



The Highball

Official Publication of
Railroad Workers United

Trainmen & Engineers Say “No” to Conductorless Trains

Holding the Line on the W&LE

It's been nearly 2 ½ years now since bargaining commenced between the Wheeling & Lake Erie (W&LE) and the Brotherhood of Locomotive Engineers & Trainmen (BLET) for a new contract for engineers and trainmen on this Midwest regional carrier. Negotiations have "gone nowhere" as the two sides are diametrically opposed on the issue of single employee train operations.

By August of 2013, things came to a head when the W&LE insisted upon single employee operations of trains, while the union stated that they would never accept such conditions. Then on September 13th and 14th, the carrier unilaterally opted to run a pair of trains with a single manager. The engineers and trainmen of BLET #292 went on strike September 20th, but they were quickly ordered back to work under a temporary restraining order (TRO) by a federal judge. The strike by more than 100 union members completely shut down the railroad's operations in Ohio and Pennsylvania. Bargaining then resumed on the 23rd. However, the company remained intransigent and refused to negotiate the issue of single employee crews.

Since then, no negotiating sessions had been scheduled throughout the winter and spring. For nine months the two sides did not meet. Finally, after Local Chairman Lonnie



If the carrier has it's way with the union, trains like this one on the Wheeling & Lake Erie (W&LE) would be run without conductors. Would this then open the door for the big Class 1 rail carriers to do the same?

Swigert's efforts, including a barrage of phone calls to Mediator Jack Kane, the NMB, the BLET national office, numerous BLET VPs and the General Chairman, the mediator scheduled a bargaining session for June 10-12th in St. Louis. Predictably, the carrier remained steadfast,

and refuses to bargain on any issues unless and until the union concedes to run trains with a single employee. The union is holding fast, determined to stop any effort by the W&LE to open the door to single employee operations. "We're willing to negotiate anything but one-man crews" says Swigert. "They won't negotiate anything without one-man crews and we will never accept single employee crews. "I feel like this is a gateway. I'm sure Class Ones are in support (of one-man trains), but they don't want to be the first ones to do it. I do see this being a bigger issue than just us. It's about greed and putting profits over personal and public safety."

Regional carrier Wheeling & Lake Erie has been aggressively pushing single employee crews for

In this Issue of The Highball

The Fight Against Conductorless Trains ... Pages 2-3

Long Island Rails Stand Fast ... Page 3

Winning an OSHA Whistleblower Case ... Page 4-5

Rails Must Set the “Terms of Engagement” ... Page 6

When the Law Fails Us, It's Union Time! ... Page 7

Take a Stand: Join RWU! ... Page 8

Continued on Page 2

Engineers/Trainmen Fight Conductorless Trains on the W&LE

Continued from Page 1

more than a decade, resulting in a previous contract impasse that the union claims left workers without a raise for eight years until a 2008 contract was finally ratified. Unable to win single employee operations at W&LE, the carrier then assisted the Maine, Montreal & Atlantic (MM&A), another smaller regional railroad, to do just that in early 2013. Just a few months after such operations commenced, a single operator was assigned to a heavy train of crude oil that ran away down a steep grade into the town of Lac Megantic, Quebec where it exploded, devastating the town and killing 47 people. CEO of the MM&A at the time was none other than Ed Burkhardt, who just happened to also sit on the Board of the W&LE. According to BLET President Dennis Pierce, "The WLE bankrolled Ed Burkhardt's failed one-person operation on the Montreal, Maine and Atlantic to the tune of a \$25 million loan." In the 1990s, Burkhardt headed up the anti-union Wisconsin Central, where he had pushed for single crews.

Railroad Workers United stands ready to assist these brothers and sisters in any way possible. The RWU Executive Committee met the day after the strike to explore ways that we could build support throughout rail labor and the general public for the W&LE workers. RWU adopted a resolution of support and a program of action. We have assisted the workers to gain public exposure and build contacts with supporters, and have provided them with buttons stickers, flyers and bumper sticker all proclaiming "No Single Employee Train Crews!" We have in effect adopted them as the "advance guard" in the forefront of the struggle against single employee crews.

It is apparent that the W&LE is determined to be the rail

carrier to pioneer single crew member train operations. Their intransigence at the bargaining table, their willingness to support other railroads who are making similar attempts at such operations, and their brash statements and actions to this effect leave no doubt they are serious.

But the union and its members are serious too. According to LC Swigert, "On September 20th of 2013, with just 16 hours notice, we had 100% compliance (with the strike call). The men stood on the line and were willing to strike for days, months if necessary. And when we are "released" we will do it again if we have to." Swigert is adamant that single employee train crews would be a dangerous development at the W&LE. "One man crews are not an option for us. In dark territory, and with the lack of safety features on our railroad, we will never accept one-man (operations of trains) on our property."

BLET Division #292 is committed to taking the necessary measures to ensure that they win this fight. They have proven their valor and determination last September when they went out on strike and shut down the W&LE operations 100%. But they cannot win this battle alone. They need the support of their General Committee, the BLET National Division and the rank and file members of their union from around the Midwest and across the nation. They need the rest of rail labor - particularly from the Sheet Metal, Air, Rail & Transportation Union - Transportation Division (SMART-TD) to come to their assistance as well. And they need the support of environmental and citizens groups who are concerned about public safety.

This struggle is of vital concern to all of rail labor. We have seen countless episodes in past decades where a single

Continued on Page 3

Railroad Workers United

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

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

Statement of Principles

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

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

RWU International Steering Committee

Mark Burrows, UTU #1433, CP, Chicago, IL
Paul Jenvey, IBEW #889, UP, San Luis Obispo, CA
Ron Kaminkow, BLET #51, Amtrak, Reno, NV
Paul Matchett, WSOR, Janesville, WI
Dreadsen Owen, IWW #520, MRS, Chicago, IL
Hugh Sawyer, BLET #316 NS, Atlanta, GA
Daniel Scudder, TCU/BRC #6354, NS, Atlanta, GA
John Vitaska, NCFO #395, CP, Chicago, IL
James Wallace, UTU #305, BNSF, Lincoln, NE
Andrew Weir, TCRC-CTY #240, CN, Sarnia, ON
John Wright, BLET #78, CSX, Louisville, KY

www.railroadworkersunited.org

206-984-3051

info@railroadworkersunited.org

Long Island Railroaders Conduct Mass Rally on the Solstice

More than 3,000 unionized Long Island Railroad (LIRR) workers and their supporters rallied for a new contract Saturday, June 21st saying they wanted to send a message to transit officials and New York's governor ahead of a strike threatened for later this summer.

The LIRR unions voted to authorize a strike as early as July 20th. They have been working without a contract since 2010. President Barack Obama appointed two emergency boards to help resolve the dispute. However, in a move unprecedented, the state agency that runs the railroad, the Metropolitan Transportation Authority (MTA), rejected both non-binding recommendations.

The emergency board's last proposal called for a 17 percent raise over six years while leaving work rules and pensions alone. The MTA's last publicly disclosed proposal called for an 11% raise over six years.

As states, counties and municipalities across the country are faced with an ever shrinking tax base and new budgetary restraints, they have begun to play hardball with workers and their unions that provide public services. And railroad workers are no exception.

Rep. Tim Bishop, who signed a letter to the Governor and who was in attendance at the rally, said it was unprecedented to ignore the presidential board's recommendations and questioned the practicality of refusing to extend the negotiating window.

"They're not looking for a giveaway, they're not looking for a handout, they just want to let the collective bargaining process work," the New York Democrat said. "The unions have made it very clear that they would accept the results of the (emergency board's) rulings. The MTA refuses to accept those. We've got to move forward here," he said.

"Railroaders in commuter service need to join forces with other public employees and form a united front to stop these attacks on our wages, benefits and working conditions," says RWU General Secretary Ron Kaminkow. "The citizenry deserve adequate and proper public services including parks, libraries, busses, trains and all the rest. Attacks on public workers like this one on the Long Island railroaders are becoming more and more common. They are part of a larger picture, part of a system that is denying adequate funding to public authorities while lining the pockets of the rich."

While the safety crisis saga continues at nearby sister railroad commuter agency Metro-North, this latest debacle develops at the LIRR. "If and when the LIRR rails do go out on strike, they deserve the active support of every railroad worker, whether they be public or private sector."



Union members rally on the Long Island Railroad for a fair contract. Railroaders who work for public agencies are under the gun throughout North America and around the world, including France, Brazil and South Korea.

The Fight Against Conductorless Trains Starts on the W&LE

Continued from Page 2

shortline or regional railroad adopts a new technology, procedure or practice, only to have it spread like wildfire throughout the rail industry to all the big Class 1 carriers as well as other smaller roads. If the W&LE succeeds in its efforts at single employee road train crews, it would represent a huge foot in the door for the rail industry. It could spell the beginning of the end for the road conductor in North America. As such, it is imperative that the SMART recognize this fight as their fight and lend whatever assistance they are able. After all, it is SMART who holds the contract and represents the vast majority of the trainmen in the U.S. Likewise, the Teamster Canada Rail Conference (TCRC), the union that holds the contract and represents most trainmen in Canada, should also throw their weight behind this cause. The international border is very transparent these days, and what happens south of it most

assuredly will take root to the north as well.

At the end of the day, the workers on the W&LE just might have to strike or take other job actions once again to stave off this attack. If and when they do, we need to be ready. Throughout the last few decades, we have witnessed a number of key strikes by workers in several industries - meat packing, paper, corn processing, newspaper and others - where a small local waged a heroic "David vs. Goliath" fight against a company ... and lost. We must ensure that BLET Division #292 does not end up being added to that list. RWU challenges the BLET National Division to step up to the plate, together with the SMART-TD and others and put the full weight of the organization behind these brothers and sisters. To do nothing less is to betray not just our fellow workers on the W&LE, but every trainman and engineer in North America.

Winning an OSHA Whistleblower Case:

Steve Klak (Desavouret), IAM/TCU/BRC, Retired

In 2007, after thousands of railroad workers had been disciplined and fired for reporting on-the-job injuries, Congress passed an amendment to the Federal Rail Safety Act (FRSA) making these actions illegal. The first thing to note is that these disciplines and firings are not recognized as a crime unless and until the victim first files a report with the Occupational Safety & Health Administration (OSHA). This means that the thousands who don't know about the law are helpless, and no one is responsible to inform them. There is no resource, no ombudsman available for the worker who has been violated by the carrier after sustaining an injury on the job. I have surfed the Internet for railroad law firms' web sites in order to find the wording of the law. As an individual, you have no right of explanation or resources to assist you in figuring out if you have a case or not. You are, and I will say this repeatedly, completely on your own.

So the individual, who may be severely injured, must locate the OSHA office, get the form, fill it out and hope that OSHA will take the case.

A degrading and insulting process

The Department of Labor (DOL) is looking for a violation of the law and says that it is investigating for law breaking. It does not say and never will admit that it represents the "client" in any way. The investigator takes all kinds of information: personal, financial, even medical from you. All of this becomes his property - you have no right to even look at it afterward. He conducts an investigation which he controls, decides who to talk to etc. He does not have to tell you anything.

You are immediately sealed off from everyone and everything that can give you support. You cannot talk to anyone. You may have stopped telling people what is going on because you're just repeating that you can't find out anything. Your friends may tell you they are tired of hearing about it. Some of them become former friends.

Within weeks, OSHA sends a notice to the company if they believe the case has merit, but there is no obligation to tell the client. The back-and-forth between the company and OSHA is hidden from the client. Meanwhile, you have to fend for yourself. OSHA is quite hostile to attempts just to find out what's going on!

What about building a fight back against the railroad?

Meanwhile, more of your coworkers can continue to be disciplined. They too are silenced. The union defers to OSHA. Each worker is in turn silenced and the facts in each case are suppressed. Most importantly, any chance of sharing information, isolating the guilty managers, or doing anything to stop them is not an option. Gone is the

ability to bring this up at union meetings. Gone is the chance to publicize these crimes to the other unions even on the same property, much less nationally. Gone is the chance to prepare the other workers for their impending discipline. Social media, videos, newspapers etc. -- all silenced.

After OSHA issues merit finding

Having been silent for years (in my case four years), OSHA might, one day, out of the blue, send you a decision saying they find merit in your case. With great fanfare, they will announce hundreds of thousands of dollars in penalties, immediate reinstatement etc. ... But no. The railroads do not obey the order. That never has never happened. not even once.

FRSA states that the company is ordered to immediately reinstate the fired employee. The employee is supposed to go back to work pending appeal. But the rail carriers have refused each time. To this date, for a law passed in 2007, in only one case has the administrative law judge denied a company appeal when he instructed the Union Pacific to send an employee back to work. What exactly happened remains a secret. That brother's case awaits trial is in the Sixth Circuit Court of Appeals. That case is over six years old. Apparently that his law is simply a device to prod the carriers to buy the silence of the victim with a settlement.

They start all over again!

Out of the thousands of railroad workers disciplined around a personal injury, only hundreds of those find a way to file a claim. Less than 3% whose cases are filed are deemed to have merit. A still tinier percentage of those have competent legal help. In every case, the railroads have appealed the merit finding. The case is presented before the administrative law judge, another department of labor employee. The client has no right whatsoever to any representation. When asked why a court date was scheduled so quickly in one case a lawyer answered "the administrative law judge knew that it was 'Pro Se', that the client had no lawyer and it could be handled quickly", that is, the case is dropped. In the rail industry, there are law firms that have developed a relationship with certain unions. For a percentage of the take, these firms will sue railroads for violations of laws such as the Federal Employers' Liability Act (FELA). Whether they call themselves designated counsels or not, it is completely up to these firms to cherry pick the fattest cases or to refuse to help those out of favor with a particular union leadership. I myself went through over 20 lawyers, only asking for information on FRSA, never even getting around to asking to be represented. Only two called me in to their office. Only after the press release from OSHA appeared in the Chicago Tribune, did I find a firm to represent me. Luckily for me, it was a good one.

What Railroad Workers Need to Know

Then in the second step, an entirely new case begins

After the merit finding is issued, OSHA deserts the "battlefield." The worker, after years of waiting and one day of celebrating, now finally gets a notice of a hearing date. The case all of a sudden reads "worker Smith versus the railroad". That's right. Not Department of Labor or OSHA, just worker Smith. The case then starts from scratch. All the information gathered by years of investigating by the OSHA investigator is sealed, not just from the company but from the plaintiff and cannot be used! Of course, since the company did its own research, had its own witnesses, stool pigeons, etc., they have full access to their records. They still have their investigators and law firms in place.

Then begins an arduous process lasting at least another year of first identifying, then digging up witnesses, many who may have retired, left town etc. Hours are spent reconstructing OSHA's original case, going over facts, re-interviewing witnesses etc. If you thought you had a right to privacy, think again! Everything including your medical and psychological records is part of the case and gets open to the railroad lawyers and cross examination. On the other hand, a list of exceptions allows many management personnel to avoid testifying on "personal" grounds.

Third level of appeal for the companies

If the judge rules in favor of the worker, it has -- in every case -- been again appealed by the company, this time to the federal courts, a lengthy process, that I have reason to believe has never been completed. That is, not one single case has been able to run the full course to an ultimate finding of guilty! At least one case has been going on for seven years. I have heard lawyers say they don't really know how many appeals the railroads could make; perhaps all the way to the Supreme Court?

Whatever the case, sometimes, the company proposes discussing a settlement to avoid the hearing altogether.

The settlement

The settlement process may or may not involve OSHA at all. As long as certain parts of the settlement do not conflict with FRSA, OSHA will not interfere. So this major federal crime which has been released to the media - and this triumph of the people of the United States versus the rail carrier, all of a sudden ... well, it just disappears! The worker him or herself is now actually allowed to exonerate the former criminal by signing a statement that there was never a crime at all! And in exchange, the railroad will pay you off. Not for your injuries. Not for back pay. Not in lieu of an apology. Not so that you can hold your head up again... No, only so you shut up and not tell how much money you got. Other victims may want more. That is indeed the final insult. The amount is pulled out of thin air .

and has nothing to do with the damages listed in the press releases. The companies will of course, press to keep all the discipline on your record. As far as I know, there have been over a thousand cases of law breaking by the rail corporations since the law went into effect, and maybe in just one case was the carrier found guilty! And this represents just the tally of those who actually fought back and filed a case. It makes one wonder about just how many cases are actually out there that have gone uncontested?!

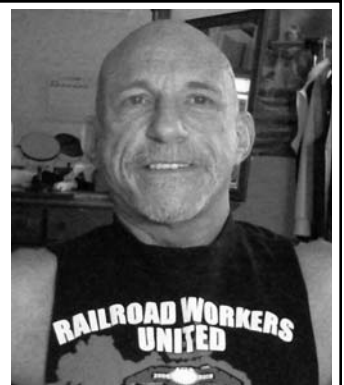
To sum it all up

The DOL whistle blower law affecting thousands has resulted in some hundreds of cash payoffs, but practically no guilt findings against the railroads. No real penalty against rail management. No disciplining of company officers, no order to educate the workforce, no remand to change the climate of fear and intimidation and reprisal.

On our side, a few of us more fortunate rails may break even with a payoff, but thousands more will not. We are further isolated from each other. The real criminals' identities remain hidden. The union is simply a bystander, relegating all of their power to a roll of loaded dice tossed by lawyers, judges, and the corporate owned court system.

We need to take back the right to strike over safety issues. I would postulate that when over a thousand injured workers file whistle blower cases and are denied justice (and these are only the ones who have had the audacity to exercise their rights and file) that we have one big fat safety issue. And this issue is not just the concern of those who are currently ensnared in this unjust legal process, but it is the concern of every single railroad worker today. "An injury to one" is indeed, like the historic labor slogan says, "an injury to all!" As such, I would argue that this entire process is fatally flawed and should be dumped and replaced with a collective union fight.

Steve Klak (Desavouret) is a founding member of Railroad Workers United. He recently retired after a long and difficult battle with a Class 1 rail carrier. Steve worked as a car inspector in the Chicago area for 20 years, first with BNSF, later Metra and CN-IC. He was injured on the job in 2008. He invites railroad workers who have been injured at work to join together with others who



are actively engaged in whistleblower cases. Contact him in Chicago at s_desavouret@yahoo.com ; or contact fellow whistleblower and RWU member Jen Wallis in the Seattle area at wallisjeanette@gmail.com.

We Railroad Workers Must Set the Terms of Engagement

Do we settle for what the carriers are willing to give us when it comes to our safety, dignity and quality of life; or do we organize ourselves, to empower ourselves to demand that which we as workers, much less human beings, are entitled to? This is the question that I posed at the end of my commentary in the previous issue of *The Highball* (see Spring 2014, "The Rail Carriers' Attacks; the Unions' Response; and RWU").

I submit that in the forty years that I've been railroading, we have essentially been reduced to settling for whatever the carriers are gracious enough to give us. In this series of commentaries that began with the Fall 2012 issue of this newsletter, I have attempted to tell the story of the decline and degeneration of our working conditions over the last thirty plus years, as well as to analyze how and why this has been accomplished. (For those new to *The Highball*, past issues are available at our website www.railroadworkersunited.org).

"What can we do now?" has become a common question among a growing layer of railworkers around the country. RWU does not claim to have all the answers. There is no quick fix to the state we are in. We are up against powerful adversaries in the carriers

and the government. Both Democratic and Republican politicians alike virtually rubber stamp the corporate agenda when we, through our unions, refuse to bow down.

The concept of one national agreement for railworkers has been obliterated with more and more "On Property" agreements. When the leadership of the rail unions allowed the unions to be busted at the Florida East Coast Railway in the mid 1960's, that crushing blow laid the groundwork for the state of fragmentation that exists today along with the proliferation of non-union "short lines".

Speaking of fragmentation, to the vast majority of railworkers, it is obvious that being split up into thirteen different craft unions instead of all railworkers being organized into *one* industrial union, severely weakens our ability to resist the carriers' attacks. Railworkers are the poster children for the concept of "divide and conquer".

To their credit, the BLE-T home page prominently features a link to the Teamster Nation blog: "Get the latest update in the War on Workers". By logical extension those waging "war" on us can fairly be qualified as the "enemy". With that in mind, the Railway Labor Act (RLA) gives the carriers the right to flagrantly violate our contracts and agreements, then dictate to us how we can defend ourselves. "Do as your told, file your grievance later." They attempt to dictate how we fight for safety with the union backed Behavior Based Safety Committees. In essence, the "enemy" dictates to us what "weapons" we are allowed to

use to defend ourselves from their "assault" on us. Establishing these exponentially disproportionate lopsided terms of engagement would not have been such a walk in the park without the unconditional acceptance of these terms by the national leadership of our unions over the preceding decades up to the present.

At Canadian Pacific, the management has made tremendous progress in virtually imposing a significant portion of Canadian National style (U.S.) working conditions in advance of the negotiations in an attempt to "sell" the agreement they are determined to ram down our throats.

The atmosphere feels like a combination of a slave plantation and an industrial prison camp. There is already a rumbling of, "How can we fight this when they are already having their way with us? We might as well take the big payoff when it officially is on the table." The more prominent discussion is, "How can the unions allow this to happen?" My answer to that is simple. When you unconditionally allow the "enemy" to dictate the terms of engagement, what do you expect?

From the box at the bottom of page two of this issue of *The Highball*, where we summarize what Railroad Workers United is about: "We

are carrying on a tradition of rank- and-file activity which dates back to the 1890's and the time of Eugene v. Debs." Our website has more on the legacy of Debs, his significance and relevance for us today. A quick reference can be found in two articles in the Summer 2013 issue of *The Highball*, "Rail Labor and Management: Our Interests are Diametrically Opposed" and "The Crisis of Leadership in Our Rail Unions - Part 1". Not only did Debs attempt to educate and inspire the working class, but most importantly he challenged the workers to study, learn and think for themselves about the relations between big business, the government and labor.

So what can we do now? The situation cries for some kind of defensive response. Conquering an understanding of what drives the carriers' agenda and how they effortlessly impose it, combined with collectively empowering ourselves with the concept of entitlement, is necessary before we can successfully organize resistance. RWU strives to contribute to this long overdue process.

"When you unconditionally allow the 'enemy' to dictate the terms of engagement, what do you expect?"

Mark Burrows currently serves as the Organizer for Railroad Workers United. He is a member of UTU Local #1433 and works as an engineer for CP Rail in Chicago, IL. This is the 8th installment in this series.



When the Law Proves Useless, It's Time to Fight Back Together

For the last few years, railroad workers have been excited by the prospects of the new OSHA "whistleblower law", that on the surface, appears to be pro-worker legislation that protects workers from harassment and discrimination and reprisal when they are injured on the job. Sadly, as time goes by, it appears that the law is a sham and has in fact done little to protect workers. While countless cases have been "won" at the preliminary level, what we are now discovering is that the rail carriers appeal each and every worker victory, dragging out the process for years. While union newsletters have been crowing about these wonderful victories, they are hollow in most every case, as the carrier appeals and the "victory" goes out the window.

At the RWU Convention, this issue was a lively topic of conversation among those present. In fact, two RWU members present had been engaged in whistleblower cases for many years. A third was recently fired and has a case pending, but was unable to make it to the Convention. Resolutions were submitted and referred to the new Steering Committee to take up in the coming months. At the June meeting, the Steering Committee adopted a resolution on the question.

We find that the rail carriers are involved in a systematic widespread wholesale violation of the law on an everyday basis when they discipline, harass, terminate and otherwise take reprisal against injured workers. Unfortunately, the law which makes provisions for whistleblower protection has in fact done little or nothing to deter the carriers from this behavior. The entire process is so cumbersome and arcane, so long and drawn out, that most workers cannot or will not navigate their way through it.

And when a worker does choose to assert her/his rights and make use of the law, the worker is penalized by what is often further harassment from the carrier. Upon winning a verdict, s/he finds that the carrier simply, as a matter of course - endlessly appeals the favorable verdict. More than a thousand rails have filed whistleblower complaints, an indication of a widespread problem, an indication that the industry is rife with blatant abuse of the law.

Unfortunately, rather than mounting a collective fight, each individual worker is left out to dry, isolated and alone in the struggle to win justice, fighting in an arena where they are outspent, outmaneuvered and outflanked by wealthy corporations with deep pockets, countless hotshot lawyers, and the right to what seems like endless appeal.

RWU calls out the law for what it is in practice - a sham and a farce that in fact appears to help the carriers more than the injured workers. Rather than encourage workers to continue to use this process, isolated and alone, we must educate workers to the real ramifications, and take action to unite the thousands of injured workers whose

rights are under attack on every Class 1 rail carrier every day from coast-to-coast.

RWU believes that we need some sort of "Whistleblower Coalition" of railroad workers who have been ensnared in this fiasco, in order to bring them together to share their experiences, wisdom, resources, information and ideas.

In the short-run, RWU supports amending the law in order that upon winning, the worker be immediately be put back to work. Should the carrier fail to immediately reinstate, then the company must face stiff fines and penalties. In addition, the victorious worker must receive the *full award* pending any carrier appeals. Finally, if and when such a carrier appeal were to fail and the worker remain victorious, the carrier should face *stiffer* fines and penalties.

In the long run, rail labor must get involved in this fight and make it collective, rather than individual. It is time for the unions to step up to the plate and assist union members with the process, to educate them about its true nature, to unite workers who are engaged in the process, and to stop all the celebrating when a worker "wins" a case, knowing full well that the victory will be appealed, the process dragged on for years.

When a railroad worker is injured on the job, it is in the interest of all railroad workers that this brother/sister is not harassed or discriminated against by the rail carrier. However, we know from the hundreds of whistleblower cases filed in the last six years or so that the rail carriers are doing just that, violating the law wholesale. When we experience an epidemic of this proportion, the problem obviously is not one for individual workers to confront individually. Add to this the fact the law is flawed --providing the rail carriers an escape from penalty even when found guilty by OSHA -- and it makes it doubly clear that this fight needs to be fought collectively. It's time for rail labor to denounce the process and launch a universal fight for the rights of railroad workers who are injured on the job. That's right, "*An injury to one is an injury to all!*"



Railroaders often sustain injuries on the job as individuals. But the fight for justice for injured rails must be a collective one, not a battle simply left up to the isolated worker.



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 join today! Help build the cross-craft movement of railroad workers in North America and strike a blow for solidarity, unity, and democracy!

Name _____ Date _____

Address _____

City _____ State _____ Zip _____

Phone _____ Cell Phone _____

Email Address _____ Union Position (if any) _____

Union _____ Local # _____ Employer _____

Terminal _____ Craft _____ Years of Service _____

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

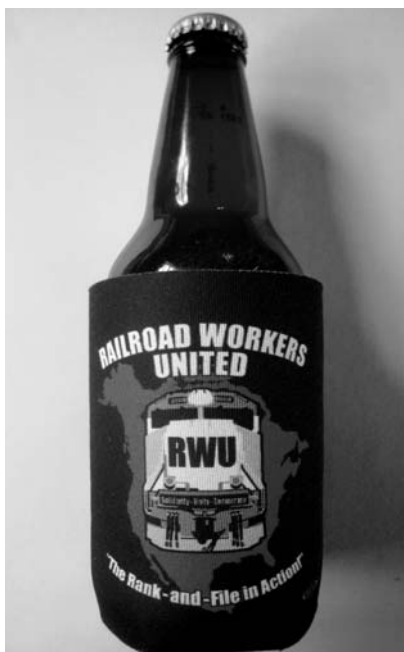
Please check to affirm this statement: --- I am not a manager or officer of a rail company.

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

Clip and mail together with your dues to:

Ron Kaminkow, RWU Secretary P.O. Box 2131 Reno, NV. 89505

OR join on-line at www.railroadworkersunited.org



New RWU Drink Koozies: Get 'Em While It's Hot!

This attractive drink koozie has the 4-color RWU logo on both sides and is guaranteed to keep your drinks cool all summer long. Send us a \$5.00 donation and we will mail you a koozie. Or buy a bunch of them for your co-workers and really help RWU to raise some much needed funds.

Check out the koozie and all the rest of the RWU merchandise at our On-Line Store: <http://railworkersunited.storenvy.com/>
Here you can order and pay on-line through credit card or paypal.

OR

Make your check to RWU and mail with your order to:
Railroad Workers United P.O. Box 2131 Reno, NV. 89505