



The Highball

Official Publication of

Railroad Workers United

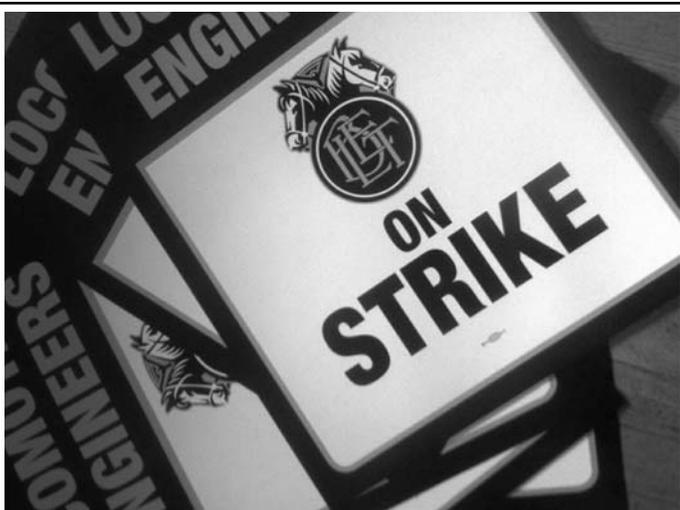
Rail Unions Settle for PEB in Fear of a Hostile Congress

As we go to press, most all of the unions have capitulated and settled tentative agreements for what amounts to the Obama PEB. The last holdout is the BMWED, which agreed to an extended 60 day cooling off-period in order to bargain a few outstanding issues specific to their crafts. After all the tough talk about what a lousy agreement the UTU had settled for, and how we were not about to settle for a concessionary agreement, the unions found themselves hemmed in by the carriers' intransigence, backed up by the White House and the Congress.

organized and mobilized membership with which to back our opponents down with. Without the threat of strike action, without the threat of a work-to-rule campaign, work slow-down or other effort which the carriers know will hurt their bottom line, there is not now, nor will there ever be, an incentive for them to settle on our terms.

Given the carriers' record profits, coupled with the deep public displeasure with corporate America this past year, combined with the labor uprising that has taken place in parts of the country, we probably missed our best chance in decades to regain lost territory at the bargaining table. Unfortunately the contracts generally run until 2015, effectively isolating us from the coming labor struggles of other sectors of the working class.

What could we have done differently? And what can we do next time to make sure that we do not end up in this cul-de-sac once again? See the **Editorial on Page 7** for a review of what went wrong in this round and what we might want to do to put it right and to be ready for a united and more effective struggle the next time around.



Picket signs that never saw the light of day. Despite the fact that 97% of the BLET membership voted to authorize a strike, the White House, Congress, the rail carriers, and perhaps the union officials themselves had other ideas.

Did we not see this coming? Did we really expect a different outcome? After the last thirty years of corporate and government complicity in thwarting union power, combined with nearly a century of experience with the Railway Labor Act, surely rail labor knows what we are up against, right? Well, sure enough, once the PEB was issued and once the Congress had said "Boo!", rail labor retreated, its tail planted firmly between its legs.

It's like the unions play their given role, more of a show for the membership than anything else, knowing that in the end, we have no game plan, no ace in the hole, no

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RWU Produces A Full Line of Stickers for 2012

In response to the Occupy Movement, RWU has produced a new sticker that reads: "Railroaders: We Are the 99%". At our Steering Committee meeting in October, RWU endorsed the activities of Occupy Wall Street and its affiliated Occupy groups around the country. Occupy has great



potential to assist in the revitalization of the labor movement (see commentary Page 6), and is a natural ally to railroad workers in the struggle with the carriers.

And in response to reports of sexual harassment, intimidation, and discrimination, RWU has produced a sticker in support

of our sister workers on the railroad. Proclaiming that "Discrimination Divides Us -- Solidarity Unites Us", RWU hopes to raise awareness of the issue and remind all of us that there is strength in unity. Our sister rails deserve respect, and it is the job of every railroad worker to treat their female co-workers as the equals that they are.

Both stickers are available by contacting RWU at 206-984-3051 or email us at info@railroadworkersunited.org. Make sure to



leave us your phone number and we will get back to you to make arrangements for delivery.

In addition, RWU stocks three other stickers that are available to our members and supporters. First, we have the basic RWU sticker with our logo and information to spread the word



about RWU. Second, we have the "Fix the Hazards, Don't Blame the Victim" sticker to draw attention to our campaign against the carriers' phony "behavior based safety" schemes. Finally, we offer a sticker dedicated to Railroad Workers Memorial Day, held each and every Fathers Day Friday in June to honor and remember our

fellow workers who have been killed on the railroad in the previous year. All three of these stickers are also available from RWU by contacting us at the email or phone number listed above. If any or all of these slogans and themes appeal to you, and you want to help RWU to spread the word, please give us a shout and order your stickers today!



Railroad Workers United

Railroad Workers United was organized in April 2008 at a Founding Convention in Dearborn, MI. RWU grew out of decades of struggle within the craft unions for unity, solidarity, and democracy. We are carrying on a tradition of rank-and-file activity which dates back to the 1890s and the time of Eugene V. Debs.

RWU is a cross-craft inter-union caucus of rail labor activists across North America. All rail workers of all crafts from all carriers who support our Statement of Principles are welcome to join in our efforts. Please write, call or email the address below.

Statement of Principles

- Unity of All Rail Crafts
- An End to Inter-Union Conflict
- Rank-and-File Democracy
- Membership Participation & Action
- Solidarity Among All Railroaders
- No to Concessionary Bargaining

Railroad Workers United P.O. Box 1053 Salem, IL. 62881

International Steering Committee

Penny Artis	IBEW #813	NS	Roanoke, VA	
Steve Desavouret	TCU #6608	CN	Chicago, IL	
Jon Flanders	IAM #1145	CSX	Selkirk, NY	
Robert Hill	BLET #75	BNSF	Vancouver, WA	
Ron Kaminkow	BLET #51	Amtrak	Reno, NV	
Mike Matson	UTU #911	CP	St. Paul, MN	
Ed Michael	UTU #979	BLET #724	UP	Salem, IL
Jen Wallis	BLET #518	BNSF	Seattle, WA	
Matt Weaver	BMWED #2624	CSX	Toledo, OH	
Chet Whyers	UTU #979	UP	Salem, IL.	
John Wright	BLET #78	CSX	Louisville, KY	

www.railroadworkersunited.org

206-984-3051

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RWU Builds for Third Convention in Chicago

Calling all members of Railroad Workers United! We will be conducting our third biennial convention in Chicago, Illinois on May 4th at the O'Hair Crowne Plaza Suites (see [The Highball Fall 2011](#)). This past two years since our last convention in Detroit have been exciting ones in the rail industry, and RWU has been there every steep of the way. We have sponsored Railroad Workers Memorial Day each June, and raised the issue of phony behavior based safety programs; focused attention upon the single employee crew issue, and championed the idea of one big bargaining coalition. While the union officialdom continues to remain aloof, we are affecting the terms of the debate. RWU members have been involved in some of the key fights for democracy inside our unions, including the fight against the SMART takeover of the UTU and the fight to preserve one-member-one-vote in the BLET.

Now it's your turn to get involved and let your voice be heard. Help RWU set our agenda, direction and focus for

“Time to Lean” Does not Mean That “There is Time to Clean”

John Wright, BLET #78, CSX, Louisville, KY

On their internal CSX Gateway network, CSX touted that several managers have graduated from “Six Sigma / Lean Training.” This set of management tactics train managers to save the company money through job combinations and elimination. The very spread-out nature of the railroad makes it hard for us workers to understand how these management tactics effect our co-workers. Sometimes we only speak to each other over radios, or through communication boxes in our yard offices. The only time we have multi-craft discussion is at the company paid-for safety meetings.

In Nashville, at one of the busiest crew change points on the railroad's western corridor, CSX management has cut four yardmaster positions in a “cost saving” measure. This is a prime example of how when positions are eliminated, other crafts are affected. All aspects of this change should have been addressed, not just the narrow-minded “elimination of waste” that is driven by the carrier desire to “increase profitability”. Our union contracts must be considered in the planning!

The train dispatcher and the crews are now forced to do work that used to be the responsibility and contractual work of the yardmaster. The elimination of a position results in more responsibility, stress and fatigue being placed on the workers who now must perform the combined jobs. The many small fires that used to be put out by yardmasters are now being put out by already over-worked dispatchers. Crews are being left to sit on trains waiting for outbound crews to come to work. Outbound

“The recent debacle of lowered health care benefits with higher out-of-pocket costs negotiated by the UTU and shoved down everybody else's throat under provisions of the RLA demonstrate the need for ONE rail union bargaining coalition! Since its founding, Railroad Workers United has been pushing this concept. See you at the Convention in Chicago!”

**Hugh Sawyer, BLET #316, NS
Atlanta, GA.**



the coming two years. We will elect a new Steering Committee, take up policy questions, hear reports of committees, and amend our bylaws. See you there!

crews are being called to work and waiting hours for trains with bad call times to arrive. This untracked limbo time causes more fatigue and is in no way inline with our quality of life and held-away issues.

And what are the safety issues involved for the Signal and Track Departments? I am sure they are concerned that the dispatchers, who provide them protection, are being over-worked and over-stressed. Management's attitude of “if there is time to lean...then there is time to clean” (i.e., if you have a free moment at work, then you could be productive in *some way*) does not take into consideration the planning, strategy and rest that the active railroader needs in order to be able to function at her/his optimal and safest level.

In my short ten years at the railroad, I have seen position after position eliminated. The list is long and every craft has been affected. We have all been pitted against each other in some way. Sometimes these eliminations/consolidations are more obvious, like RCO and forced seniority district consolidations; while others are more subtle and invisible, like printing out our own work orders. We all are being expected just to accept the changes and go with them, regardless of contract or agreement. Coalitions of solidarity must be built in terminals that reach far beyond the safety overlap / company policed and paid-for programs. Local chairmen need to be more willing to build coalitions with other local chairmen. General chairman need to instruct, educate and lead their local chairmen. Member-to-member cross-craft networks need to be built. If we can't all be one union, we need to start acting like one! An Injury to One, is an Injury to All.

Safety Conference Presents an Alternative to “Behavior Based Safety”

James Wallace, UTU #305, BNSF, Lincoln, NE

The BLET Health & Safety Conference held at the University of Iowa, November 18th & 19th was a historic first for American rail labor. This is the first attempt by rail labor to begin a discussion of the problems with the Rail Safety Improvement Act (RSIA) and what is known as “behavior based safety” programs. The conference advocated union-led solutions to hazard alleviation in stark contrast to the behavior based safety programs currently in place – and tacitly endorsed by rail unions -- on all North American Class I railroads.

The conference was organized by Jeff Kurtz, the BLET Iowa State Legislative Chair and the Labor Education Studies group from the University of Iowa. It was attended by more than 30 union members, including legislative chairs from Minnesota, Wisconsin, Illinois, Indiana, Iowa, and Ohio. Members from the BLET, UTU and TCU were in attendance from six of the seven major US freight carriers and Amtrak. Six RWU members from Illinois, Iowa, Nebraska and Nevada were present. The featured speaker was Nancy Lessin, program coordinator for the United Steelworkers–Tony Mazzocchi Center for Health, Safety and Environmental Education. Nancy is an experienced labor educator and has helped unions across the U.S. and around the globe deal effectively with behavior-based safety programs. The conference, conducted over two days, focused on explaining and debunking behavior based safety, and building alternatives whereby unions can formulate and implement effective safety programs that focus on hazard elimination to create safer workplaces and communities.

In the first session, each attendee described what they considered to be the major hazards in their workplace, and a long list was created of all types of existing hazards (It is worth noting that not one participant mentioned “worker behavior”!) The most common hazard discussed was fatigue and the ways in which companies manipulate the rules of the RSIA to prevent workers from receiving days off and how poor train line-ups can make it difficult for workers to anticipate on-duty times and be rested. Fatigue is treated solely as the responsibility of the worker, and railroaders are expected to be rested at all times even when working long hours and extended periods of time without rest days. The responsibility of the worker to prevent accidents in the face of unresolved hazards is

the foundation of behavior based safety.

Behavior Based Safety

Behavior Based Safety is an approach to safety that allows companies to place all blame and responsibility for accidents, injuries and fatalities on the behavior of the worker. This approach diverts attention away from existing hazards that can eventually result in injury or death and places attention solely on creating new rules or behaviors that will supposedly prevent the possibility of a given hazard causing an accident. Behavior based safety is favored by the carriers because it usually costs very little or nothing to implement new rules and policies, whereas removing or fixing hazards will often require expenditures that could conceivably cut into the company’s bottom line. Because of this, behavior based safety is inherently anti-worker and anti-union. One of the most important issues addressed at this conference was how to create union-led safety programs on a local and national level that will eliminate hazards and create a safer workplace.

Union-Led Responses to Behavior Based Safety

The primary focus of the conference was how unions can create programs that hold rail carriers accountable for hazards and which address hazard elimination. Sister Lessin stressed the importance of holding regular safety meetings with the carrier in which union representatives come to the table with a unified agenda, one that is the result of input from the local membership about hazards that need to be fixed. The safety committee needs to include the rank and file in the creation of this program

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The participants of the Safety Conference shown here. Far left is Nancy Lessin seated next to conference organizer Jeff Kurtz. RWU General Secretary Ron Kaminkow is second row far right. RWU Co-Chair Ed Michael is seated in the back row, third from the left. The author, James Wallace, is seated to Ed’s Right.

Rail Safety Conference *Continued from Page 4*

and must go to the meeting with clear demands. It is vitally important that the minutes of the meeting with the carrier be made easily available to the membership so that all workers are kept informed of the progress of the campaign. Locals should insist on paying their safety representatives with union funds rather than being compensated by the company in order to keep the carrier from subverting the safety process. Once specific points of the union safety program have been presented to the company, if hazards identified by the union are not fixed it will then be necessary for the membership to decide what action to take to pressure the company into meeting the safety committee's demands.

Take-Home Message

The importance of fighting behavior based safety programs with a union-led safety program is clear when reviewing the number of injuries and fatalities on North American railroads in 2011. The recent fatality of a BNSF conductor illustrates the importance of eliminating hazards. The company's official "safety briefing" on the incident instructs train crews to consider various hazards before exiting the cab of a moving locomotive, and if it is not felt that exiting the cab can be done safely, the crew should stop the train and then exit. No mention is made in the briefing as to whether or not the close clearance that caused the conductor's death was

properly marked or whether the company had taken any action to give warning to train crews of close clearances at this location. The only action taken by the company is to issue instructions on a new rule.

Because all accidents and injuries are usually met with this response from the company, many rail workers have grown to accept that behavior based safety and adhering to rules will be sufficient measures to protect them. They might even sometimes take the attitude that injured workers 'only have themselves to blame.' While there are instances where accidents result from unsafe decisions or behaviors on the part of the worker, it is time for unions and members to begin turning a more critical eye on hazards so that opportunities for accidents and injuries are eliminated.

Even in a complex and dangerous work environment like the railroad, workers should not have to pay for a mistake with their lives when solutions exist to make railroads less dangerous. RWU and those who attended this conference are working to create better safety programs and safer workplaces. This conference is sure to be just the beginning of a growing movement by rail labor to take on hazards and policies that have already taken the lives of numerous union brothers and sisters.

Transport Workers Federation to Celebrate International Women's Day March 8

For the past 11 years, union affiliates of the International Transport Workers Federation (ITF) have participated in the ITF campaign for International Women's Day on the 8th of March by organizing practical activities to campaign for and secure women transport workers' rights and increase their visibility and participation in the union movement. The ITF Women's Committee is once again calling on affiliates to mark the day, Thursday, March 8th, 2012.

Those interested can order campaign materials from the website. The ITF has produced a new campaign poster and a 2012 calendar in English, French, Spanish, Russian, Turkish and Arabic. The materials carry the slogan, "Your Union, Your Future: Be Part of Something Big, Join a Transport Union". The materials reflect the ITF's Organizing Globally campaign which focuses on unions growing through organizing, especially those that target women and youth transport workers.

Tell us about your activities and order your campaign materials by February 3rd, 2012, or email us at women@itf.org.uk. Feel free to upload the campaign banner and logos to your union site, and facebook pages, share the campaign url with your colleagues and friends. Last year saw marches and rallies, workshops and teach-ins, conferences and other activities sponsored by trans-

port unions around the globe, including Argentina, Bulgaria, Canada, India, Jordan, Indonesia, France and Australia.

The International Women's Day campaign is part of a wider umbrella campaign by the International Trade Union Confederation, who on March 8th, 2008 launched a global campaign for decent work and decent life for women.



Women workers march when trade unions in Zimbabwe celebrated International Women's Day in March 2010

West Coast Port Shut Down: Vital Lessons to be Drawn

On December 12th, thousands of demonstrators aligned with the Occupy Movement as well as local truck drivers shut down several ports along the west coast. The Occupy Movement called for the action in response to police brutality and the eviction of Occupy protesters from camps across the nation. The idea was hatched in Los Angeles in November and was picked up by the respective Occupy groups from San Diego to Vancouver, BC.

COMMENTARY

The protesters proclaimed their solidarity with the port workers, including the longshoremen and the truckers who dray loads in and out of the ports everyday. But the leadership of the Longshore, Teamsters and some other unions disavowed the support of Occupy, and issued press releases proclaiming their opposition to the action. While it is true that Occupy acted hastily, and could have courted support from the unions concerned, the issue is not as black-and-white as the media presented it.

In the case of the Longshore workers (ILWU) stance, it is debatable just how opposed the union and its members were to the port shutdown. Because the union is bound by the contract to not engage in "wildcat" actions, some believe that the ILWU's public proclamation was simply designed to protect it from bankrupting lawsuits by the ports and shipping companies. Until the controversy, ILWU and the Occupy Movement were widely considered allies.

The previous shutdown of the port of Oakland November 2nd, which came as a quick response to the police brutalization of the Oakland Occupy camp, was not opposed by the ILWU. Members universally honored the picket and went home, if in fact they showed up to work at all. And according to numerous rank and file longshore workers, there is great support for the Occupy Movement among the workforce. According to ILWU Local Executive Board member and third generation longshoreman Clarence Thomas, "If ILWU members don't honor the community picket lines, it will cause an irreparable breach with the community. If the ILWU can't support the community, why should the community support the ILWU ..."

And in an "Open Letter from America's Port Truck Drivers", a loose association of truckers proclaimed their support: "We deserve to be fairly rewarded and valued. That is why we have united to stage convoys, park our trucks, marched on the boss, and even shut down these ports.... we believe in the power and potential behind a truly united 99%."

At the end of the day, The SSA terminal at the Port of Long Beach was closed for the morning shift. The Port of Oakland was closed for all three shifts, and the Port of

Portland was closed for AM and PM shifts. The actions in Seattle and San Diego were broken up by police after some disruption of port business, and in a solidarity action in Houston police used the unprecedented tactic of bringing in a privacy tent to surround blockading protesters before actually arresting them. There were other actions and pickets at the ports of Hueneme, Longview, Coos Bay, Vancouver, as well as in Hawaii and Tokyo.

As railroad workers, we understand the dichotomy between the union leadership and the rank & file. Union officials often have differing views than the membership, and in some cases our interests can even be diametrically opposed. And even among the rank & file, there is often a diversity of opinion on questions of strategy and tactics, political and social issues. This is one lesson that Occupy must certainly draw from this experience.

In addition, Occupy must understand that democracy is often more than simply a voice vote at a mass assembly. Building alliances between organizations -- labor, community, environmental, etc. -- takes time and can be tedious painstaking work. But it must be done if we are to succeed in building a mass movement capable of winning. Yes, we are the 99%, but the people's movement is profoundly diverse and is made up of a myriad of organizations, each with its own history, culture, structures, traditions and personalities. It is vital that Occupy take the time necessary to weld a cohesive coalition of the 99%.

The unions, ILWU in particular, must fully appreciate that Occupy represents the most promising labor-community

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ILWU Local #21 leader Dan Coffman speaking at an Occupy assembly in Oakland Nov. 2nd: "You cannot believe what you people have done for my people who have been on the picket line for six months or more." Local 21 has been battling corporate giant EGT in Longview, WA. (see [The Highball](#), Fall 2011).

It's Up to the New Generation of Railroaders Lead the Way!

Railroaders of the baby boomer generation are retiring in droves, and now there are lots of twenty and thirty-something replacements in the ranks. The UTU stands out in this regard, as the entry level craft for operating employees, but it is also true for the Brotherhood of Locomotive Engineers (BLET) as these younger conductors progress through training into the craft of engineer. But nonetheless, all the rail crafts have and are witnessing an influx of young workers across the entire industry. Will these new railroaders, as they are assimilated into their unions, develop the new strategy needed to win better contracts?

EDITORIAL

A contract between labor and management is among other things, a truce. Union folks call it "an agreement" but in fact that agreement spells out the peace terms to avoid either a refusal of labor to work (strike) or the loss of work entirely by actions of management (lockout).

In the case of railroad labor "agreements", the threat level is very high. A railroad strike could cripple the economy, costing by some estimates a billion dollars a day. In response to this threat, our corporate dominated political and legal system has created a deliberate maze of labor law known as the Railway Labor Act (RLA) that essentially outlaws an effective rail strike by railroad workers.

West Coast Port Shutdown

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coalition to come along in decades. Occupy is largely composed of working people, and has won the support and outright endorsement of many labor unions and groups (including RWU). The movement has shown that it is ready, willing, and its able to take action, to stand in solidarity with workers and unions, and to win. The coming year will no doubt witness a number of key battles on the waterfront. The Occupy Movement's strength and vitality should be of prime concern to a union that will soon need assistance. ILWU's proclaimed opposition to December 12 played into the hands of those who wish to divide-and-conquer us -- the ports, the shippers, the politicians, the police and of course, Wall Street.

This past year witnessed a dramatic upsurge in working class activity here and around the world. The coming year holds great promise for the revitalization of a mass labor movement. Let's not blow it by playing into the hands of our opponents. Unity is the order of the day. Yes we are the 99%. And it is vital we stick together. As the slogan of the ILWU proudly proclaims, "An injury to one is an injury to all!"

This denial of the essential right to strike creates a serious problem for rail labor leaders raised on the notion of a peaceful truce between the sides, which epitomizes "collective bargaining" for them. With rail carriers wielding the big stick of federal intervention via the RLA, how does a union leader get a contract passed whose terms he may have just condemned in the strongest possible terms only months ago (as Robert Scardelliti of the Transportation and Communications Union (TCU) did to the United Transportation Union (UTU) settlement in August, which the carriers had proclaimed to be the pattern for all other rail unions)?

The answer for our union officials this time around was two-fold. First, tweak the pattern just enough to claim you did better than your predecessor. Secondly, and most importantly, look carefully at the demographics of your membership. In the case of the rail labor workforce, the numbers of new hires is what stands out right now.

Many young workers are more concerned with wages than health care. In your twenties you feel immortal, serious illness is a distant cloud on the horizon. So for a union leader seeking a way to pass a less than satisfactory contract, pitching a reduction in health insurance monthly premiums has been the way to go in these negotiations, while at the same time claiming to do very well in wages.

In a bad economy, with a Republican Congress, as the red line on the federal threat meter, you can pass a contract by pitting the perceived interests of youth against those who are older and sicker. The fact that the quality and cost of health care under a union contract has been further degraded can be put off to another contract round. Given the age of many top union leaders, this will take place after they are retired.

How can this scenario be changed in the future? The future belongs to this new generation. After a few years in the rail industry, younger workers will get over the euphoria of scoring a "good job" and start taking a hard look at their situation. Hopefully, they will refuse to accept the status quo of divide-and-conquer bargaining and demand unity and solidarity instead. They will be ready to confront and overcome the perception of the "illegality" of a railroad strike. They will become active in their unions and elect new leaders who will reflect their ideas. Otherwise, the alternative is sure to be a further decline in contract standards and the wages and benefits it has taken generations for rail workers to attain. Railroad Workers United stands ready to welcome and help this new generation in such a change.





Railroad Workers United Membership Application

Railroad Workers United needs you! If you believe that our unions should fight the carriers and not each other, then RWU is for you. If you believe that the carriers' "behavior based safety" programs do more harm to us than good, and If you want real union-based safety committees, then RWU is for you. If you want to fight back against job cuts, consolidations and single employee crews; if you wish to see an active, informed and mobilized union membership -- of all rail labor -- then RWU is for you!

Name _____ Date _____

Address _____

City _____ State _____ Zip _____

Phone _____ Cell Phone _____

Email Address _____ Union Position (if any) _____

Union _____ Local # _____ Employer _____

Terminal _____ Craft _____ Years of Service _____

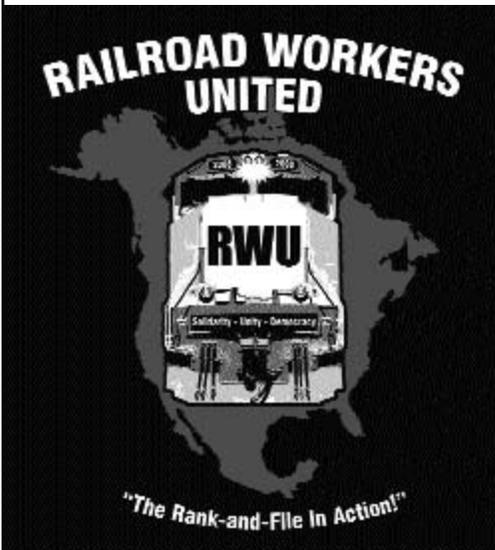
I am a (check one): Railroad Employee Railroad Retiree Railroad Family Member

Please check to affirm this statement: --- I am not a manager or officer of a rail company.

I'd like to join for (check one): 1 year \$50.00 2 Years \$90.00 3 Years \$120.00

Clip and mail together with your dues to:
Ron Kaminkow, RWU Secretary P.O. Box 2131 Reno, NV. 89505
OR join on-line at www.railroadworkersunited.org

Get Your RWU Union-Made-in-the-USA T-shirts and Hats



T-shirts now available in Black or Gray in S, M, L, XL, 2XL, 3XL, or 4XL. RWU logo at left is on the front of the shirt.

Hats are available in Black, Stone or Red, one-size fits all. RWU Logo on the front is stitched embroidery.

Both T-shirts and hats are union made in the USA, 100% cotton and include the RWU 4-color logo.

T-shirts and hats cost \$20.00 each (\$15.00 for RWU members)

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Order and pay with your paypal or credit card via our website at www.railroadworkersunited.org