaluation System and Information Service, California Department of Public Health, for providing her expertise on the reproductive and developmental health effects of chemical exposures.

© Copyright 2012 The Regents of the University of California

Many workplaces contain toxic chemicals and other hazards that can affect your health. Some chemicals pose special concerns during pregnancy because they can cause miscarriage, affect growth or development, or cause birth defects.

Several factors affect whether exposure to toxic chemicals will harm your pregnancy or your baby. Important factors include the type and amount of the chemical, how and when you are exposed, and whether the chemical can reach your fetus or baby through your placenta or breast milk.

Getting the information you need is the first step in preventing harm. Try to start before you become pregnant —or as soon as possible after you know you are pregnant.

This booklet will help you gather information on:

- 1 The chemicals you may be exposed to
- 2 The health effects of the chemicals
- 3 How you can be exposed
- 4 How to prevent harmful exposures
- 5 Your legal rights¹
- 6 Where to get help

¹This booklet provides general information about exposure to chemicals in the workplace. It is not intended to provide medical or legal advice or to substitute for the advice of a health care professional or attorney.



It is important to know that:

- Avoiding exposure by using safer alternatives to toxic chemicals and keeping your exposure to all chemicals as low as possible is the best way to protect your health, your pregnancy, and your baby.
- There is no complete list of chemicals that may affect pregnancy and the developing fetus. Most chemicals have not even been tested for these health effects.
- You cannot rely on legal exposure limits to ensure your safety. Most workplace chemicals that can harm pregnancy or the developing fetus do not have protective exposure limits.

Laws establishing job & medical rights while pregnant

Federal and state laws covering medical leave and job protection overlap. In some cases, you can combine leave policies under more than one law to extend your time away from the job while pregnant or in the weeks after childbirth. Non-profit employment law centers can help you understand and make use of these laws.

The **Family and Medical Leave Act (FMLA)** is a federal law that provides the right to unpaid leave for reasons such as inability to work due to pregnancy, prenatal care, and the birth and care of a newborn child. If eligible, you can take up to 12 weeks of unpaid, job-protected leave in a 12-month period.

The **Pregnancy Discrimination Act (PDA)** is a federal law that prohibits discrimination based on pregnancy. Under the PDA, employers must treat pregnant women like other employees. This means you have the right to work as long as you are able to perform your job. In addition, if you are temporarily disabled due to pregnancy, you have the right to the same benefits and options that your employer gives other temporarily disabled employees. This could include accommodations such as a change in your duties or assignments, a temporary transfer, and paid or unpaid leave, as well as the right to have your job held open for the same amount of time as your employer gives to other employees on sick or disability leave.

If you work in California—

The **California Pregnancy Disability Leave Law (PDLL)** provides up to sixteen weeks of paid leave for employees who are disabled by pregnancy, childbirth, or related medical conditions if other employees would be paid during non-pregnancy-related temporary disabilities. In other words, pregnant women must be treated the same as employees with other disabilities.

Laws dealing with workplace exposure to chemicals *(continued)*

The **Hazard Communication Standard (HCS)** is a federal OSHA rule that covers all hazardous chemicals. It requires employers to tell workers which chemicals they are exposed to and what the dangers of exposure are. Employers must:

- Identify and list hazardous chemicals in the workplace.
- Have SDSs for products containing hazardous chemicals in the workplace and make them available to workers.
- Have a written “hazard communication program” to provide workers with information about hazards and how to protect against them.
- Inform and train employees about hazards when work is assigned and when new hazards are introduced.

Section 7 of the **National Labor Relations Act (NLRA)** protects both unionized and non-union employees from discrimination or retaliation, as long as two or more employees are acting together about wages, hours, or working conditions—including health and safety hazards. That is why it can be very helpful to enlist co-workers for support when requesting accommodations from your employer.

If you work in California—

California’s OSHA plan is called the California Occupational Safety and Health Program (Cal/OSHA). It provides the same or additional rights as federal OSHA. For example, Cal/OSHA provides coverage to public-sector employees but federal OSHA does not. Cal/OSHA also has some standards and regulations, including Permissible Exposure Limits (PELs), for chemicals that are not covered by federal OSHA.

Take Action!

Being informed and knowing your rights can help ensure a healthy pregnancy and a healthy baby. Here’s what you can do to protect yourself, your pregnancy, and your baby from harmful chemical exposures.

1 Find out which chemicals you may be exposed to

Your employer is required to have information about the chemicals you are exposed to and make it available to you.

To find out the names of the chemicals that you use or that are used around you, you can:

- Check the labels on containers and packaging. They provide written and graphic information about hazards. Read all the signs, look at all the pictures and symbols, and ask questions.



Health Hazard

Watch for symbols like these and ask questions!



Acute Toxicity

- Ask to see safety data sheets (SDSs) for the products in your workplace. SDSs provide health and other information about the chemicals in products. Your employer is required to have an up-to-date SDS for each specific formulation of the hazardous chemicals in your workplace.

2

Find out about the health effects of the chemicals you may be exposed to

Your employer is required to provide training on the health hazards of workplace chemicals. For lists of chemicals that can harm your pregnancy or cause cancer, see:

www.prhe.ucsf.edu/prhe/workmatters_resources

Review the health hazard information on SDSs. Keep in mind that sometimes the information is not accurate or complete. SDSs may also be hard to understand. Don't be afraid to ask for more information or for help.

If you work in California —

Ask for your employer's "Injury and Illness Prevention Program" (IIPP), which must be kept at each California worksite. Look at the plan, especially the section on specific hazards at your workplace and what your employer is doing to reduce exposures. Follow the procedures in the plan for raising questions with your employer, supervisor, company doctor, or company health and safety officer.

Under OSHA, you have many rights, including the right to:

- Know what chemicals you may be exposed to at work.
- Receive training on chemical hazards and what precautions to take.
- Be protected from harmful chemical exposures.
- Receive medical monitoring for exposure to certain chemicals.
- See and copy your employer's "hazard communication program." The program must include a list of all hazardous chemicals in the workplace and describe how employees will be trained on hazardous chemicals in their work area.
- See and copy product labels and SDSs for products containing hazardous chemicals.
- See and copy records of chemical-exposure monitoring in your work area.
- See and copy your own employee medical records.
- File a confidential complaint with OSHA about safety and health hazards in your workplace.
- Be protected from retaliation for reporting concerns about job safety and health to your employer, union, OSHA, or other government agency.





3 Find out how you and your baby can be exposed to chemicals

You can be exposed to chemicals at work if you:

- Inhale chemical vapors, dust, or fumes from the air.
- Get chemicals on your skin or in your eyes.
- Ingest chemicals when you eat, drink, or smoke or if you do not wash your hands before eating.

You and your family can be exposed to workplace chemicals at home if:

- You wear contaminated work clothes or shoes in your car or at home.
- You wash contaminated work clothes with family laundry.
- Chemicals on your skin come into contact with household items.

Your fetus can be exposed to the chemicals you inhale or absorb if they cross the placenta. Some chemicals can also contaminate breast milk and may affect nursing infants as well.

4 Identify harmful exposures

The type of chemical you are exposed to, the amount, and how and when you are exposed are important factors in determining whether your exposure will be harmful.

Find out as soon as possible if the kind of exposures you are likely to have could harm your pregnancy.

- Talk to your personal health care provider about your exposure to chemicals at work.
- Talk to your company health care provider, a health and safety specialist, a worker advocate, or others who are knowledgeable about chemicals and their effects on health.

Laws dealing with workplace exposure to chemicals

The **Occupational Safety and Health Act (OSHA)** covers federal-government and private-sector employees. It requires employers to provide safe and healthful workplaces. Employers must comply with safety and health standards and keep workplaces free from serious recognized hazards.

Under OSHA, states may run their own job safety and health programs with federal approval. To find out if your state has its own program, see:

www.prhe.ucsf.edu/prhe/workmatters_resources

5 Prevent harmful exposures

Avoiding exposure to toxic chemicals provides the best protection against harm. If you cannot avoid chemical exposures, try to keep them as low as possible. Unfortunately, you cannot rely on legal limits to ensure your safety, even if the limits are fully enforced. Most workplace chemicals have not even been tested for reproductive and developmental health effects.

To eliminate or reduce your exposure, you can:

- Learn about the chemicals used in your workplace.
- Request that your employer use safer alternatives to toxic chemicals.
- Follow health and safety procedures.
- Find out about any available “accommodations.” Accommodations are changes your employer makes to meet your needs while you are pregnant or nursing your baby.

Use safer alternatives

There are many effective and safer alternatives to toxic chemicals, and more are being developed every day. Safer alternatives often use soy, water, mechanical methods, or less hazardous chemicals to end or reduce exposure to toxic chemicals. They can help you stay in the same job while still preventing harmful exposures. They can also be cost-effective for your employer, especially given the cost of handling and disposing of toxic substances. For more information on safer alternatives, see:

www.prhe.ucsf.edu/prhe/workmatters_resources

Laws & regulations

Most people are not familiar with the law and may even feel intimidated by it. This is natural, but don't let it stop you. There are many resources to help you understand and use your legal rights. In addition, a lawyer, worker-protection agency, employee advocate, legal services organization, or other nonprofit organization may be able to help you with your particular situation. For more information on how to find help, see:

www.prhe.ucsf.edu/prhe/workmatters_resources

While current laws do not fully protect you from exposure to toxic chemicals at work, it will still help you to know your rights and your employer's responsibilities. Knowing your rights can help you to speak up for the most protection and best treatment you can get. For more information about all of the following laws and regulations, see:

www.prhe.ucsf.edu/prhe/workmatters_resources



6 Know your rights

As an employee, you have the right to a safe and healthy workplace. This basic right includes both information and training on harmful chemical exposures and protection against them. You also have the right to protection against pregnancy discrimination, protection against other kinds of discrimination and retaliation, and family and medical leave. This section covers:

- What your employer is required to do to protect you from exposure.
- Laws and regulations that can help you.

Your employer's responsibilities

Your employer is required to make sure that exposures to workplace hazards do not harm your health. This includes chemical hazards that can affect your ability to become pregnant and have a healthy baby.

To fulfill this responsibility, your employer must:

- Evaluate the health hazards of the chemicals used in your workplace and involve workers in periodic inspections.
- Inform you of the known hazards—in a language you understand.
- Protect you from hazards by implementing a written plan to control or eliminate known hazards by a specific date.

For more information on each of these requirements, see:

www.prhe.ucsf.edu/prhe/workmatters_rights

Follow guidelines

If you cannot use a safer alternative, carefully follow the guidelines for using toxic chemicals.

- Use as little of the chemical as possible.
- Use the protective equipment your employer provides.
- Follow guidelines for ventilation.
- Keep containers closed to prevent spills and minimize the release of chemicals into the air.



Find out about accommodations

If exposure to toxic chemicals would endanger you or your pregnancy, you may have a right to ask to make changes in your work. Such changes are called “accommodations.” For example, you may have a right to request a change in your duties or assignments, transfer to another position, or unpaid leave under the federal Pregnancy Discrimination Act (PDA) or Family and Medical Leave Act (FMLA).² For information about these laws, see:

www.prhe.ucsf.edu/prhe/workmatters_rights

If you need to request an accommodation, it is important to know that:

- You must give your employer appropriate notice of your request. The relevant law will tell you exactly what to do, but in general you should provide notice as soon as possible and follow your employer’s notice procedures.
- Your employer may request medical documentation of the need for accommodation. Ask your health care provider for a letter.

If you are worried about possible discrimination or retaliation, ask one or more of your co-workers or a union steward to join you when you make your request. You can all ask questions and write down the responses. It is illegal to discriminate or retaliate against workers for asking questions.

If you work in California—

You may also have a right to paid leave under California law or if your employer provides paid leave to other temporarily disabled employees. For more information, see:

www.prhe.ucsf.edu/prhe/workmatters_rights

²In general, there is no right to temporary paid leave under federal law, and pregnant women do not usually qualify for Social Security disability benefits.

Ask your health care professional for help

Your health care provider is an important partner in protecting you against harmful exposure to chemicals in the workplace. While your employer is responsible for ensuring a safe and healthy workplace, your health care provider needs to know about your job and workplace exposures to give you good care and advice.

Work history

Tell your health care professional about your work history as early as possible. Bring a list of the chemicals used in your workplace, and let your doctor or other provider know how, how often, and for how long you are exposed to them. Share any written information you have from your employer, such as records of chemical exposure monitoring or medical monitoring. Volunteer this information; do not wait to be asked.

Medical conditions

Your health care professional will determine whether you have any medical conditions that make you more sensitive to harm from chemical exposures. Pregnancy and preexisting conditions or complications of pregnancy make you more sensitive to the harmful effects of chemical exposures. Tell your provider if you have any past or present medical conditions, illnesses, or injuries.

If you have a medical condition that makes you more vulnerable to chemical exposures, you may need an accommodation such as special protective equipment or a change in your duties. For example, if you have certain complications of pregnancy, such as high blood pressure or too much weight gain, you may not be able to wear a respirator to prevent exposure. Similarly, if there is no way to avoid exposure to a chemical that can cause miscarriage, you may need to request a temporary transfer or leave from your position.

Advice & referrals

Your health care professional can also provide valuable advice and referrals. For instance, she or he can help evaluate whether the chemicals you work with may harm your health or pregnancy. Your provider may need to consult with an occupational health program or specialist or refer you directly for an evaluation. For more information, see: www.prhe.ucsf.edu/prhe/workmatters_resources