



Railroad Workers United

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The Rank & File in Action!

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RWU Resolution Calling for DOT Action on Rail Safety

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Whereas the Rail Safety Improvement Act (RSIA), Section 103, Part 201, Section (g) states, "Each railroad carrier required to submit a railroad safety risk reduction program under subsection (a) shall consult with, employ good faith and use its best efforts to reach agreement with all of its directly affected employees, including any non-profit employee labor organization representing a class or craft of directly affected employees of the railroad carrier on the contents of the safety risk reduction program;" and

Whereas, "Scheduling practices for employees, including innovative scheduling practices, on duty call practices, work and rest cycles, increased consecutive days off for employees, changes in shift patterns, appropriate scheduling practices for varying types of work, and other aspects of employee scheduling that would reduce employee fatigue and cumulative sleep loss" are included in a risk reduction program as mandated by RSIA; and

Whereas the fatigue aspect of a risk reduction program is supposed to be designed to reduce the fatigue experienced by safety related railroad employees and to reduce the likelihood of accidents, incidents, injuries, and fatalities caused by fatigue by implementing strategies to reduce or mitigate the effects of fatigue based on the most current scientific and medical research and literature; and

Whereas, various rail carriers have unilaterally employed availability/attendance policies after the passing of RSIA, over the strenuous objections of the employees and the affected labor unions in violation of RSIA; and

Whereas, none of these company policies have taken into consideration the health, safety, and well-being of the affected employees according to current scientific and medical research and literature; and in fact, there is reputable research that suggests that the new policies have caused injury and death on the job, and indirectly caused injury and premature death off the job because of the accumulated fatigue and stress; and

Whereas these draconian policies have caused a mass exodus of qualified employees from the ranks of the affected jobs, causing damage to the nation's supply chains, fueling inflation and making railroad work much more stressful, unhealthy, and dangerous; and

Whereas, the Secretary of Transportation is clearly designated by the RSIA as having oversight over the risk reduction programs, being granted the authority to nullify programs and policies, in addition to the authority to enact civil penalties when there is an RSIA violation.

Therefore, be it Resolved, that RWU calls upon Department of Transportation Secretary Buttigieg to review all the rail carriers' attendance/availability policies, and to declare null and void all of those that create undo fatigue and stress, together with those that have been enacted unilaterally by rail carriers without the participation of the workers/unions since the passing of RSIA; and

Be it Further Resolved, that RWU demands that DOT then require the rail carriers and the affected unions to negotiate safe and humane policies that takes into account the physical, mental and emotional well-being of the employees concerned, and which provide ample opportunities to enjoy time off work for rest and relaxation, family obligations, and recreational activity, all of which are necessary to ensure rested and refreshed employees who are able to engage in the safe and efficient operation of the railroads; and

Be it Finally Resolved, that if a rail carrier deliberately delays the process of DOT nullification of any policy that is deemed harmful to the employees, or if such carrier in any way delays negotiations of new policies, then RWU calls on Secretary Buttigieg to invoke civil penalties which may include substantial fines for every day that these delays take place, to be levied against the offending rail carrier, its CEO, and other corporate officers found to be responsible for delaying these remedies.

Adopted by the RWU Steering Committee 6/1/2022