



The Highball

Official Publication of
Railroad Workers United

Lac-Mégantic Marks 10 Years of Betrayal and False Promises for Rail Safety



Left: Aftermath of the devastation following a runaway oil train derailed and exploded in Lac-Mégantic, Quebec, killing 47 people, on July 6, 2013. Center: Monument in front of the Sainte-Agnes Church. The inscription reads: "A memorial for the 47 victims of the tragedy of July 6, 2013." Right: Residents solemnly march across the tracks at 1:14 AM, July 6, 2023 - the exact time of the incident 10 years prior.

Citizens' Group Reiterate Demand for Public Inquiry into 2013 Tragedy

July 6, 2023 marked 10 years since the tragedy of Lac-Mégantic. Hundreds of residents, along with friends and supporters, gathered for a series of events to observe the anniversary and to honor the 47 victims. The day began with a somber procession across the tracks, laying flowers at the site of the derailment, at 1:14 AM, the precise time of the incident.

Quebec Premier Legault and Prime Minister Trudeau, who bear at least some responsibility for stalling on the just, necessary demand for a full public inquiry, held court in a memorial service at a local church. Others, including the local Coalition of Organizations and Individuals for Rail Safety, gathered for a protest, reiterating their demand for a full public inquiry, among other issues. It's worth noting that the government has not delivered on promises to fund follow up studies of the chemical byproducts in the water of Lac-Mégantic and its river. This bureaucratic cover-up of the true toxic legacy is something the residents of East Palestine, OH should be on guard for in their fight with NS.

A delegation of RWU members and supporters made the trip to express our solidarity. Several addressed the gathering and press conference. All eloquently spoke for and represented RWU, and were well received, including one member who spoke French. Referring to a 2017 concert fundraiser for the legal defense of scapegoated engineer Tom Harding that he helped organize, the following is an excerpt from his remarks:

"... but even stronger was our solidarity for Tom - and our desire for the "Crown" to launch a proper investigation into what actually caused the tragedy ten years ago. Well, something is under way in North America. The railroads spent several decades out of the public limelight, but with each passing "incident", they're

brought to the public's attention. Last year, in the United States, every railroad union authorized a strike action, and garnered broad support from the American public. The people are paying attention to the railroads and the crimes they are committing under the façade of 'shareholder value.'

Their reign in the darkness is coming to an end. For decades, North American railroads called their freight operations the "envy of the world." This farce is seeing its final days. The public has their eye on their shadiness, and there is popular support for substantially more passenger train service - whether the railroads want to do so or not.

And of course, my fellow workers are more adamantly willing to challenge the railroads than they have in decades. We are acutely aware of safety shortcuts like the one that happened here in 2013. We are with you. And there are not enough church services (*Editor's Note: referring to the politicians' preferred expression of "solidarity"*) to account for what you have lost."

In the evening some gathered in the park for musical performances. For more coverage and analysis see Pages 4 & 5.



Fritz Edler (Left), Special Representative for RWU, also addressed the gathering in Lac-Mégantic during the 10-year anniversary events.



RWU News

Railroad Workers United Organizes The New England Chapter

Since the high profile contract battle between railroad workers and the Class 1 freight railroads in 2022, Railroad Workers United (RWU) has filled a vacuum left by the official railroad unions by speaking to the press and the public, organizing rallies, meetings, and other actions where we have put forward a fighting program for railroad workers and allies.

At its April meeting, the RWU International Steering Committee accepted a petition by RWU members in the six New England states (CT, MA, ME, NH, RI, and VT) for a chapter charter. On May 14th, the New England Chapter of RWU held its first meeting!

Over 40 freight and passenger railroads operate in the six states of New England, including Amtrak and 3 of the Class 1 freight railroads. In 2020 the Railroad Retirement Board reported almost 8,000 railroad workers in New England. We are excited to continue to organize on all fronts in concert with the rest of RWU and the broader New England labor movement. We also look forward to helping to build RWU in the neighboring regions, including across the border in Canada, and we encourage all RWU members to take steps to launch chapters in their own areas!

Please consider joining RWU to fight for:

- 1) Improved safety for workers, passengers, and trackside communities! Defend and expand train crew sizes, fully staff all inspection and maintenance crafts, and limit the length and weight of freight trains. Upgrade defect detector systems.
- 2) Better hours, pay, benefits, and conditions for railroad workers. End management surveillance and harassment, coordinate union-led safety initiatives and real training for new hires. Create more jobs in all crafts to achieve safe, efficient, full staffing. Throw out punitive attendance policies.
- 3) Affordable, high quality passenger rail service! Build new track, restore out-of-service lines, add more stations, and upgrade equipment to increase speeds and frequency of trains.



On May 14, the New England Chapter of RWU held their inaugural meeting in Framingham, MA. Some of the rail unions represented include SMART-TD, BLET, IAM, IBEW, TCU AND BMWED.

- 4) Railroad unions that fight aggressively for workers of all crafts! Let's organize all-crafts meetings of railroad workers from all carriers in a given area. Union officers and staffers should be paid the average wage of the members they represent, no union should settle for any agreement until all crafts have a strong contract. Build a united front, fight for "no concessions" contracts, and organize job actions to up the pressure on the carriers. Lets build rank and file power, internal democracy, and work towards a single industrial union to fight for all railroad workers!
- 5) Take freight and passenger service into public ownership, under democratic control of railroad workers, trackside communities, and elected boards nationwide. The movement of key goods and people is too important to be run for profit.

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

- | | |
|------------------|--------------------------------------|
| Chuck Abbate | SMART-TD #898b, Keolis, Boston, MA |
| Gabe Christenson | SMART-TD #1043, UP, Sparks, NV |
| Jason Doering | SMART-TD #1117, UP, Las Vegas, NV |
| Ross Grooters | BLET #778, UP, Des Moines, IA |
| Ron Kaminkow | BLET #51, AMTK, Reno, NV |
| Paul Lindsey | BLET #228, UP, Pocatello, ID |
| Hugh Sawyer | BLET #316, NS, Atlanta, GA |
| Matt Weaver | BMWED #2624, CSX, Toledo, OH |
| Andrew Weir | TCRC-LE #240, CN, Sarnia, ON |
| Nick Wurst | SMART-OTD #1473, CSX, Framingham, MA |

Alternates

- | | |
|----------------|--------------------------------------|
| Eric Basir | ATU #208, CTA, Chicago, IL |
| Matthew Grouix | SMART-TD #432, CN, Champaign, IL |
| J.P. Johnson | SMART-TD #117, Amtrak, Milwaukee, WI |
| Ian Kaminski | SMART-TD #898, Keolis, Boston, MA |
| Tim Miller | NCFO #1218, NS, Conway, PA |

Trustees

- | | |
|--------------|--|
| Ed Michael | BLET #724/SMART-TD #979, UP - Retired, Salem, IL |
| Jeff Kurtz | BLET #391, BNSF - Retired, Fort Madison, IA |
| Bill Connell | SMART-TD #1473, CSX, Framingham, MA |

www.railroadworkersunited.org ● info@railroadworkersunited.org ● 202-798-3327 or 202-RWU-DEBS
RWU P.O. Box 2131 Reno, NV 89505



RWU to Host Session on Public Ownership at Socialism 2023 Conference

RWU will be conducting a session on our demand for public ownership of the railroad industry at the Socialism Conference 2023, sponsored by Haymarket Books, as well as numerous endorsing organizations, including RWU. It will be held over Labor Day weekend, from Sep. 1-4, in Chicago, at the Hyatt Regency McCormick Place hotel.

Last year's conference drew over 1500 activists - energetic youth and seasoned veterans of the fight for social justice - from around the country, as well as some international guests. While the sessions and workshops cover a broad range of issues, laborers' struggle for dignity and respect is an important component.

Some of our readers may be put off by the "S" word, but labor needs the public's support for the inevitable battles we face. Republicans can't even pretend to support laborers' struggles. After Biden's Democrats rammed an unpopular agreement down railroad workers' throats last year, it's never been more clear that all they can be counted on is for BS promises at best, and a knife in the back when necessary to maintain the status quo.

Events like this are an opportunity to learn about our history and from each others' struggles; to interact and share experiences, perspectives and viewpoints; and to make/deepen connections and alliances, which will be essential for all of us moving forward. We encourage our members and supporters to join us.

From the Socialism Conference 2023 website:

No one is coming to save us, but us.

We need visionary politics, collective strategy, and compassionate communities now more than ever. In a moment of political uncertainty, the Socialism Conference will be a vital gathering space for today's left. Join thousands of organizers, activists, abolitionists, and socialists to learn from each other and from history, assess ongoing struggles, build community, and experience the energy of in-person gatherings.

A four day conference featuring dozens of panels, lectures, and workshops organized by groups from all over the country, the Socialism Conference will facilitate exchanges between existing



At last year's conference, RWU got a tremendous hearing for railroad workers' issues, as the clock was ticking towards a possible rail strike. This year we intend to gain more traction for our campaign for public ownership. Any members/supporters interested in attending, please contact Mark Burrows: potashpuller55@gmail.com.

activists and organizations, while also welcoming new layers of politically curious people as part of rebuilding our radical traditions and movements.

Featured speakers at Socialism 2023 will include:

Naomi Klein, Angela Y. Davis, Ruth Wilson Gilmore, Robin D.G. Kelley, Aja Monet, Bettina Love, Sophie Lewis, Harsha Walla, Dina Gilio-Whitaker, Astra Taylor, Malcolm Harris, Kelly Hayes, Daniel Denvir, Emily Drabinski, Ilya Budraitskis, Dave Zirin, Olúfẹ̀mi O. Táíwò, and many more.

The Socialism Conference is brought to you by Haymarket Books and dozens of endorsing left-wing organizations and publications. Visit socialismconference.org to learn more and register today. A number of sessions from the conference will also be live-streamed virtually so that those unable to attend in person can still join us.

Labor News

Teamsters and UPS Headed for Possible Showdown

As this issue goes to press in mid-July, 350,000 UPS Teamsters are preparing to go on strike when their contract expires July 31st, if an agreement has not been reached. If they hit the picket line this would be the second largest strike at a single employer in US history.

Railroad workers should pay special attention to how all of this plays out. It's worth noting that before negotiations broke down over economic issues, the Teamsters had extracted a few significant concessions with just the very THREAT of a strike, including their demand for air conditioning in new delivery trucks. While newer engines have air conditioning, most rail workers know what it's like to struggle to survive in a steel box oven on wheels. Considering several UPS workers have died during oppressive heat waves in the last few years, this demand was a line in the sand. Imagine how rail labor contract negotiations might play out if we could seriously threaten a strike as opposed to going through the pre-determined motions of the Railway Labor Act.

Last year when a rail strike was posed, workers around the country were inspired and ready to express their solidarity. If UPS

Teamsters do go on strike, rail labor needs to do the same. Help out at a picket line, flying your union and/or RWU colors. The day will come when we will need that same kind of solidarity.



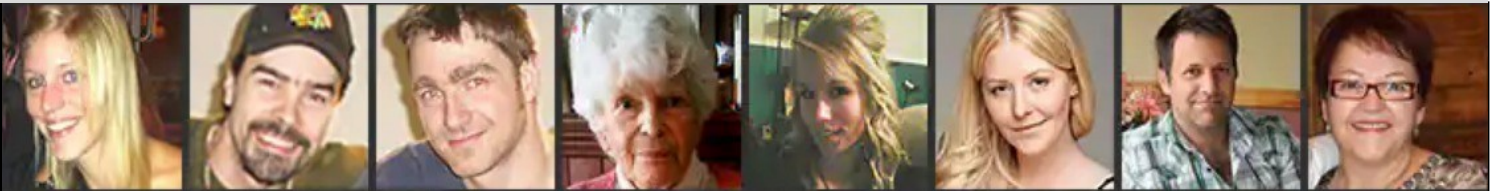
As the signs say, UPS Teamsters "practicing" for a possible strike. Railroad workers can learn from their organizing and preparation, in addition to their efforts to galvanize support in advance.



Commentary

The Faces of Lac-Mégantic from July 6, 2013

Editor's Note: "47 victims" can sound like a cold statistic, but they were regular folks like us, who had friends, families and dreams.



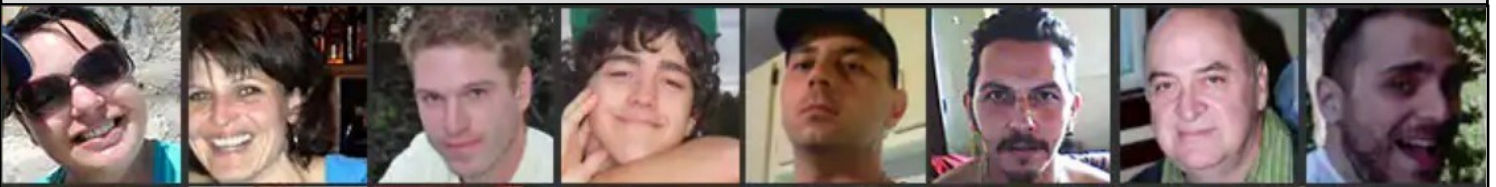
L-R: Andrée-Anne Sévigny-26, waitress at the Musi-Café for a few weeks; David Martin-36, was with his friend, Michel Junior Guertin-33, father of 2; Éliane Parenteau-Bou langer-93, Élodie Turcotte-18, waitress at the Musi-Café; Geneviève Breton-28, aspiring singer whose 1st album was to be released in mid-July; Guy Bolduc-43, father of 2, musician was performing at the Musi-Cafe; Henriette Latulippe-61, esthetician in town;



Jean-Pierre Roy-56, was at the Musi-Café; Jimmy Sirois + Marie-Semie Alliance-23, lived near the Musi-Café. Their 18 month old daughter was with his parents; Joanie Turmel-29, a graphic artist, was with her husband, Gaéton Lafontaine-33, at the Musi-Café; Kevin Roy-29, and Marianne Poulin-23, lived near the Musi-Café, as did Marie-France Boulet;



Maxime Dubois-27, was at the Musi-Café; Mélissa Roy-29, worked at Masonite International Corp.; Natachat Gaudreau-41, mother of 2, was at the Musi-Café; Réal Custeau-57, lived near the Musi-Café; Stephane Bolduc-37 and Karine Champagne-36, mother of 2, were celebrating his birthday at the Musi-Café; Sylvie Charron-50, was at the Musi-Café; Yves Boulet-51, was performing with Lezor Ganes at the Musi-Café;



Karine Lafontaine-35, was with her husband, Pascual at the Musi-Café; Diane Bizier-46, was at the Musi-Café; Éric Pépin-Lajeunesse-28, was at the Musi-Café; Frederic Boutin-19, was at the Musi-Café; Yannick Bouchard-36, lived near the Musi-Café; Stéphane Lapierre-45; Roger Paquet-61, member of local golf club; David Lacroix-Beaudoin-27, worked as a steeplejack in Lausanne, Switzerland, was visiting his former hometown;



Talitha Coumi Bégnoche-30, lived nearby with her daughters, Blanka, 9, and Alyssa, 3; Richard Veilleux; Martin Rodrigue, a stonecutter was working as sound technician at the Musi-Café; Marie-Noëlle Faucher was at the Musi-Café, Kathy Clusiaux-24, had just moved downtown and planned to open a physiotherapy clinic; Mathew Pelletier-29, taught high school math in town and left behind a wife and 3-year-old; Jean-Guy Veilleux-32, studied at Polyvalente Montignac



Jo-Annie Lapointe-20, was a waitress at the Musi-Café; Lucie Vadnais-49, ran a daycare and was at the Musi-Café; Jacques Giroux; Louise Poirier-Picard; Denise Dubois-57; Wilfred Ratch; Flowers to honor the victims laid at the site of derailment to mark the 10-year anniversary;



Commentary

From Before Lac-Mégantic to Beyond East Palestine

On July 6 2013, a little past 1:00 AM, a runaway 73-car unit train of volatile Bakken crude oil, rolled down the steep grade from where it had been parked, rapidly accelerating until it derailed in the heart of the small town of Lac-Mégantic, Quebec, exploding into a fire storm that burned for a week. 30+ buildings, including apartments and businesses, were destroyed as if a bomb had been dropped on them, killing 47 people, most of them incinerated alive. Many of them were enjoying a night out at the Musi-Café, only a stone's throw from ground-zero.

Arguably this instantly became the most important modern train wreck in North American history. Its importance is not specifically the horrifying death and destruction - as morally offensive as that is - but what it brought to light about the increasingly dangerous trend in North American railroading - that began long before Lac-Mégantic and has only gotten worse since then.

The recent derailment in East Palestine, OH, is simply the most recent poster child for this trend. National Transportation Safety Board (NTSB) Chair Jennifer Homendy's opening statement about this incident is also the title of a new, award winning documentary series about Lac-Mégantic, currently being seen across North America - "This Was Not an Accident."

Anyone paying attention in the aftermath of the East Palestine derailment has a general idea as to the cause of this specific incident. We know for a fact that a journal on the 23rd car overheated, while NS officials ignored the hotbox detector warnings until it was too late. It's quite possible that the NTSB investigation will eventually shed more incriminating light as to how/when/if the problem car was properly inspected before departure, and to what extent staffing cuts, speed-up, train length, tonnage, train make-up etc. may have been contributing factors. That said, in lieu of any official report, just with what we already know, this incident serves as just the latest painful lesson as to the consequences of unregulated, rogue railroad operations that maximize profit over safety, much less common sense.

In contrast, the real story of the Lac-Mégantic tragedy is not as widely known and understood, for a combination of reasons. While every incident has it's unique set of circumstances and factors, it is the sum total of them all that tells the true story of the dangers and hazards railroad workers and the public have been and continue to be vulnerable to.

By failing to hold the rail bosses accountable for their crimes against the citizens of Lac-Mégantic, the residents of East Palestine were victims-in-waiting for the next perfect storm of reckless, irresponsible - criminal in my opinion - railroad operations. Given the recent spate of fatal switching incidents - several involving remote control - railroad workers also continue to pay the price in blood for this overall lack of accountability.

Many of RWU's current members, supporters and readers of *The Highball* and our weekly newsletter were not following our Lac-Mégantic coverage 10 years ago. In defense of Brothers Tom Harding (engineer) and Richard LaBrie (dispatcher), who were being scapegoated and faced long prison sentences at the time, RWU did a helluva job piecing together whatever facts we could gather to challenge the prevailing corporate narrative.

When Canada's Transportation Safety Board (TSB) released their report, even we were taken aback by some of its findings. To thoroughly comprehend all of the profit-driven, cost-cutting practices that combined together to create this tragic, perfect storm, I highly recommend Bruce Campbell's definitive book:

"The Lac-Mégantic Rail Disaster: Public Betrayal, Justice Denied", available in the RWU Store. The title alone says it all.

At a recent public meeting where I was discussing the East Palestine incident, when I linked it to the Lac-Mégantic tragedy as second nature to me, I was prompted by the chair that I needed to explain that for those who were simply not aware, through no fault of their own. For all these reasons cited, now is as good a time as any to revisit why this tragedy was so preventable.

Per space limitations I'm just going to highlight the most egregious transgressions by the Montreal Maine & Atlantic (MMA), and Transport Canada (TC). While the Class 1 carriers have so far been unsuccessful in fulfilling their long held fantasy of single employee crew operations, regional short lines have had some success as they tend to fly under the radar. TC granted an exception waiver for the MMA to operate engineer-only, without public hearings as required, and in spite of opposition from the United Steelworkers Union, who represented MMA employees.

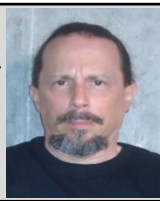
This fact explains why engineer Harding had to park his 10,000+ ton train on a 1.2% heavy grade. The train could have been parked on more flat terrain before the descent, but that would have blocked a public crossing. Without a conductor on board, or even a roving utility-conductor to cut the crossing, that option was closed. There was also a siding with derail protection - precisely for this scenario - where he could have safely parked the train, but it was being used to store empty boxcars.

Even though the MMA required 9 handbrakes for 70-79 cars, the TSB report concluded that per the tonnage and grade, 17 to 26 handbrakes, depending on the strength of the application and condition of the brake shoes, would have been required to secure the train. That's asking a lot of a lone engineer whose 12 hours has expired. Imagine he goes back and sets 20 handbrakes, returns to the engine to do a handbrake securement test, then realizes he has to go back and set a few more. To do that by oneself is not only dangerous but unrealistic. That's why the MMA "safety culture" - or lack of it thereof - looked the other way at noncompliance of standard handbrake securement tests, that Class 1 railroad workers consider to be second nature.

The MMA demanded its lone engineers not follow the basic safety practice of applying the train's air brakes when securing parked trains - to save time and effort when the train was next re-crewed. Once the lead locomotive was shut down due to the fire caused by months of deferred maintenance and the air bled from the 5 locomotives, the 7 handbrakes were no match for the laws of physics. Had the MMA not obstructed a full service brake application to the train, it is extremely unlikely it would have moved prior to being re-crewed the next day. In addition, a safety device on the decrepit locomotive was defective. When the firemen shut it down, the train brakes should have activated.

As long as we allow the carriers to operate with impunity, enabled by a political/economic/judicial system that serves them well, leaving death and destruction in their wake, the next horrifying disaster is only a matter of time.

Mark Burrows has served as Organizer and Co-Chair for RWU. He retired at the end of 2015, after hiring out in 1974, working as an engineer for a combined total of 37 years for the C&NW and the Soo Line/CP Rail in Chicago, Illinois. He was SMART-TD 1433's Delegate for the 2011 & 2014 International Conventions and continues to be an active member of RWU.





Analysis

When the Dreaded Old becomes New Again:

“Fixes” to Rail Safety Now Ushering In More BS (Behavioral Safety)

By Nancy Lessin

After the recent period of tremendously bad publicity about dreadful deeds and bad outcomes that Class I railroads brought upon themselves (e.g. denying rail workers paid sick time; destroying the community of East Palestine, Ohio; winning a listing on National Coalition for Occupational Safety and Health’s 2023 Dirty Dozen most dangerous employers), rail carriers are now heralding their role in a “new era in railroading” - the theme of North American Rail Shippers Association’s (NARS) May, 2023 annual meeting.

Their happy talk included taking on the “changes and challenges currently facing the freight rail industry.” The “changes and challenges” wreaking such havoc (e.g. Precision Scheduled Railroading – “lean”/doing more with less) are **by design** and have benefited carriers’ bottom line. What’s a carrier to do when all eyes are on them to change things up and fix safety? One carrier – Norfolk Southern (NS) – is now busy dressing up wolves in sheep’s clothing, trying to pull the wool over everyone’s eyes. But it won’t fool Railroad Workers United who has been sounding alarms over the dangers of BS (behavioral safety) programs for decades.

In May, NS released a letter along with the national leaders of twelve unions vowing to work together to improve safety: “We will collaborate, consult experts, review best practices, and listen to the people closest to the work,” states the May 23rd letter to NS employees and union members. However, just two days later, NS issued a press release announcing the appointment of Atkins Nuclear Secured (ANS), a member of Quebec-based SNC-Lavalin Group, to conduct an independent, multi-year review of the company’s “safety-first culture.”

Are we to believe the twelve unions had a role in choosing Atkins Nuclear Secured as best suited to review and revise the carrier’s safety program? SNC-Lavalin is a global engineering/construction firm whose primary work is in oil and gas, mining, cybersecurity and nuclear power. Its Atkins Nuclear Secured business, according to SNC-Lavalin’s website, is “one of the world’s most respected design, engineering and project management consultancies [that builds] long-term trusted partnerships to create a world where lives are enriched through the implementation of our ideas.” (emphasis added). Why is Norfolk Southern going “nuclear”? Scratch the surface of Atkins Nuclear Secured’s vision of safety, and that of its parent SNC-Lavalin, and behavior-based safety abounds.

Atkins Nuclear Secured’s health and safety manager job announcement for a nuclear team in Richland, Washington included in the list of responsibilities, “Leads project safety initiatives include the Behavior Based Safety Program...”. Parent company SNC-Lavalin’s job announcement for a hydrogeologist to serve their private industry and government clients described duties including “embracing behavior-based safety...”. SNC-Lavalin’s job posting for a Safety Culture and Communication Lead sought someone with “Demonstrated Safety Culture experience and ‘behavior-based safety’ experience..” It gets worse.

A NS May 25th press release stated that the Atkins Nuclear Secured (ANS) team for NS would be “comprised of professionals with extensive experience in the Naval Nuclear Propulsion Pro-



Union logos side-by-side with NS logo imply a deepening collaboration with the bosses to “work together” on safety. It is indisputable that this is a losing strategy, especially when we had the carriers on the ropes as the barbaric working conditions were exposed during the contract fight - mainly due to RWU’s efforts - followed by the East Palestine derailment that exposed the carriers’ reckless disregard for safety. The rank & file must fight to control the narrative on safety.

gram and would be led by that program’s former Director. The Naval Nuclear Propulsion Program (NNPP, also known as Naval Reactors or NR) is a joint Department of Navy and Department of Energy organization. Sadly, both NNPP/NR and the Department of Energy (DOE) are up to their eyeballs in behavior-based safety.

NPP/NR’s 2019 “Occupational Safety, Health and Occupational Medicine Report” boasts that “all employees receive behavior-based safety training to help them recognize and correct at-risk behavior patterns...”. The report notes that “unsafe behaviors” are tracked as one of the “leading indicator metrics” for safety. The (DOE) released its own 35-page handbook titled “The Department of Energy Behavior Based Safety Process.”

Many DOE sites currently employ their own specific versions of behavior-based safety, such as Hanford’s Vit Plant (Nuclear Waste Treatment and Vitrification Plant) in Washington State with its “Craft Safety Watch” program “creating a safe work environment through behavioral observations, education and increased awareness,” and its “It’s OK Initiative,” a behavior-based safety program focusing on getting “employees to say, ‘It’s OK for you to observe me while performing work and advise me on a safer way’”.

To brush up on the hazards of these anti-worker safety programs, please see RWU’s Campaign Against Blame-the-Worker Safety Programs www.railroadworkersunited.org/safety-programs/. Health and safety problems on the job are caused by hazards; efforts to improve workplace safety and health must focus on identifying and addressing hazards and hazardous conditions – including work organization factors such as understaffing, long hours and days of work, inhumane workloads and work schedules, and yes – doing more with less.

Nancy Lessin has worked with unions on occupational safety and health for over 40 years. She presented programs for unions in the U.S., Canada, Europe, South America and Australia on issues such as fighting behavior-based safety/blame-the-worker safety programs and building union power with health and safety. She served three terms as a labor representative on the US Department of Labor’s Whistleblower Protection Advisory Committee. Since her retirement from the United Steelworkers-Tony Mazzocchi Center in 2019 she’s continued to work with the labor movement on safety and health issues. She is a lifetime Solidarity Member of RWU.





Editorial

How Rail Workers Gained Paid Sick Leave ... Or Anything Else for that Matter

As this issue of *The Highball* goes to press, most rail unions have reached agreement on paid sick leave provisions with the Class One rail carriers in the United States. At least one carrier - Norfolk Southern - has reached agreement with all the crafts. The basic provision calls for four (or in some cases five) sick leave days, with three (or in some cases two) additional days obtained by converting already provided "personal leave days." For sick leave usage. This turn of events may come as quite a surprise, given the harsh tone and combative posture the rail carriers had previously assumed on the question in national handling just a few short months ago. How do we account for this about face by the Class One carriers on the all-important question of paid sick leave for Railroad workers?

Traditionally, most rail workers - despite being union represented - had not received sick leave benefits from the rail carrier. And historically, this was not a major issue for the railroad workforce. Why? Because if/when a rail worker - especially one from the ranks of the operating crafts - wished to take time off work, s/he simply "marked off" for one or more (up to 30) days. No penalty, no questions asked. Granted, workers did not get paid. But this significant arrangement for many, was one of the great benefits of a railroad job, and allowed workers the ability to control their own work life, working when they wished, and likewise, refraining when desired.

Now enter Wall Street's lean and mean production of recent decades, then "Precision Scheduled Railroad (PSR), all emphasizing job cuts and combinations, backed by draconian attendance policies to make those remaining employees work more shifts and longer hours. Railroad workers lost their great benefit (it was unfortunately, not contractual) and gained nothing in return. It was in this context that paid sick leave really became an issue - and a rallying cry - in this last round of bargaining, as untenable work requirements and harsh penalties for "excessive mark-offs" had been brutalizing the workforce.

So, the battle lines had been clearly drawn in the late summer of 2022 when Presidential Emergency Board (PEB) #250 was announced, it refusing to address the issue, and recommending just one single additional "personal leave day" for all personnel. Feeling dejected and betrayed, most workers from all crafts were ready to strike for better. Where unions polled their members, the results were overwhelmingly in favor of strike action. Railroad Workers United's informal poll of 3000 across all crafts showed similar results.



200 railroad workers and supporters protest against President Biden's visit to JFK Museum in Boston, MA, Dec. 2, 2022, hours after he signed legislation imposing a contract that a majority of rails had rejected. Actions like this compelled the bosses to yield a few bones.

However, union officials of most unions capitulated without a fight in the weeks following the PEB announcement, settling for a "Tentative Agreement" (TA) based on the PEB recommendations. RWU issued a formal statement in opposition, urging all union members to vote NO on any such contract proposal. Then the unions of the operating crafts - who had appeared to be holding out - capitulated after an all-night "bargaining session" and agreed to a deal brokered by President Biden and Labor Secretary Walsh that supposedly granted "sick time" but did in fact grant no such thing.

Once again, RWU urged a NO vote on that TA, and pushed for strike action upon contract rejection. Throughout the Fall of 2022 - while union officials from every union urged members to vote yes while extolling the supposed virtues of the TA - RWU pushed for more. Alternative media picked up the story, soon followed by the mainstream, and then the floodgates opened. RWU soon had developed a Media Outreach Committee of 15 members and recruited other working railroaders to speak out as well.

Due to a herculean effort, RWU ensured that the voices of railroad workers were heard loud and clear. Countless workers and citizens were inspired by our struggle and rallied to the cause. Like us, they were outraged when the President and Congress thwarted our right to strike with legislation. Meantime, the rail union officials sat on the sidelines and did not utter a word, not a single "leader" objecting to the government's action.

But the movement that galvanized around the issue was still on the ascendancy as the year drew to a close. Rail carriers and politicians alike now had a black eye for their hardball approach to the rail workforce. RWU had helped to expose the industry - its furloughs and layoffs resulting in short staffing, the chronic fatigue and overwork, the lack of time off upon penalty of discipline up to and including termination, the dissatisfied shippers, the delays to passenger trains, the compromises to safety and all the rest while the carriers engaged in mass stock buybacks and reaped record profits while moving far less freight than a generation earlier. Seizing on the historic opportunity in front of us, RWU threw everything we had into the fight and into the effort to expose and discredit these modern day "Robber Barons."

Despite the government's breaking of the strike (not unexpected, as the government has done so one way or another for more than 150 years), enormous pressure was brought to bear on Congress to legislate a solution to the staffing crisis. It is in this context that the Class Ones did a 180 about face and have engaged the trade unions in bargaining property-by-property for paid sick leave, bearing fruit in a matter of a few months. What had not been possible for more than two-and-a-half years in national handling (not a single day of paid sick leave) was achieved in short order now, the carriers conceding 4 or 5 paid sick days with options to convert additional "personal leave days" as well.

The point here is this: The Class Ones did not change their tune because they suddenly became humane, moral, or decent. They did not bargain sick leave provisions because they suddenly understood the importance of it to the health and well-being of their employees. And they certainly did not bargain it because of union officials' prowess at the bargaining table (we saw how ineffective that had been for the previous 2.5 years already).

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When you join RWU, you unite with a growing network of railroaders who strive to build unity, democracy and solidarity among the railroad workers of North America. Specifically, when you join here's some of what you get:

- Your personal RWU membership card.
- Various lapel and bumper stickers (see below).
- The RWU newsletter mailed to you each issue.
- Discounts up to 25% on most RWU merchandise.
- Free (or discounted) bundles of the newsletter to distribute.
- Meeting Minutes from each Steering Committee meeting.
- The right to attend the RWU Biennial Convention.
- Most importantly, you will become part of a network of like-minded railroaders who are working to make a difference. For advice, encouragement, ideas, and support to assist you in your day-to-day struggles on the railroad, there is no finer network today to be a part of than Railroad Workers United!

The craft union seeks to establish its own petty supremacy. Craft division is fatal to class unity. To organize along craft lines means to divide the working class and make it prey to the capitalist class.

Eugene V Debs, Founder of the American Railway Union

How Rail Workers Gained Sick Leave ... Or Anything Else for that Matter

Continued from Page 7

No, the carriers were brought to heel because working railroaders raised hell, went public, fought back, won allies, gained favorable media coverage, defied the carriers along with the wishes of the PEB, the politicians, and the union officials. Had we not, the carriers would have had no incentive whatsoever to bargain sick time, period. The proof is that, in the absence of this workers' movement, the three years previous of behind-closed-doors bargaining had produced nothing. In the face of such an uprising - fearing that the Congress just might foist legislation upon them with more generous terms and conditions for the workforce - the carriers relented, accepting some limited paid sick leave provisions, now posturing in front of God and everyone to appear reasonable and responsible, while just a few months earlier they were ready to risk a national rail shutdown before agreeing to even a single day of sick leave.

Going forward into the next round of national bargaining in 2024, what lessons can we draw from this fight?

1 - National handling must be brought out into the light of day, so all union members know what is going on week-to-week, session-to-session.

2 - The membership must be polled, consulted, and involved at every step of the bargaining process.

3 - The union officials must lead and organize member actions throughout the course of bargaining.

4 - Never again do we put faith in a PEB, regardless of who is President.

5 - Do not trust any politicians from any political party to come to our aid and assistance.

6 - Do not accept the union officials' claim that "this is the best we can get." If you believe you deserve more, vote no, and raise hell.

7 - All unions must come together and bargain as a single, united, and indivisible, ironclad bargaining coalition from Day One.

8 - No union/craft breaks rank. None settles until ALL unions/crafts settle.

9 - Join Railroad Workers United, help build unity of all rail labor, and get involved in the fight for a good contract in the next round of national bargaining.

10 - Ultimately, to win the working conditions and the railroad we as workers want, the rail industry must be brought under public ownership like the rest of our transportation infrastructure. Get involved in the effort to make the rails public!