RWU Ramps Up Campaign Against Single Employee Crews

Refusing to wait until the carriers make their move, Railroad Workers United has decided that the time is now to fight single employee operations. Realizing that the best defense is a good offense, to honor and celebrate Labor Day this year, RWU unveiled our stepped-up campaign to fight the carriers’ designs for single employee operations. Throughout the fall, RWU will be distributing flyers and leaflets, posters, stickers and other print matter to raise the issue to both railroaders, their families and the community in general.

-- the universal implementation around the country of single employee Remote Control Operation (RCO) jobs;
-- PTC, soon to be implemented on most mainlines;
-- the recent rumors that have leaked about the carriers’ intentions to run trains wholesale with a lone employee.

We can choose to bury our collective heads in the sand; we can ignore the issue and wish it would go away; we can hope that we can just make it to retirement before it all falls apart; we can put our faith in our union or the government to defend and protect us. Or we can educate ourselves about the issue, commit ourselves to the fight, take personal responsibility, stand up and be the proud union men and women that we are, and fight back!

Please join RWU in the fight of our lives and resist the carriers’ push for single employee operations in both the yard and on the road.

In fact, RWU believes that this is of such major importance that we are printing a special supplement to this issue of The Highball, dedicated strictly to this vital question. Please see the center four-page addition here (Page S1 to S4).

In the Summer issue of The Highball, RWU editorialized that “The Time to Fight Single Employee Crews is NOW!” We base this assertion on the evidence that has accumulated over the last decade. Numerous developments have led us to believe that the carriers will soon make an all-out push for single employee train crews. These include the following:

-- the 2004 Section 6 notices from the NCCC;
-- the 2007 Agreement penned by the BLET on the BNSF;
-- the 2010 Agreement penned by the UTU on CSX;

In this Issue of The Highball

RWU Initiates Program for Fallen Rails ... 2
Developing A Model Safety Program ... 3
Mexican Rails Resist National Union ... 3
Nancy Lessin at UTU Regionals ... 4
Iowa Auxiliary Works Across Crafts ... 4
Special Supplement on Single Employee Crews ... S1 to S4
Canadian Multi-craft Strike ... 5
RWU Member Wins Whistleblower ... 5
The Fight for Pensions & Retirement ... 6
Beware the Carriers’ Section 6 Notices! .. 7
Join RWU! ... 8
**RWU Initiates Program to Honor and Remember Fallen Rails**

The fractured nature of rail labor has led RWU to initiate a program to honor each and every railroad worker killed on the job, regardless of what craft and what union (if any) the worker was a member of. “When a brother or sister is killed in the line of duty, it is the concern of all of us, whatever position we currently hold on the property,” points out Robert Hull of the RWU “Fallen Rails Committee”.

For the past four years now, RWU has honored and remembered fallen railroad workers with the annual “Railroad Workers Memorial Day”, held each Friday before Fathers Day in June. The purpose is to unite railroaders in remembering our fallen comrades throughout the previous years. In 2011 we chose to focus on the tragedy in Longview, WA, one that unnecessarily claimed three lives due to the blatant failure of the carrier to provide a safe workplace (see The Highball Spring 2011). Funds were raised through T-shirt sales, the money being donated to both the National Workers Memorial in Silver Spring, MD and the National Railroad Memorial in Durand, MI.

This event was the first time that we honored specific railroaders -- Tom “Two-Notch” Kenny and Chris Loehr -- while this year we recognized Laurette Lee, Amtrak conductor of the ill-fated California Zephyr, killed when her train was hit by a speeding truck at a dangerous highway crossing in Nevada. “So it was only natural”, states RWU Steering Committee member Robert Hill, “that we begin to honor and recognize each and every railroad worker who is killed in the line of duty.”

To those ends, RWU plans to do the following:
- Send cards and flowers to the family of all victims.
- Publicize each and every railroad fatality.
- Encourage our fellow railroaders to sign the register at the funeral home as an act of solidarity with the aggrieved family.
- Keep a running tally of all rails killed on the job and make this information available on the website and annually in the pages of The Highball.
- Continue our annual Railroad Workers Memorial Day activities each year.
- Make future donations to both the National Workers Memorial and the National Railroad Memorial as funding allows.
- Set up a special memorial fund in order to fund these activities.

All railroad workers are encouraged to join us in this effort.

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RWU is a cross-craft inter-union caucus of rail labor activists across North America. All railroaders 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.

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- Unity of All Rail Crafts
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Fighting “Behavior Based Safety” Programs

Ed Michael, UTU #979 & BLET #724, UP, Salem, IL

We all are aware of the pitfalls and problems of behavior-based safety (BBS) programs and the damage they can do to a safe work place and to union solidarity. But finding a way of fighting them off while replacing them with an effective safety program can be difficult.

In many places we have seen the carriers establish BBS by co-opting local union members, or even officers, with generous paid time away from their regular assignments, or by promising “leniency” on discipline cases. Conversely we have seen carrier officers establish harsher discipline policies in locations, such as my service unit, where local unions have refused to participate in BBS.

Unfortunately, many locals have been forced to deal with BBS programs by themselves. General Chairmen and National and International Divisions have provided little or no guidance whatsoever, leaving local officers to fend for themselves. Even though there is an abundance of information available about how other industrial unions have dealt with BBS programs, rail labor leaders have done little to educate members about these programs.

The UTU Local and BLET Division in my terminal have been effectively refusing to participate in a BBS program. It is not an easy thing to do, but it can be accomplished. There are two important points to consider:

1. Local officers must first educate themselves about the ways in which BBS programs can damage union solidarity and make the workplace less safe. Then they must begin the process to educate their members. The BBS program makes it easy to fall into the trap of putting the fault strictly on the members, but we must always remind ourselves that we cannot ignore the underlying causes of accidents.

2. Secondly, we cannot just refuse to participate in BBS programs and let it go at that. Unions must always be involved in protecting the safety of their members, so we must have an alternative to BBS.

At our terminal, the UTU Local and the BLET Division each formed their own safety committee under the guidance of their respective Legislative Representatives. These safety committees offered to meet with local officers on a regular basis. Carrier officers recognize that even though we will not be involved in the BBS program, we are serious about cooperating in reducing hazards, accidents and injuries.

The BLET and UTU safety committees work together to address safety issues from a united front. We meet with the carrier once a month and work together with local officers to eliminate worksite hazards on an ongoing basis. Members submit safety issues to their Safety Committee and these are subsequently addressed with local officers. Local officials also bring safety issues to the table for the UTU and BLET to address. Solutions to problems are cooperatively discussed and referred to the proper people for disposition. Solutions to problems that cannot be enacted or approved on a local basis are put in letter form and submitted to a higher authority for action.

Here are some of the reasons our version of a workplace safety committee has been successful:

- UTU and BLET members put petty differences aside and always put forward a united front.

Continued on Page 6

Mexican Railroad Workers Demand National Union Keep Clear of Local Elections

As Mexican railroad workers’ unions were in the process of voting for new local leaders in late August, Orlando Velasco Cabal, speaking on behalf of a slate running for office at Local #20 in Orizaba, demanded that the Mexican Railroad Workers Union (SNTFRM) general secretary, Victor Flores, “keep his hands off the election process and leave us to decide who will lead our local union during the next six years.”

Rank-and-file railroad workers and retirees have long complained that Victor Flores behaves as a dictator, controlling national and local elections, as well as using union funds for his own interests.

In the late 1990s when the Mexican national railroad was sold off to private consortiums largely controlled by major U.S. based rail carriers, Flores, then a member of the Mexican Congress, colluded in the process which resulted in the loss of tens of thousands of railroad jobs and the destruction of many collective bargaining agreements.

With U.S. based roads like KCS and UP becoming major players in Mexico, while CP and CN have become major players in the U.S., RWU believes it is imperative that we create transborder networks between the railroad workers of Canada, the U.S. and Mexico.
“Behavior Based Safety” Debunked at UTU Regional Meetings

This year’s UTU regional meetings played host to a very special guest -- Nancy Lessin from the Tony Mazzochi Institute. Sister Lessin was invited to speak at both the Portland and Memphis Regional Meetings, where she addressed the rails assembled on the question of building effective safety programs. Just last year, Nancy had been invited as a keynote workshop presenter at the BLET Iowa State Legislative Board’s safety conference in Iowa City (see The Highball Winter 2012).

Sister Lessin has worked for over 20 years, educating workers about their rights on the job and for the need for real “union based” safety programs that are run by and for union members. She is highly critical of safety programs that focus primarily on worker behavior as opposed to hazard elimination, and encourages workers and their unions to avoid the pitfalls of buying into these types of “behavior based” schemes.

The rail industry is awash in these sorts of programs. Dozens of companies devise these programs and sell these packages to the major rail carriers, who then pretend that these are “worker driven” programs, which of course they are not. They run under a variety of names and are nuanced to the likes of the particular carrier, but they all have this one major thing in common -- they all shift the focus away from hazard elimination and management responsibility for maintaining a safe workplace to blaming the individual worker’s behavior whenever there is an accident or injury.

As one might imagine, Nancy was warmly received by the rails in attendance at both gatherings. In Portland she received a prolonged standing ovation, while at both regionals she was greeted by workers following her address, those wanting more information on how to build union based safety committees and how to get rid of the current BBS program currently in practice on their property. Sister Lessin received outstanding evaluations from those in attendance and hopefully she will be invited back again for next year’s regionals.

Since our founding in 2008, RWU has consistently opposed behavior based safety programs and has advocated for a more worker based approach. Six RWU members were on hand in December for Nancy’s workshop in Iowa, and like the other participants, were highly impressed. As such, we invited Nancy to attend and speak at our Third Biennial Convention in Chicago this past May (see The Highball Spring 2012).

Plans are afoot for a similar safety conference once again sometime next year in Iowa City, where Nancy will hopefully give her full workshop presentation. If interested in attending, please contact Jeff Kurtz, BLET Iowa State Legislative Chair for more info: rottenlr391@mchsi.com.

RWU members and all railroaders are encouraged to get involved in the fight against behavior-based safety. We need and deserve a genuine union-based approach to safety on the job. For some thoughts on how to win this, see the article on Page 3 of this newsletter.

Newly established Auxiliary of the UTU Local #199 “Creston’s Voice” spearheaded an all-union float in the 4th of July Parade in Creston, Iowa. The purpose of the float was to represent railroad workers of the past, present, and future of all crafts and all unions in this small Midwestern railroad town of 8,000. The float consisted of a railroad bench of retired railroad workers and signs representing each union, together with a driveable caboose borrowed from Bob Borgenson, UTU Safety Coordinator Assistant State Director.

Shaun Kelley, RWU Co-Chair and member of BLET #642 carried the RWU banner together with his daughter Tessa Hull, President of UTU Auxiliary and wife of RWU member Rob Hull. Rob Hull drove the caboose which carried the children and grandchildren of local railroaders. A truck in the parade carried BLET members, while several UTU members were on foot and threw union items to the crowd. The group won first place for adult theme and got several positive comments from the community. Other RWU members present included Jim Garrett, recently elected UTU State Legislative Rep who donated pencils, pens, coloring books, and other UTU items, and also Billi Vavra, Local Chairman of UTU #199.

The Auxiliary hopes to organize other cross-craft all-union events in the near future.
TY&E + Dispatchers Strike Canadian Pacific in Canada

After taking a strike authorization vote in which 95% of the engineers, conductors and traffic controllers at Canadian Pacific in Canada voted in favor, the Teamster Canada Rail Conference (TCRC) struck the CP for 10 days until the workers were ordered back to work by the federal government June 1st. The real power of the union -- solidarity of the three crafts -- was on display for all to see. And it was obvious that the workers would win their fight if the strike were to continue. So the corporate allies in Ottawa stepped in and saved the day for the rail carrier.

As we go to press, the union and the company were unable to resolve their differences over pension, fatigue management and work rules, so it is in the hands of an arbitrator now.

Sadly there has been very little news about the strike south of the border, and very few rails in the U.S. are aware of the situation. As brothers and sisters who are often members of the same or related unions, and who work for the same corporations south of the border., U.S. rails should be very interested and concerned about the outcome of this standoff with a major rail carrier.

RWU Member Wins Whistleblower Case at CN

Over the course the last few years, injured railroad workers have been seeking justice through the Occupational Safety & Health Administration (OSHA). It has become commonplace for the employer to take reprisal against a worker for reporting a workplace injury, a violation of federal law. Since 2007, OSHA has been accepting “whistleblower” complaints by these fellow railroaders who are disciplined, fired or otherwise harassed by the employer for reporting a workplace injury or a safety hazard.

As OSHA points out, it is vital that these injuries and hazards be reported in order that a safe workplace be maintained. But because the carriers have an interest in keeping the number of reportable injuries as low as possible, they think it is OK to harass and intimidate workers who get hurt on the job. “Behavior based safety” programs -- which claim that all workplace injuries and accidents are the result of worker behavior -- are the root cause of this callous and destructive attitude on the part of the rail carriers. It is only logical that, according to this flawed outlook, any worker who is hurt on the job has violated some sort of safety rule, operating rule, etc. and therefore should be subject to discipline for such violation.

In the case of Steve Desavouret, carman on the CN railroad, this is exactly what happened. Brother Steve reported an arm/shoulder injury that occurred February 2008. While walking along a platform to inspect rail cars in the poorly lit yard, Steve slipped on ice and tried to catch himself, which jolted his left arm and shoulder. The railroad held an investigative hearing and consequently terminated his employment for allegedly violating the company's injury reporting procedures. OSHA concluded that he had properly reported the injury, and has ordered CN to reinstate the worker. CN must pay him a total of $154,694, including $14,694 in back wages, punitive damages of $75,000 and compensatory damages of $65,000, and also must provide a copy of OSHA’s “Whistleblower Protection for Railroad Workers” fact sheet to every employee at the Markham Yard, south of Chicago. However even though OSHA ordered immediate reinstatement July 18, CN continues to defy the order and has not brought him back. RWU has passed a solidarity resolution which encourages all rail workers to demand that CN obey the law.

Between 2007 and 2012 to date, OSHA has received more than 900 whistleblower complaints under the FRSA. Almost 63% involved an allegation that a worker was retaliated against for reporting an on-the-job injury!

Rails who believe that they have been retaliated against for engaging in protected activity may file a complaint to request an investigation by OSHA’s Whistleblower Protection Program. Rights afforded by this include, but are not limited to, worker participation in safety and health activities, reporting a work related injury, illness or fatality, or reporting a violation of the statutes.

For detailed information on employee whistleblower rights, go to http://www.whistleblowers.gov/index.html
The Assault on North American Railroad Retirement Pensions

Part of the Attack Upon Workers’ Retirement Around the World

The man who has drafted a budget proposal in the U.S. House of Representatives that would gut Railroad Retirement has now been selected by Presidential candidate Mitt Romney to be his running mate. Paul Ryan has proven his anti-union, anti-worker credentials over the years and hence his selection by Romney to potentially be the next Vice-President of the U.S.

Meanwhile in Canada, our brothers and sisters in the Teamster Canada Rail Conference (TCRC) went on strike in defense of their retirement benefits which were under direct attack by their employer, Canadian Pacific (in Canada railroaders have no equivalent of the federal retirement system like in the U.S.). After over a week on strike, the workers were ordered back to work by the anti-union government in Ottawa. (See Page 5).

While both of these attacks upon the living standards of North American railroaders are cause for alarm, they should come as no surprise. Corporations and governments across the continent and around the world have been attacking pension plans and retirement programs for some time now. Along with health care, these are the favorite targets when employers and governments demand that the working class "tighten their belts" and "pay their fair share" for an economic crisis that they did nothing to create.

In Canada, should the CP prevail and slash the benefits of their retirees, the CN and other smaller Canadian roads are sure to follow suit. And should Paul Ryan and Mitt Romney and the anti-worker forces south of the border have their way, it will represent a major blow to the retirement standards of all railroaders for sure, but also signal that an outright attack on the social security system as a whole is imminent.

In early May, 2012, nearly a half million protested the conservative British government’s plans for millions of workers to pay more into their pensions, retire later and receive less when they stop work. Now, North American railroad workers are facing similar attacks upon their pensions by industry and government.

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Railroad workers are in a key position to lead the charge against these attacks. The CP railroaders in Canada have thrown down the gauntlet and have shown their determination when they struck in May. U.S. railroaders need to show the same resolve if and when the Ryan plan makes its way to the floor for a vote. And if passed, railroaders in the U.S. must take action to see that the plan is never successfully implemented.

The political landscape looks grim right now. One party has pledged to attack our pension benefits, while the other refuses to stand up for the working class. It has been many years since rail labor has truly battled for rights or benefits against the carriers or against the politicians in Washington D.C. We cannot sit idly by and expect that our labor leaders can or will do it without us. We must demand that our unions lead us into the war to save the retirement benefits we have earned and deserve.

Fighting Behavior Based Safety

Continued from Page 3

- The monthly meeting with local management is open to all union members and they are encouraged to attend.
- The meeting is open to all crafts (TE&Y, MOW, Car Dept, Signal, etc.).
- The managers from all departments are invited.
- Layoffs by union members are scrupulously kept to an absolute minimum. Nothing damages a safety program more than members believing it to be nothing more than a "cush" assignment for their representative.
- Monthly meeting minutes and records are kept and posted at the yard office for all to see and read.
- UTU & BLET safety reps make a full report on activities at each monthly meeting.

Fighting BBS programs and replacing them with truly effective safety programs is no easy task. It takes serious dedication on the part of the BLET, UTU and all union members to make it work. But it can, and must, be done.
Attention All Rails: Beware of the Carriers’ Section 6 Notices!

Mark Burrows, RWU Co-Chair, UTU #1433, CP, Chicago, IL

Now that all of our individual contracts have been settled at the national level and we’ve all had our raises kick in, received our retroactive pay and/or signing bonuses, we should all be able to just settle into a state of bliss and contentment for the next few years, right?

On the other hand, perhaps it might be in our collective interests to take a serious look down the road at the future attacks on our dignity, safety, quality of life on the job as well as off the job, that the carriers are planning and preparing for in the not-too-distant future.

COMMENTARY

Though RWU does not get invited to participate in high level meetings of railroad owners, bosses and investors, we feel that we can connect quite a few dots by analyzing their statements from the National Carriers Conference Committee’s (NCCC) Section 6 Notices from 2004 and 2009. For those of you who might be new to the industry, the rail unions and the NCCC (the coalition of some of the major rail carriers, regional and short line railroads) submit “Section 6 Notices” to each other at the beginning of each round of negotiations for a new “national” agreement. These notices present the unions’ and the carriers’ ultimate “wish list” as the starting point for negotiations.

In reviewing the 2004 and 2009 Section 6 Notices, there remains some serious “wishes” that have yet to be fulfilled. In case any of you might be tempted to exchange “high-fives” and woof “hooray for our side”, I’ll share with you a cautionary tale. The 1982 national BLE strike lasted about four days before President Reagan issued an Executive Order for us to return to work. The House and Senate would later vote of OVERWHELMING majorities (approximately 9 to 1) to ram the Presidential Emergency Board (PEB) recommendations down our throats.

During those four days on the picket line, my co-workers and I engaged in many lively and serious discussions, with the circumstances that led to the strike as the starting point, but also where our strike fit into the bigger picture. At that time, the carriers had already eliminated the third brakeman, so our crews were staffed with engineer, conductor and brakeman. Set-back engineers would exercise their seniority as firemen, serving as an assistant engineer on some jobs.

The carriers’ Section 6 Notice on the table at that time talked about eliminating the caboose, the brakeman and fireman. Crews that had been staffed by as many as five, would be reduced to two, engineer and conductor, if the carriers got their way. ‘That’s crazy.’ ‘That’s ridiculous.’ ‘That will never happen.’ were their responses at the time.

The carriers may not have been granted their more extreme wishes from that Section 6, but with the 1985 National Agreement, the fireman was history. The PEB that ended the 1991 national BLE strike give the carriers their long sought-after caboose-less two-man crew (engineer and conductor) road trains and yard jobs, on a national scale. The moral of the story is this: While the carriers’ “wishes” expressed in their Section 6 Notices may appear extreme when presented and the carriers may only get a few of those “wishes” with that round of negotiations, within 5 to 10 years, most of those carrier “wishes” end up being implemented.

New hires entering the industry over the last several years walk into an environment that most “old heads” could not have imagined in their worst nightmares. On the surface, there is no indication of anything close to the level of organized resistance that would be required to slow down the carriers’ momentum, much less to actually halt the assault.

RWU feels that it is imperative that any and all rails who are concerned about our future, need to analyze and assess the implication of these Section 6 Notices. The 2004 and 2009 Section 6 Notices are relatively the same in tone and content, though the 2009 Notice is a bit more vague.

RWU has written extensively about the danger of the carriers’ attempts to impose single employee crews and the need to organize and mobilize resistance to this serious threat. (For more on this question, see the supplement included with this issue of the newsletter). From the 2009 Section 6 Notice: “To obtain and retain business, we must consistently deliver value. Our compensation and benefits costs must match the marketplace - pay at above-market rates or for unproductive time makes us less competitive. We must be able to utilize our employees and our assets as flexibly and efficiently as possible. Anachronistic work rules and practices that hinder our ability to give customers high quality, cost-effective service or which add unnecessary costs must be reformed.”

That pretty much sums up what the carriers have in mind. In future issues of The Highball we will continue to analyze the most alarming statements from these documents. We will also attempt to address some of the fundamental questions posed by this article. How have the carriers effortlessly succeeded over the years in the following: 1) Driving down our REAL wages, relative to the cost of living while simultaneously achieving major increases in productivity per man hour; 2) Getting away with operating a more dangerous work environment that puts us and the public at greater risk; and 3) Compromising our dignity, not only on the job, but relative to our time off the job as well.
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 built upon cross-craft solidarity and rank-and-file control, then RWU is for you. If you want to fight against single employee crews; if you wish to see an active, informed and mobilized union membership -- of all rail labor -- then RWU is for you!

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