

Court imposes 60-day injunction against Bay Area, California transit strike

David Brown
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San Francisco, California Superior Court Judge Curtis Karnow, at the request of Democratic Governor Jerry Brown, placed a 60-day injunction Sunday on any strikes by workers in the Bay Area Rapid Transit (BART) system. Both Brown and the state's Democratic Lieutenant Governor Gavin Newsom have been intervening in the labor dispute on the side of BART management.

BART is currently in contract negotiations with the Service Employees International Union (SEIU), the Amalgamated Transit Union (ATU) and the American Federation of State, County and Municipal Employees (AFSCME). At stake are management demands to shift pension costs onto the workers and hold pay raises below the rate of inflation. Workers in those unions have been without a contract since July 1st.

The injunction followed a seven-day prohibition issued by the Governor in order to conduct an "investigation" of the negotiations between BART and the unions. The investigation and its findings were essentially a formality leading to the current injunction. The only thing the three-person panel investigated was whether "a strike will cause significant harm to the public's health, safety and welfare."

The injunction itself was effectively an executive order from the governor in the form of a court ruling. Karnow's decision was only three sentences long, stating that the court found, and no parties disputed, that a strike would "significantly disrupt public transportation services" and "endanger the public's health." Lawyers for the three unions present raised no objections.

In fact, throughout the investigation and court proceedings, the two main unions involved, SEIU and ATU, actively encouraged the injunction, against the explicit wishes of their membership.

Members of the unions voted overwhelmingly to authorize strike action prior to the contract expiring. Members of SEIU Local 1021 voted 98.5 percent and ATU Local 1555 voted 99.9 percent in favor of striking.

The ATU had been the first call for an injunction before the contract initially expired. At the time the governor ignored the union's request to bar a strike, because the BART administration preferred to have the unions strike, with the aim of defeating the workers with the help of the unions.

When BART workers struck on July 1, the unions immediately agreed to a non-binding "gag order." They ordered their members to not publicly discuss past contracts or the effect that management's demands would have on them. Newsom wrote an open letter along with two other leaders of the state's Democratic Party calling the wage demands of BART workers unfair for ignoring "the need of government at all levels to balance rising employee costs."

The unions then called off the strike after four days with absolutely nothing to show for it. Claiming that BART would now "negotiate seriously," the unions agreed to 30 more days of contract negotiations. Throughout this period, the unions have refused to inform their own members about any details of the negotiations. At the same time, BART management has continuously presenting its "improved" offers to the press.

It was after this 30-day period that the governor intervened with an official investigation and seven-day strike ban, at the request of the BART administration. The union leaders made clear they were happy with the decision. The SEIU Local 1021 president said in a statement, "Our hope is that the governor's board can show the public how BART has manipulated the

process and continued to bargain in bad faith.”

Sanchez earlier said that the unions would appeal to Newsom to take their side in the negotiations. She did not mention the Lieutenant Governor’s public stance against the worker’s compensation demands.

Union official after union official has told the workers that their only hope is to appeal to the governor as an impartial third party.

The executive director of SEIU 1021, Pete Castelli, said on the night of the governor’s intervention, “I think the governor intervened because he saw the lack of leadership from BART through their management, the lack of leadership of the electeds in the district, that he had to intervene.”

Castelli explicitly rejected in his interview with local news KTVU the thought that BART workers have any power, saying: “The workers feel helpless. We’re not a huge conglomerate that has the resources like BART.”

The central question involved in the governor’s “investigation” as to whether to ask for an injunction was whether a strike would harm public health, safety or welfare. The ATU endorsed the position that a strike would “harm the Bay Area,” while the SEIU took no position. During the hearing on Sunday none of the union lawyers present were willing to argue that a defense of the wages and pensions of BART workers would actually help the public.

The entire process underscores the fact that in their struggle to defend their wages and benefits—and the safety of the riding public—BART workers are coming into direct conflict not only with BART management, but with the courts, the Democratic Party state apparatus, and the unions.



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