

Sellout union deal in New York City creates only 4 positions to accommodate pregnant transit workers

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Last month the Transport Workers Union (TWU) Local 100 boasted of a “significant union victory” for transit workers in New York City, a “big step forward” to address the transit agency’s callous disregard for the health and safety of pregnant workers. The union’s announcement came in response to an incident in June in which a train conductor lost her newborn daughter after going into labor and delivering at an East New York rail yard.

In the June incident, the Metropolitan Transportation Authority (MTA) assigned the pregnant worker to an outdated rail yard where she performed manual rail switching operations. The strenuous physical effort involved in switching tracks triggered preterm labor. A train operator assisted in the delivery, as emergency medical personnel could not access the yard shed where she was giving birth. The newborn baby died that day at Brookdale Hospital.

The tragedy provoked widespread outrage among the rank and file. Many workers came forward to relay their own experiences and denounce the longstanding collaboration between the TWU and MTA to keep pregnant workers and others needing medical accommodation in unsafe conditions.

Anger over the treatment of pregnant workers has been simmering for years. To the extent that workers are offered any alternate duty, they are often forced to perform strenuous labor, climb ladders, navigate deteriorating rail ballasts and traverse live electrified rails. It is common for the MTA to assign pregnant workers to 10-hour shifts where they cannot sit and cannot regularly access restrooms.

However, the new agreement contains nothing approaching guaranteed accommodations for those in

need, let alone adequate paid time off to allow parents to care for their own health and that of their infants. Instead, the agreement provides 38,000 workers a total of four new light-duty positions.

The TWU agreement is a thinly veiled attempt to suppress the anger of workers by giving an appearance of reform.

Train operators and conductors with pregnancy-related medical restrictions can apply for one of four announcer spots for a maximum of just 60 days. Workers in most other job titles are not eligible. For those who are, the positions are by no means guaranteed. Applicants are required to submit their resumes and go through an interview process. If the four positions are already filled, workers will continue to be subjected to the same working conditions that led to the infant death this summer.

The TWU’s latest move follows its collusion with management to impose catastrophic working conditions during the pandemic, which has claimed the lives of more than 140 MTA workers this year. The TWU provided critical assistance to the agency to keep transit running at all costs, even as workers were denied essential protective gear and forced into crowded spaces where the deadly virus could spread unabated.

The death toll in transit this year extends beyond those resulting from the pandemic. In March, train operator Garrett Goble died evacuating passengers from the subway after an arsonist set fire to a train. In September, car cleaner Billy Wright died crossing the tracks in the early morning at MTA’s 239th Street Yard and Maintenance Shop.

The union’s maneuvers over reasonable accommodations for pregnant women reveals that the

TWU is an organization that actively seeks to sabotage workers' efforts to defend their lives and fight for improved conditions.

In March 2019, after her efforts to obtain medically necessary accommodations via the union were rebuffed, a veteran conductor, Crystal Young, filed a lawsuit against the MTA detailing their failure to grant reasonable accommodations in violation of city and state law. Young's case has been joined by the conductor who lost her newborn in June, and other co-plaintiffs.

TWU followed up with a lawsuit of their own against the MTA—a class action claim put together so shoddily that the question emerges whether they were intentionally trying to lose the case. In dismissing the class action claim, the judge noted that the TWU made no effort to establish that a sufficient number of workers were affected outside of citing the employment of 1,191 women as conductors. The union didn't even bother to count the number of female employees in other job titles, let alone appeal to the membership to come forward with their stories.

In the documents they submitted for the case, the TWU made the extraordinary claim that Young received model accommodations that ought to be extended to other pregnant workers. They also implied that Young received special treatment because management favored her. The Transit Authority's own doctors, who examined Young, contradicted this absurd assessment, recommending she be transferred to desk duty.

The union also initiated legal action against the lawyer representing Young and other workers who have dared to defy the TWU. The suit seeks to compel the lawyer, herself a former TWU employee, to pay back her severance package and child care benefits because she represents clients who have made "disparaging remarks" about the TWU.

The actions of the TWU reveal an organization determined to enforce the dictates of the MTA and Governor Cuomo, and to suppress any opposition that emerges.

With the pandemic resurging and public transit's very survival under threat, the rotten deals acceptable to Wall Street and wealthy bondholders are no longer tolerable for workers. The stakes couldn't be higher for transit workers to break free of the union straitjacket

and mobilize according to the interests of the working class.



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