



The Highball

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Railroad Workers United

Sleep Apnea Considered a Factor in New Jersey Transit Wreck

As transportation workers – many of us in safety sensitive positions – we've heard a lot about sleep apnea in recent years. Then, on September 29th, when New Jersey Transit Train #1614 failed to stop at the bumping post and continued on into the Hoboken, NJ terminal – killing one and injuring more than 100 – suddenly sleep apnea was grabbing front page headlines once it was announced that the train's engineer apparently was asleep at the time of the wreck, and had since been diagnosed as a sleep apnea victim.

Obstructive Sleep Apnea (OSA) – the most common form of sleep apnea – is a common condition which causes a complete or partial obstruction of the upper airway. Individuals who are the victims of OSA are rarely aware of the problem, and symptoms may be present for years or even decades without awareness of the individual. S/he may become conditioned to the daytime sleepiness and fatigue that can often manifest as a direct result of OSA throughout the day and not realize that OSA is at the root of it.

Since the wreck of NJT #1614 and the subsequent sleep apnea diagnosis of the train's engineer, the rail carriers have pounced upon sleep apnea. In both freight and passenger service, the carriers are suddenly demanding testing. A number of engineers and conductors have been held out of service. The newspapers and politicians rail against workers whose possibly undiagnosed and/or unreported condition might be the cause of the next big train wreck. The carriers, to be expected,

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The engineer of a New Jersey Transit train like the one pictured above apparently was asleep when the train plowed into Hoboken, NJ terminal on September 29th, 2016. He has since been diagnosed with sleep apnea. While RWU is very concerned about the dangers of undiagnosed sleep apnea, we must not let the rail carriers off the hook. Dealing effectively with sleep apnea is not a panacea. Crew fatigue is a very real and widespread chronic problem in the rail industry, caused by overwork, lack of schedules, poor train lineups, limited time off, draconian attendance policies and other hazardous management practices and procedures. These unsafe conditions can all been rectified if and when the rail carriers are forced to make a comprehensive commitment to safe train operations.

FRA Fails to Finalize Rule on Train Crew Staffing by Year's End



The Federal Railroad Administration (FRA), which promulgated a Proposed Rule on Train Crew Staffing in March 2016, failed to release a Final Rule by the end of the year, despite assurances that it would be complete by November. Apparently, the agency is going to simply take no action in anticipation of the new administration due to take office in January.

FRA Administrator Sarah Feinberg will become the second FRA chief in as many years (Joe Szabo was the first) to make a half-hearted attempt to restrict the carriers' ability to employ single employee train crews, only to meet with stiff resistance and ultimately fail to succeed. At this point, railroad workers would be wise to hold no more false hopes in regulatory agencies or politicians, and to get on with the business of preparing for a showdown with the carriers on the property.

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RWU Happenings

RWU Website Offers Additional, Fresh Information for Railroad Workers

The RWU website - www.railroadworkersunited.org - underwent a complete facelift late last year. In addition to more photos, graphics, and easy-to-use format, lots of new information links, including videos, music, studies, presentations, workshops and articles have been added.

Interested in what RWU is up to? Check out the seven different pages under the Link "RWU Campaigns." Have a question about where to look for a specific piece of information related to the rail industry or rail labor? Check out the "Weblinks" Page to get connected to scores of different organizational websites and other sources of information very useful to working railroaders. Want to know about railroad injuries and fatalities, general and specific? Check out the link called "Remember Fallen Rails".

Want to learn more about who we are and what we do? See the Pages entitled "Who We Are", "RWU's History", and Statement of Principles." And you can find every Resolution ever produced by RWU at the "Resolutions" Page, every issue of the newsletter on the "Highball" Page, and all of our Annual Activity Reports on the "Annual Reports" Page. For more his-

torical materials, check out the "RWU Archives" Page for all previous Steering Committee members, newsletter articles, Monthly Bulletins, and more. And we have made joining, renewing your membership, contacting and donating to RWU easier than ever.

The RWU website is a treasure trove of information and resources for railroad workers. We encourage all rails, family members, retirees and union activists to make use of the site and come to see it as a go-to resource on all kinds of relevant subjects. If you have an article, a study, chart, graph, photograph, U-tube Video link, or other materials you think would be suitable for our website, please submit it to the webmaster anytime. See the website and use the "Contact RWU" Page. Our goal is to make the RWU website truly the railroad workers website, one with current up-to-date useful information that can assist railroad workers in their day-to-day dealings and struggles.



New RWU Winter Knit Hats Now Available

In December, RWU took delivery of an order of knit hats. They are available at the RWU online Store for RWU members (\$12) and non-members (\$16) alike. The black hats are union-made-in-the-USA and feature the RWU logo stitched into the hat in full color. Help RWU raise a

few bucks and help spread the word by wearing your hat with pride this winter. (See image at Right). Order on-line by going to the RWU website and visiting the webpage **The RWU Store**. While there, check out all of the other RWU products too! (You may also pay by check).

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 & 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. See the contact information 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**

International Steering Committee

- Ross Grooters, BLET #778, UP, Des Moines, IA
- Ron Kaminkow, BLET #51, Amtrak, Reno, NV
- Paul Matchett, WSOR, Janesville, WI
- Hugh Sawyer, BLET #316, NS, Atlanta, GA
- Cameron Slick, UTU #911, CP, St Paul, MN
- Jim Thomason, UTU #1292, CN, Two Harbors, MN
- John Vitaska, NCFD #395, CP, Chicago, IL
- James Wallace, UTU #305, BNSF, Lincoln, NE
- Jen Wallis, BLET #238, BNSF, Seattle, WA
- Andrew Weir, TCRC-CTY #240, CN, Sarnia, ON
- John Wright, BLET #78, CSX, Louisville, KY

Alternates

- Brian Clark, TCU #3060, CN, Champaign, IL
- Robert Hill, UTU #556, BNSF, Tacoma, WA
- Alan Thompson, UTU #316, UP, Clinton, IA

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International Solidarity Report

What We Can Learn From our Fellow Workers in Japan and South Korea

RWU is committed to building global solidarity and has welcomed international guests to speak at our last three conventions. As we build relationships with rail workers from around the world, we can learn from each others' struggles. Two unions that have reached out to build a relationship with RWU are Doro Chiba in Japan and the Korean Railway Workers Union (KRWU) in South Korea. Doro Chiba is a rail union that has a history of fighting for their members' jobs when other unions were not willing. The KRWU is an industrial union representing all crafts on the railway. Members of both unions attended RWU's 5th Convention this past Spring, and invited us to participate in their joint rallies in the Fall. We accepted, and the RWU members who attended were inspired by both the Japanese and Korean labor movements, their warm welcome, and their serious commitment to building international solidarity.

The first rally was hosted by Doro Chiba in Tokyo on November 5th & 6th. Speakers from Doro Chiba described the history of struggles that Japanese rail workers face within the private Japanese Railway (JR) companies that have a very rigid management culture, apparently one far worse than those of North America. Speakers from the KRWU, the Korean Confederation of Trade Unions (KCTU, the progressive union federation), RWU, the Amalgamated Transit Union (ATU), LabourNet Germany, and other labor organizations all addressed the crowd. The outdoor rally of thousands of union members was followed by a march of 5,800 union members and supporters through the streets of Tokyo. The following day rail workers gathered to share further details of our struggles. Members of another rail union, Doro Mito, described the alliance they have built with communities and environmental groups (much like RWU has) following the Fukushima disaster as JR East continues to run trains through the radiation-contaminated area.

The second round of the joint rally was hosted by the KCTU in Seoul on November 12th & 13th, and coincided with the massive demonstrations against current President Park Geun-hye. South Korea has only been a democracy since 1987 despite a very close diplomatic relationship with the US following the Korean War. Park Geun-hye was democratically elected in 2013 but she is the daughter of Park Chung-hee, the dictator who ruled over South Korea from 1961 until 1979. For thirty years, Koreans have had to fight constantly to maintain their democracy, and have a culture of mobilizing around political issues. The latest protests and strikes began as union-led demonstrations against labor law changes that intend to introduce performance-based pay and measures that would make it easier for employers to fire workers and contract out jobs. As the public learned of Park's corrupt actions involving her close personal friends who used their positions to extort millions from South Korean companies, anti-Park demonstrations had grown each week with crowds gathering every Saturday evening. By November 12th, a million protesters from all parts of society were in the streets calling for her resignation. More protests followed each Saturday and on December 9th the South Korean Parliament voted to impeach her. Though ranked one of the most powerful people in the world by Forbes in 2014, she has been brought down by a movement started by union members and regular people.

Though KCTU leader Han Sang-gyun is still in prison as retaliation



RWU members from the U.S. join Korean workers at a rally to bring down the anti-labor government in Seoul, South Korea. Note the Railroad Workers United flag flying in the center of the photo.

for the strikes and protests undertaken by the KCTU in the past, the labor movement has much more power within South Korean society than American unions have here at home. When faced with an authoritarian, corrupt, anti-labor president whose primary goal has been increasing her and her friends' personal wealth, the labor movement in South Korea - spearheaded by transport workers - led the push back. We can do the same thing in the USA and elsewhere. In the near future we are going to see attacks on our unions' ability to maintain the union shop, threats to railroad retirement, unilateral changes in our pools, terminals and assignments, plus further attempts to introduce single-employee operations. We have a choice. We can do nothing, sit back and watch, and in a few years the carriers and politicians will take away everything that railroaders and our unions have won over the last 150 years. Railroaders do not get the pay, benefits, and job protections many of us enjoy because the company values us. If you want to hang on to the things we still have, get involved in your union at more than just the local level. Get to know railroaders from other crafts and companies and familiarize yourself with the problems they face on the job. Stay informed about the rail industry and the labor movement as a whole and get involved in other union members' fights. If you don't have a union you can still fight together with others in your workplace and push for what you want. And get involved in RWU. We are proactive and ready to fight for the interests of the rank & file rail worker regardless of what the various union leaders might do. Rail workers are getting to the point where we don't have much to lose before many of our jobs are replaced by technology or contracting-out. Instead of giving in to the defeatism that only leads to failure, let's use the coming years as a time to build our unions and the labor movement, use our power within the workplace and the economy as a whole to get the things we want - a safe, dignified workplace, and a better quality of daily life.

The author is a member of Railroad Workers United who works for a Class One railroad in the United States.



Sleep Apnea is Just One Aspect of the Whole Issue of Train Crew Fatigue

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wish to focus attention on individual workers, and deflect attention away from their own practices that lead to chronic fatigue, and may in all likelihood exacerbate OSA.

In typical fashion, the powers-that-be have unfortunately taken a social problem, named a physical condition, and crafted it into a personal issue. Alternatively, workers need to consider OSA for what it is – a societal problem like any other health condition – and seek a comprehensive remedy. If in fact sleep apnea is as widespread and commonplace as suspected, and presents a hazard to safe train operations, then it cannot and should not be left to the individual to diagnose and rectify. Just as we came to understand the societal need for free and universal access to vaccines in order to achieve a healthy and safe society, the same holds true for dealing with OSA. If there were any doubts prior to the wreck of NJT #1614, there should be none now that it is apparent that OSA is a condition that directly or indirectly affects every member of society. As such, the costs of remedy must not be placed upon the individual, and in the case of the railroad, upon individual railroad workers. Testing, diagnoses and remediation should all be borne by the industry and society as a whole.

And while we are at it, let's talk about those management practices and procedures that produce workplace fatigue and exacerbate OSA, regularly compromising safe operations. The lack of schedules, 12 hour plus shifts, and never knowing when you are going to work, when you will sleep or eat, or when you will return home (in freight service), along with split shifts and long days (in passenger service) can mitigate against a good night's sleep. Irregular hours, a general lack of time off, harsh attendance policies that subject employees to

severe discipline, task overload in the cab, and a high stress environment (both freight and passenger service) all contribute to chronic fatigue and taken together, thereby increase the dangers of undiagnosed OSA. And all of the practices, procedures and policies outlined above contribute to depression, a lack of good diet and regular exercise, and hence, to increased obesity, all of which are factors that have been shown to increase the likelihood of an individual developing OSA.

So, while the rail carriers are happy to point fingers and declare that they have found the root of fatigue-related train wrecks; i.e., an individual's unreported OSA, they and their policies, practices and procedures are the "elephant in the room" that goes unrecognized. Just as cameras, PTC and other technology will do nothing to ensure a well-rested and alert train crew, neither will simply mandating OSA testing.

It's time for a complete and total plan for crew fatigue abatement, one that of course includes amelioration of OSA. But if the FRA, the rail carriers, the unions, the politicians and the public cannot promulgate a comprehensive fatigue abatement plan that includes a workweek of reasonable length, limits to excessive overtime, reasonable call times, more scheduled trains, adequate rest between "shifts" and a reasonable amount of time off work to attend to life's other demands (e.g. good diet, exercise, time for friends and family, hobbies, general relaxation, etc.), then any plan that focuses solely on OSA is a farce, one that is undeserving of the support of rail labor and rank & file workers. We know what the problem is. We have the means to correct it in short order. We must call out the rail carriers for their complicity and failure to act. Our battle cry is simple: *End Crew Fatigue Now!*

The Fight to Defend Canadian Railroad Workers Enters Critical Period

Fritz Edler, BLET #482, Retired

Witnesses, investigators, and experts on the legal and environmental lessons of the 2013 Lac-Mégantic oil train wreck gathered for a day long conference in Ottawa, Ontario on December 8th, 2016 to draw attention to and remind the public of the wreck's underlying causes and consequences. The July 6th 2013 wreck shocked the world with the destructive power unleashed by the runaway Bakken oil train. It killed 47 people, and destroyed over 100 homes and businesses. It made the town name a household word, especially among railroaders.

The conference included four panels, representing: 1) witnesses and victims; 2) experts on the current legal system process; 3) experts on the regulatory issues involved present and future; and 4) experts on the future of fuel and energy transportation. This was the first time a large number of citizens from Lac-Mégantic had an opportunity to speak out in English speaking Canada. The Canadian Cable Public Affairs Channel (CPAC) covered the conference for broad distribution. The publicity around the conference was one of the factors which led to a direct meeting between the panel members from Lac-Mégantic and the Prime Minister's Office, leading to the broadest support yet for a rail bypass around the town that the citizens there have demanded. It is yet another sign that even the government has a tacit understanding that railroad policies - not individuals - are the primary cause of the dangers.



As each panel presented its findings, it became clear that at the core of all of the issues is that the rail carrier Montreal, Maine & Atlantic (MM&A), defended to this day by the Railway Association of Canada, created such a dangerous environment that railroad safety was fatally compromised. Brian Stevens, National Director for Rail, of UNIFOR Canada (the country's largest private sector union) spoke forcefully and from experience, showing that the industry and the government regulators cooperate to block known paths to safe operations. Several of the panelists, along with a number of those in the audience, spoke in defense of scapegoated rail workers Tom Harding and Richard Labrie, making the connection between ending that scapegoating if we hope to make for a safer railroad.

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Solidarity: Building the Labor - Community Alliance

Unite Against Big Business - Why I Stand with Standing Rock!

As a union member and labor activist, I've opposed the Dakota Access Pipeline (DAPL) for over two years. In my home state of Iowa, we opposed the pipeline a good twelve months before the shale company DAPL was created. Our coalition was named the Bakken Resistance Coalition and brought together over 25 organizations from across Iowa in opposition to a greedy land grab. Using eminent domain, the billionaire owner of Energy Transfer Partners - Kelsey Warren - absconded with lands from family farmers who didn't wish to sell their land. From the beginning, people in the coalition had a keen understanding that this project represented a threat to everything we value.

As a union member, I had deeper reasons for opposing the project. Eventually, opposition would lead to a direct confrontation with reactionary union officials who were lining up on the side of big oil, all in the name of "Jobs". Never mind the social cost of those jobs or the costs to union solidarity. The building trades unions that were lining up behind DAPL not only organized in favor of the pipeline, they did so while teaming up with anti-union billionaire bosses. This short sighted approach by union officials was one of my primary reasons for getting involved in opposing the pipeline. which runs from North Dakota, through sacred Native American lands, down through South Dakota, Iowa, and eventually Illinois, connecting to a distribution hub that would eventually take the oil to an export terminal in the Gulf of Mexico for sale to the highest bidder.

Meanwhile, the unions bidding for the jobs took the lowest bid and sold out their union brothers and sisters across the country and around the world for some short-term and short-sighted cash. At its recent national convention, the Laborers' International Union of North America (LIUNA) condemned in strong terms fellow union members in Communication Workers of America (CWA), National Nurses United (NNU), Amalgamated Transportation Union (ATU), and American Postal Workers Union (APWU). The Service Employees International Union (SEIU), would join the anti-pipeline union forces on October 1st, after LIUNA passed a resolution at their convention condemning other unions that were opposing the pipeline. LIUNA president Terry O'Sullivan, who had previously collaborated with anti-union reactionary billionaires the Koch Brothers in order to build the Keystone XL pipeline, called the unions taking a strong anti-DAPL stance, "bottom feeders."

All of the anti-DAPL unions have a broad-base organizing strategy around social justice for all workers, not just a few self-entitled members. In recent years, these unions have reached out into communities they serve and have worked with non-union members to build solidarity and trust. This alliance has been used as recently as spring of 2016 when CWA won their strike at Verizon, achieving a contract with the backing of non-union supporters as well as Verizon customers.

But perhaps the biggest reason that I took a strong anti-pipeline stance is that - as a dedicated union member - I know that it is simply bad news for our unions to be collaborating with billionaire bosses, unsavory characters who would crush us given the opportunity. Our interests as workers are diametrically opposed to those of the

business interests who exploit our natural resources and exploit our labor as workers. The people of Iowa I know would - after hearing both the pro- and anti-pipeline arguments - eventually side with "workers". Which side however, would depend on which workers they heard from. Would they hear from reactionary union officials in the building trades swooping in from out of state? Or would they hear from a member of the Brotherhood of



Locomotive Engineers & Trainmen - and Railroad Workers United - explaining the long term and broader costs to workers? The support and recognition that I garnered in my community will no doubt translate into future support for everything from passenger rail expansion to retaining two crew members in the cab of our freight trains. We won't win these battles with Big Rail without the support of the community and other workers - both union and non-union. And we cannot win their support unless we in turn support them in their fights with Big Business. Union leadership that sides with the bosses and against the people will invariably bring down all of us. We must unite against the power of the corporations as both a long-term strategy and a principled position.

Last Fall, as Co-Chair of Railroad Workers United, I introduced a resolution in support of the Standing Rock struggle and against the Dakota Access Pipeline. I did so for all of the above reasons and many more, including support for native treaty rights and the preservation of water resources. But above all, I have taken an anti-pipeline stance *because I am pro-worker and pro-union*.

The full text of the RWU Resolution Against the Dakota Access Pipeline can be found at the RWU website. See the Page entitled *Resolutions*.

Ross Grooters is one of three RWU Co-Chairs. He works as an engineer for Union Pacific out of Des Moines, IA and is a member of BLET #778. Ross serves on the Iowa State Legislative Board of the BLET and has worked for the railroad the last 12 years.





Opinion & Commentary

Now that the 2016 Elections are Over, What is the Way Forward?

At the 3rd RWU Convention, in May 2012, we passed, "RWU Resolution on the 2012 U.S. Elections". This resolution sought to make the case and advocate for the long overdue, historical necessity for labor to reject the virtual straight-jacket of the two-party political system; to chart a course for an independent political party, based upon the organizational structure and foundations of our unions; incorporating all of our natural allies in the struggle for social, political, economic and environmental justice. Such a party could enable us to effectively bring the weight of our economic power and overwhelming numerical majority to this struggle. At the 5th RWU Convention in May 2016, in the context of Sanders' and Trump's populist rhetoric and promises to challenge the status-quo (personified by Clinton), we adopted "RWU Resolution on the 2016 U.S. Elections." This resolution sought to bring the basic themes of the 2012 resolution into the present, to coincide with our updated reality. Please go to our website - railroadworkersunited.org; click on the "Resolutions" link, follow that to the links to resolutions passed at the 2012 and 2016 Conventions.

It goes without saying that politics can be controversial but for now, I hope that we can all agree on this much: We can no longer allow the bosses, politicians, bureaucrats, lobbyists, union leaders, CEO's, insider hacks, pompous windbag know-nothing media pundits etc. to control the narrative, agenda, discussion and choices that affect our lives - from our respective day-day personal struggles to the complex issues of the world we live in, which, last time I checked, is rapidly "going to Hell in a handbasket. It's been more than 45 years since I was first introduced to this concept of what some refer to as a Labor Party, and convinced of its necessity. All that has transpired since then has only fortified my convictions. With this *Commentary* I'll interject my own personal thoughts, observations, experiences and perspectives into this necessary fraternal discussion. Regardless of which candidate you may have supported, for whatever reasons, my objective here is to advance a civilized, constructive dialogue amongst ourselves as rails, along with other workers in various private/public entities, as well as our allies in the community at large, that attempts to define our common interests. From there, the question inevitably posed is, "What methods of struggle and political strategies can we unify around in order to effectively fight for our common objectives?"

In spite of the inevitable ideological/political differences that may exist amongst some of us at this point in time, what kind of common ground/interests can we unite around? As rails we want a strong union that can effectively fight for a safe, dignified working environment with quality of life on and off the job. As workers, we want the same for all fellow workers in the private and public sector, since an injury to one is an injury to all. As citizens of the community, we want a clean, healthy environment for ourselves now, as well as for our children's children's children. We'd like to see social, economic and political justice for all since, to quote poet, novelist and playwright Langston Hughes, "As long as one man is in chains, no man is free." As human beings, most of us would like to see a world that is not violently convulsing, imploding and drowning in its own blood. Is this all just a fairy tale or can we transform this idealistic vision into reality?

We were reduced to choosing between the two most unpopular presidential candidates in history, with Clinton and Trump both having negative ratings over 60%. This fact alone could make the case that the current political system is beyond bankrupt. That said, I get why many workers voted for Trump. Many understandably voted against Clinton. I'm convinced those workers, who enthusiastically voted for Trump, will feel the sting of betrayal soon enough, but how much better off would we have really been with Clinton? Depending on her target audience, she was either: 1) the entitled "heir" to husband Bill's "throne", and would continue his well documented attacks on the working class (Wall St execs ate that up); or 2) would be the equivalent of a 3rd Obama term (his constituency apparently wasn't that impressed).

I'm convinced those workers, who enthusiastically voted for Trump, will feel the sting of betrayal soon enough, but how much better off would we have really been with Clinton?

Since the only "fight-back" strategy our unions have is to get-out-the-vote for our so called "friends" of labor, usually Democratic Party politicians, this is what I want to challenge for now. So how have we as rails, as well as society in general, fared during the last eight years under Obama? In my previous Commentaries, I described the sordid details of how we were getting virtually slaughtered at CP Rail Bensenville Yard. I know that many rails around the country could relate to those horror stories. "Do as you're told, file your grievance later." In the three+ years since the horrific tragedy in Lac-Mégantic, what has Obama's FRA done to make the railroads safer for workers as well as the general public? How have our brothers at the Wheeling & Lake Erie fared on Obama's watch? While Obama may have been forced to concede what may only be a temporary victory for our courageous brothers and sisters at Standing Rock, he owns the unjustifiable, violent repression inflicted upon them. Ditto the response to some of the protests against police brutality and Occupy demonstrations. The leaders of our rail unions told us it was in our best interests to vote for Hillary Clinton, who is BFF with Warren Buffet, CEO of BN, who tried to sell an engineer-only agreement on a major Class 1 railroad. By doing so, the rail union leadership has definitively declared its own political and ethical bankruptcy. Einstein said, "The definition of insanity is to keep doing the same thing over and over, expecting different results." There are many more reasons I could cite to make the case that the working class and our allies need to organize an independent political party to effectively fight for OUR interests. This rant-and-rage stream of consciousness to be continued ...

Mark Burrows has served as Organizer and Co-Chair for Railroad Workers United. He retired last winter after hiring out in 1974, working as an engineer for a combined total of 37 years for the Chicago North Western and the Soo Line/Canadian Pacific in Chicago, Illinois. He continues to be an active member of RWU and a contributing writer to this newsletter.





Opinion & Commentary

Drastic Times Call for Labor to Once Again Take “Industrial Action”

More than 35 years ago, the Reagan administration declared war on the labor movement in the U.S. firing the air traffic controllers, sending the signal that it was open season on workers and their organizations. Many an “old-head” railroader has been known to quip: “We should have shut the country down” and defended not just the Controllers, but all of us. Well, we did not, and our wages, benefits and working conditions – and the labor movement – have been on the downslide ever since.

So, what will we as workers – and as railroad workers specifically – do this time around? After three or four decades of decline, defeat and demoralization, we most definitely have our work cut out for us. So when we do mount an opposition to those in government and industry who would destroy us, we must seek out and develop creative tactics. And while we certainly must look to the future for these innovative tools to win with, we must also look back and remember the basics – like the strike – that built the labor movement and allowed the way forward for working people to begin with.

So just what do we expect to be coming our way? Let’s take a look at what the carriers and the government might have in store for us in the coming months and years.

Bargaining: No sooner had election results been announced and the carriers were drooling, rubbing their hands in glee. They fully expect our defeat at the bargaining table, and have refused to bargain in good faith. National handling has ground to a halt. The same is true at Amtrak. The carriers are intent on playing hardball, confident that they can stick it to the unions with a lousy contract and a PEB to their liking, if it comes to it.

Single Employee Crews: The FRA failed to issue a final rule on train crew staffing. Given the agency’s feeble draft attempt last March, and the incoming Trump administration’s rhetoric against “government regulation”, it is unlikely we will win anything here. The carriers are emboldened in their drive to run trains with single crews given the outcome of the elections.

Railroad Retirement: House Speaker Paul Ryan has made no secret – prior to his assumption of the Speakership - of his hostility to the railroad retirement system and his goal to dismantle what is one of rail workers’ most cherished benefits. Now as House Speaker, with colleague Mitch McConnell as the Senate Majority Leader and with Trump in the White House, we would be wise to prepare for a full-frontal assault here.

FELA: The Federal Employers Liability Act has been around since 1908, assisting railroad workers in our fight for a safer workplace, penalizing the carrier when one of us is injured or killed on the job. The carriers have wished to reform or eliminate FELA, but have not had the chance. Given the current situation, they may mount an offensive to repeal this piece of “government regulation” and “interference” in business.

Amtrak: The leadership of all three branches of government has expressed their contempt for Amtrak. Despite his calls for infrastructure investment and high speed rail, Trump’s rhetoric does not necessarily translate into support for a quasi-public transportation system, or any form of public transit. Amtrak’s long distance trains may be in grave danger, and the company’s existence might well be in jeopardy.

Union Shop: In recent decades, the Republican party has made clear their opposition to unions and the union shop. Where

The GOP has gained control of state legislatures in Wisconsin, Ohio, Indiana, Michigan and elsewhere, they have pushed their agenda to eliminate the union/agency shop and degrade the power of labor. As a businessman, Trump has played hardball with the workers at his holdings and is known to be hostile to unions. Now, with the three branches of government at the federal level under their control, we expect to see a comprehensive assault on the union shop nationwide.

So, in face of this dismal scenario, what are unions & rank and file workers to do? Let’s look at what happened in Wisconsin six years ago, when a right-wing anti-worker state government mounted such an assault. Workers and their allies rose up in what was a powerful movement, occupying the state capitol for weeks, building an alliance of workers (both public and private sector), farmers, students, the poor, and others while conducting massive demonstrations (at times reaching well over 100,000 participants) and winning broad popular support. Nevertheless, they lost, suffering the first of what would be a series of labor defeats in Midwestern states in the months and years to follow. Why did they lose?



Workers rally at the state capitol in Madison, Wisconsin in 2011

The short answer is despite all the energy, the breadth of the coalition, the dedication, commitment, and militancy, the union officials and the Democratic Party combined to stymie the potential power of the rank & file. The best they could offer was “respectable” protest and elections the next time around (the Democrats – believe it or not – actually offered up for the historic “recall election” the same lackluster candidate who had lost to Republican Scott Walker a year earlier!). The times however, called for – then as they do now - action on the scale that we saw in the 1930s. Then, the modern labor movement was born, as thousands of workers occupied their workplaces, joined militant labor organizations, and went out on strike. In short, we need to do everything they did in Wisconsin – build the labor-community alliance, develop solidarity among disparate sectors of the working class, stage dramatic and militant actions in conjunction with mass rallies and demonstrations – but not stop there. We still have the legal right to strike and otherwise engage in industrial action. We *must* be ready, willing and able to use it!

Ron Kaminkow is the General Secretary of Railroad Workers United. He has worked as a brakeman, conductor and engineer for Conrail and NS in Chicago, and now works as an engineer for Amtrak. He is a member of BLET #51 and is the local’s National Division Delegate.





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"You have got to unite in the same labor union, and in the same political party and strike and vote together, and the hour you do that, the world is yours."

Eugene V. Debs, Founder of the American Railway Union

The Fight to Defend Canadian Railroad Workers Enters Critical Period

Continued From Page 4

Last fall, nearly 3,000 people across North America signed petitions calling upon the Canadian and Quebec governments to drop the charges against the workers as the only path to real accountability for the devastating wreck. The two are charged with 47 counts of criminal negligence resulting in death. If convicted they could face life in prison. But it has become clear, based upon investigations, that their actions were not the cause of the disaster.

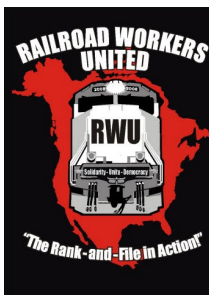
It has been 2 ½ years since the charges were filed against the two amidst lurid headlines with pictures of SWAT Team cops holding them in handcuffs. Yet the criminal trial has yet to begin. The Crown is now faced with a dilemma. The Canadian Supreme Court has found that too many criminal defendants are denied their rights to trial for long periods of time. It held that under the Canadian Charter of Rights and Freedoms, the "reasonable delay" limit to wait should not exceed 30 months.

The Crown Prosecutors plan for a big show trial, designed to inflame the public, beginning in September of 2017 (40 months after being charged). This will certainly exceed the limits set by the Court. But the Harding/Labrie defense team has announced that they will not press for dismissal based on the time limits, expressing their confidence that if they are given a fair trial that the two men will be vindicated. But failing to hold Harding and Labrie criminally responsible brings another dilemma. The only corporate entity charged for the disaster is the bankrupt and assetless MM&A. For all intents and purposes, it doesn't exist. Unless the two rail workers are scapegoated, no one would be held criminally liable. That result is likely politically untenable. A procedural hearing is set for January 26-27.

There is the very real danger that Harding and Labrie might be

convicted, railroaded off to prison, and that the books will be closed on rail carrier liability. Unionists who want strong organizations that can protect and defend them on the job would suffer a serious setback, as would environmentalists and community activists who want to see stricter and safer regulations of railroads. Rail safety in general will suffer, and a green light will be given to the energy and rail industries to simply blame the workers in future workplace catastrophes.

The January procedural hearing will determine the next phase of the struggle. Citizens from Lac-Mégantic expect to be present to voice their concerns. It is critical that those who understand the stakes keep up the struggle as this hearing could result in the initiation of the criminal trial soon thereafter. All railroaders, their families and supporters must be vigilant and ready to act. Please send solidarity messages for the Tom Harding and Richard Labrie defense to their union, USW 1976 / Section locale 1976, 2360 De Lasalle, Suite 202, Montreal, QC H1V 2L1. Email: info@1976usw.ca; copies to: Thomas Walsh, 165 Rue Wellington N. Suite 310, Sherbrooke, QC Canada J1H 5B9. Email: thomaswalsh@hotmail.com. And if you have yet to do so, please sign the petition to drop the charges at hardingdefense.org/sign-the-petition/



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