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U.S. Railway Workers Fight for Safe Working Conditions and Public Safety

Railway Workers Demonstrate for Rights



Railway workers held actions in twelve states on December 13, 2022.

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Railway Workers Demonstrate for Rights

On December 13 U.S. railroad workers and supporters rallied on Capitol Hill, at the state legislatures in Ohio and Iowa, and in Minnesota, Michigan and Nevada and six other states in defence of their rights and public safety.

Demonstrations also took place at various rail hubs like Baltimore and New York City on December 7. Speakers at these actions denounced Biden and Congress for imposing a contract voted down by the majority of workers and blocking their right to collectively bargain and strike, planned for December 9. The signs denounced Biden's action as tyranny.

The united efforts succeeded in bringing together workers from other unions and sectors, including airline pilots who expressed their full support and rejection of the *Railway Labor Act*, which has also been used against them. Amazon workers, those from transit unions, university staff workers, health care workers and more stood as one.

Various railroad workers brought forward that demands like sick days are part of their human right to health care. This bare minimum was denied by Biden, as were other demands that also provide for public safety, such as ending long hours, increasing staffing, time off for funerals and other health and quality of life issues.



Workers also brought out that Biden acted to undermine the unity railroad workers had achieved, bringing together the twelve unions involved to form the United Rail Unions and bargain together. The strong stand of the majority and success in uniting the twelve unions meant railway workers were in a stronger position than usual to strike. Biden intervened to prevent this, openly serving the railroad oligopolies.

The united actions also brought to the fore the many common problems and injustice workers are facing and their readiness to step up their resistance. The many supporters present applauded the just fight and determination of the railway workers, which contributed to the struggle of all for rights.



U.S. President's Attack on Railway Workers

– Kathleen Chandler –



Railway workers action in Columbus, Ohio, December 13, 2022.

The more it goes, the more the Biden Administration reveals itself as a government of police

powers which considers workers to be things, not human beings. Its denigration of the role of labour in upholding the interests of society is so anti-democratic it removes any shred of credibility from the U.S. claim of being a democracy. The government also shows it lacks legitimacy when it comes to upholding the public interest. The administration's desperation to serve narrow private interests is such that it is no longer concerned with even the pretense of democracy and legitimacy.

This is evident in President Biden's attack on railway workers, where he repeatedly intervened on behalf of discredited narrow private interests whose attacks on railway workers and endangerment of public safety are notorious. Biden's attack on the right to strike and collectively bargain went so far as to impose a contract that enshrines the untenable working conditions which the railway barons have already imposed and which the workers are fighting.

These untenable conditions not only endanger the lives of the railway workers, but also mean that conditions of the tracks are neglected, and trains are overloaded with dangerous freight and undermanned, putting the places where the trains pass in dire danger. This makes Biden's claim that his actions defend the "millions of other working people and families" ring particularly hollow, and everyone knows it. Workers in many sectors of the U.S. economy face working conditions which are dangerous to themselves, their families and their communities and such lame justifications are met with the contempt they deserve.

The working conditions of the railway workers are one with the safety conditions of families and communities where railway lines pass. Their demands are just, and a minimum required to make the railways sustainable and safe. They include eliminating long hours and other inhumane scheduling practices; ending harsh attendance policies preventing time off work, with workers fired for being sick or attending funerals; and increased staffing across the board, such as the many trains that need five workers now having only two.

Meanwhile the railway barons have organized themselves into an oligopoly to get their demands met along with those of the narrow private interests the railways serve such as energy, chemical and agri-business. These are the voices which praised Biden's anti-worker actions and those of Congress.



The news and commentary in the monopoly media hides all of this. It has mostly centred on the issue of sick days and distorted the workers' demands on that issue to boot. But the fight of railway workers goes far beyond sick days. Like health care workers and others, all essential to the well-being and functioning of society, railway workers know there is a direct relation between their working conditions and the safety of the public. Biden's actions and media coverage serve to eliminate recognition of this relation by equating the narrow private interests of the oligopolies with those of the country and its security and well-being.

The speed with which Biden intervened to impose a contract on the railway workers was such that it contained no provisions for any sick days, paid or unpaid. This then enables those who claim to support the workers to demand that at least seven sick days be included in the imposed contract. It all serves to trivialize what is at stake in the United States and all the so-called representative democracies where civil rights contained in anachronistic constitutions are being eliminated by the

stroke of presidential decrees which violate every known pillar of what is called a democratic system, such as the rights to collective bargaining, strike, association, and speech.

That Congress so rapidly followed suit further confirmed for many working people that the existing government is not only dysfunctional and failing to meet the individual, collective and social needs of the people, it has completely abandoned even giving the appearance of doing so. It has lost any legitimacy to decide the affairs of society.

Spending trillions of dollars every year for war and weapons of war while social needs and human beings are ignored at home and abroad causes great harm to human beings, humanity, and the U.S. economy itself. Even minimum funding needed and available for sick days for railway workers, or safe working conditions more generally, or safe water for all, or an end to hunger and impoverishment, is not provided. The rulers have shown themselves unfit to govern. To remain in power, the use of police powers is necessary -- whether through executive order, illegitimate laws, or force.

The inhumanity and criminal nature of such governance is evident for all to see, as is the fact that this quality transfers from president to president no matter who is brought to power. In the past, one consideration of the narrow private interests which bring these presidents to power has been maintaining the pretense of serving public and private interests equally or fairly in some way -- but this has now been thrown to the four winds. It reveals that workers must speak for themselves in the court of public opinion and must avoid the pitfall of depending on the courts to rule in their favour by restoring their civil rights. The new feature which has emerged is that legislatures submit to the police powers of the executive and then whatever laws are passed are called a rules-based system which everyone must submit to in the name of national security, a prosperous economy and so on.

It is the working class which must define nation-building in the 21st century, not narrow private interests which have usurped the state power. The old *raison d'état* enshrined in outdated constitutions must be replaced with a new one. Not a new one decreed and imposed by the narrow private interests, but a new one which the workers define consistent with the demands of history to humanize the natural and social environment and resolve problems in a manner which favors them and humanity itself.



Another Debacle for Self-Proclaimed "Pro-Union" President

– *Voice of Revolution* –

President Biden, the self-proclaimed "pro-union" president, directly intervened to attack railway workers, acting to try and divide their ranks, block their potential strike action, and impose a contract voted down by the majority of workers. He did so by imposing a tentative agreement back in September, after workers voted overwhelmingly in favour of strike action over the summer. The tentative agreement dismissed the main demands for safe working conditions, including humane scheduling, time off, increased staffing and sick days. The agreement, at Biden's urging, was "recommended" by the Presidential Emergency Board (PEB) he had established by executive order in July. He then intervened to ensure it was imposed in September.

Then, as three of the largest of twelve unions voted the tentative agreement down and a majority of all railway workers did so, Biden intervened again as a strike deadline of December 9 drew near. He also did so after a coalition of more than 400 groups representing private interests -- including

the U.S. Chamber of Commerce and associations of the railroad and agricultural oligopolies -- sent a letter to Congress on November 28 calling for immediate action to prevent a railroad strike. Biden and the monopoly media also engaged in widespread fearmongering, proclaiming that a strike would be a "catastrophe."

The Association of American Railroads (AAR), representing the freight rail carriers, attempted to terrorize the public, claiming a strike could lead to \$2 billion a day in lost economic output, poisoned water, food shortages and lost jobs. This then was widely repeated by government and the media. For its part, the Anderson Economic Group estimated a freight rail strike could impact the U.S. economy by about \$1 billion in its first week. In this way, the substantive issues of the need to uphold the rights of railway workers was eclipsed with talk about the amount of money the economy would lose in a day or per week.

The essential role railway workers play in the economy is given no importance. On the contrary, their efforts to defend their rights and the public interest are blamed for economic damage, while the refusal of the railway oligopolies to meet the workers' demands is applauded and imposed.

The freight rail industry is structured as a non-competitive oligopoly dominated by seven rail carriers serving their private interests and those of the narrow private interests which own and control the energy, chemical and agricultural sectors whose freight is hauled. They are the ones responsible for endangering the supply chain as the railroads use what is called Precision Scheduled Railroading (PSR) and their clients operate using "just in time" inventory. In the past few decades, the rail industry has adopted the model at great harm to railway workers and the public at large. It has meant major cuts to jobs and the inhuman scheduling and attendance now being opposed by the workers.

Biden's claim that his actions defend the public across the U.S. ring hollow. "The economic impact of a shutdown would hurt millions of other working people and families -- I believe Congress must use its powers to adopt this deal," he said. He demanded that Congress impose the rejected contract and block any strike action even before it occurred. By November 30, the House passed a joint resolution that imposed the contract despite the broad opposition by railway workers. The vote was 290-137. In a separate bill it called for seven paid sick days. This was done to give an appearance of concern for the workers, while knowing it would not pass in the Senate. A serious effort would have included the sick days in the joint resolution.

On December 1, the Senate passed the same joint resolution as the House, 80-15, meaning it could go directly to Biden to sign. The amendment for the sick days was not brought to the floor for a vote as the 60 votes needed for that in Senate rules was blocked, 52-43. On December 2, President Biden signed the bill imposing a collective agreement rejected by most of the 115,000 freight railway workers and blocking strike action.

Servicing Private Interests Without Limitations

That Biden was openly serving private interests, not the "millions of other working people and families," is evident in the response of the AAR and the other groups signing the letter praising the law. In an incoherent statement, given that Biden and Congress were intervening on the side of the railroad oligopolies and imposing the contract they demanded, the AAR representative also praised not adding sick days to the agreement.

"Unless Congress wants to become the *de facto* endgame for future negotiations, any effort to put its thumb on the bargaining scale to artificially advantage either party, or otherwise obstruct a swift resolution, would be wholly irresponsible," Ian Jefferies, head of the AAR, said.

It is well known that the U.S. state has long organized to "put its thumb" on the bargaining scale and to especially block strike action for railway workers and others. The 1926 *Railway Labor Act* imposes one obstacle after the other to prevent strikes, including delaying action with "cooling off" periods, a Mediation Board, allowing the president to establish a PEB to "recommend" an agreement, and for Congress to legislate workers back to work. As the AAR's Jefferies put it, "The goal of the *Railway Labor Act* was to reduce the likelihood of a work stoppage." "And it's been remarkably effective in doing that," he added.

The *Railway Labor Act* was passed following the 1920 nationwide wildcat strike of U.S. rail workers and the 1922 nationwide strike involving 400,000 railway workers. It also now applies to airline workers. It was used by President Ronald Reagan in 1981 to fire more than 11,000 striking air traffic controllers, an indication then of the development of governments of police powers now being consolidated.

It is not uncommon for Congress to legislate workers back to work, especially after they have already gone on strike. In the last two railroad strikes, in 1991 and 1992, then President Bush and Congress forced workers back to work, in 1991 less than 24 hours after the strike began and in 1992 after two days. Biden's actions are significant however because they are crass attempts to make the imposition of contracts a new normal which is an egregious violation of the Constitution's recognition of the right to association, which includes collective bargaining.

In this case, at Biden's insistence, the contract was included right in the legislation, in the name of protecting "the national interest," including "national health and defense." The law states that "the most recent tentative agreements, side letters, and local carrier agreements entered into by the covered parties that have not been ratified" -- thus targeting the resistance -- "shall be binding."

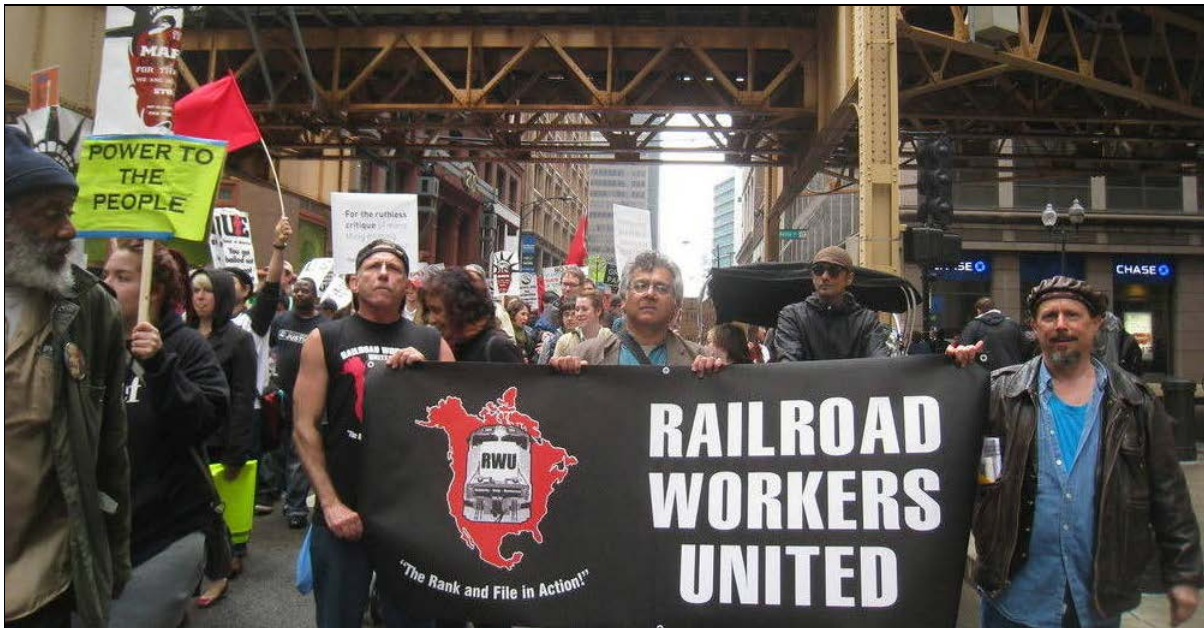
Biden and Congress do not act with such speed and such majority votes when it comes to passing the federal budget, which impacts many millions of working and retired people, their health, housing, education, benefits and more. Society as a whole is impacted as a result, with another government shutdown looming on December 16.

The claim that a railway strike would prevent treatment plants from providing clean water is perceived as hollow indeed when nothing is done to intervene to resolve the actual problems of unsafe drinking water on the ground now, in Jackson, Mississippi, Flint, Michigan and in many other cities. Presumably doing so is not in the "national health interest," not an emergency for the president and Congress to take immediate action. The same can be said for stopping the privatization of water, where people have their water cut off when they cannot pay, such as in Detroit.

The problems of unsafe working conditions, insufficient staffing, brutal and unsustainable schedules, lack of sick days and free health care, plague workers right across the board. The people are of the opinion that a president and federal government have a responsibility to protect rights and provide safe working conditions and condemn them for not doing so. The Occupational Safety and Health Administration supposedly exists for this purpose, but Biden does not require its use, whether for health care matters or workplace safety. This continues to be made clear from government failures concerning COVID.



Railroad Workers United Open Letter to Congress and the President



Dear President Biden, Democratic Leaders Pelosi and Schumer, Republican Leaders McConnell and McCarthy, and all members of the United States Congress:

We are sending you this letter to urge you to rescind and reject President Biden's proposal for Congress to force rail carriers and rail workers to accept a tentative contract agreement that has been rejected by four out of the twelve railroad unions. These four unions represent the majority of workers on the nation's freight railroads, and by pushing through a tentative agreement that a majority of rank-and-file union members have declared completely unsatisfactory, President Biden and Congress would be overriding the democratically expressed will of railroad workers.

While the tentative agreement provides significant wage increases, workers on the railroads have stated clearly and repeatedly that their fight is not just about money. Railroad workers are fighting for the right to live -- and have a life -- outside of work.

The freight rail industry is structured as a non-competitive oligopoly that is dominated by seven rail carriers and operates at the behest of Wall Street, prioritizing the maximization of profit for rail executives and shareholders, even if it comes at the expense of endangering the broader public and irreparably damaging the supply chain. In the past few decades, the rail industry has adopted the Precision Scheduled Railroading (PSR) model, which has benefited investors at the cost of railroad workers and the public at large. As noted in the Presidential Emergency Board Report #250, because of the PSR model, railroad companies have reduced the workforce by about 30 percent in 6 years, have instituted attendance models which pressure workers to work through exhaustion, reduced safety and checking procedures, all in order to reduce costs and increase profits.

In fact, the railroad industry is the most profitable industry in the country. However, the billions of dollars of profit comes at the cost of railroaders being on call virtually 24/7, unable to access routine health care, missing the deaths of their loved ones and the birth of their children, and dying by the hundreds in work accidents. It has also come at the cost of the broader public, as PSR has created a situation where there are not enough working railroaders to service the demand which the rail industry faces, making it a direct cause for the current supply-chain crisis and a key contributor to inflation.

The central demand of railroad workers has been increased days of sick leave which has been wholly absent from the tentative agreement. It is for this that workers are willing to go on strike. Railroad workers have been without a contract for over three years, dealing with these issues without resolution and without support from the Congress and Presidency. Urgent action has only taken place after the urging of big business not of workers.

After a coalition of over 400 business groups sent a letter on Monday [November 28] to Congress to call for immediate action to prevent a railroad strike, President Biden's administration responded swiftly, urging members of Congress to override the will of the railroad workers, enshrine the tentative agreement into law, and force railroad workers back to work.

Senator Sanders has tweeted that he will "block consideration of the rail legislation until a roll call vote occurs on guaranteeing seven paid sick days to rail workers in America". We applaud this effort but we also note that rail workers are fighting for 15 days of sick leave and that the United States is the only country in the developed world that does not guarantee paid sick leave. Under the threat of a railroad strike, which will cripple the U.S. economy if executed, the opportunity has opened up for all working people in the country to stand in solidarity with railroad workers and demand what we deserve, the right to live in dignity.

While we are stuck at an impasse in the railroads, almost 50 thousand graduate student workers in the UC system are striking for better pay and conditions, with a key demand being a Cost of Living Adjustment (COLA). They are joined by the thousands of Starbucks and Amazon workers who have unionized their workplace and are currently bargaining for a contract, by the Warrior Met Coal United Mine Workers who have been on strike for 19 months, by the thousands of tenants who have formed tenant unions and are fighting for better housing, by nurses and teachers and various segments of all working people in the country who are all fighting the same struggle, in different forms, for a better world.

As members of Congress debate amendments to the Tentative Agreement in order to avert a railroad strike, we urge Congress and the President to also take hold of this historic opportunity to empower all working people. As such we urge Congress to adopt the following demands:

Public Ownership of the Railroads: To deal with the current supply chain crisis, Congress must take control of rail infrastructure as is done the world over and operate it under the public interest.

Universal Paid Family and Sick Leave: The United States is the only developed country that does not guarantee paid leave. Our members of Congress have the privilege of enjoying paid family and sick leave which must be expanded to include all working people.

Pass the *PRO Act* [*Protecting the Right to Organize Act*] and Fund the NLRB [National Labour Relations Board]: Congress must step up and ensure that the right to organize for working people is protected through the passage of the *PRO Act* and also ensure that the NLRB is properly funded to accommodate the sharp increase in unionization.

Sincerely,
Railroad Workers United

(November 30, 2022)

