

Federal judge blocks strike by 17,000 BNSF railway workers

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26 January 2022

The World Socialist Web Site urges BNSF workers to contact us with your comments.

On Tuesday, a Fort Worth, Texas, federal judge issued a temporary restraining order on behalf of BNSF Railway, one of the largest freight companies in the United States, stopping nearly 17,000 railway employees from going on strike against the company's new draconian attendance policy called "Hi-Viz."

The workers voted overwhelmingly to strike against the hated policy, which is set to go into effect on February 1. Under its terms, workers will be charged points for any time they take off from their exhausting schedules even if they are sick. After losing a certain number of points, the worker will face discipline, including termination, no matter how long they have worked for the railroad.

Ignoring the health effects on workers in the midst of a raging pandemic, Judge Mark Pittman prohibited the two unions at the railroad—the International Association of Sheet Metal, Air, Rail and Transportation union—Transportation Division (SMART-TD) and the Brotherhood of Locomotive Engineers and Trainmen (BLET)—from "authorizing, encouraging, permitting, calling, or otherwise engaging in any strikes, work stoppages, picketing, slowdowns, sickouts, or other self-help against BNSF or its operating rail subsidiaries over any dispute relating to BNSF's new Hi Viz attendance policy and the standards in the policy."

In his ruling, the judge completely sided with BNSF, claiming a strike, no matter how limited, "would exacerbate our current supply-chain crisis—harming the public at large, not just BNSF. A temporary restraining order will thus serve, rather than disserve, the public interest."

Judge Pittman said a strike would violate the Railway Labor Act (RLA), which has long been used to block

walkouts by railroad and airline workers. Under the high hurdles contained in the federal law, railway workers are only allowed to strike over what a judge considers "major" disputes, understood as concerning the drafting or changing of the collective bargaining agreement between the unions and company.

The judge arrogantly ruled that the imposition of an oppressive and dangerous attendance policy, which is widely hated by workers, only involved a "minor" dispute. "[W]ithout a temporary restraining order barring an 'illegal strike over a minor dispute,' BNSF would suffer substantial, immediate, and irreparable harm. The Unions, however, will not suffer any harm as a result of a temporary restraining order that this Court, or an arbitrator, cannot remedy, ..." the judge said in a court document.

In letter to the *World Socialist Web Site*, a BNSF worker with 17 years of service explained the issues at stake. "With the policy we have for attendance right now I can go anywhere from 4 to 6 days at a time without seeing my family while they are awake. With the new policy this will happen way more often. The BNSF says this new policy will make my work schedule more predictable because people won't be able to take off work. Probably fifty percent of the time I have to take off now is due to the bad train line ups they give us [which means] I can't be rested to go to work.

"All the time my schedule shows me not going to work until say 8am the next day. Then as soon as I lay down in bed at 10pm they call me to go to work. Then I have to pull an all-nighter with no sleep because they can't give me an accurate train schedule. They blame this on people calling in sick, but it has nothing to do with that. It is because the company won't keep accurate train schedules.

“Also, what they aren’t telling you about the 30-point system is that you really don’t have 30 points. If you get called to work and get in a wreck on the way, you will lose either 17 or 20 points. That means you always have to save that many points because you never know when you will get in an accident. You would think a company would make an exception for a situation like that but they don’t.

“Under the current system I personally know a guy who was punished for taking off work when his wife had a grand mal seizure. The company had no sympathy for him at all! We are currently working without a contract. My quality of life is so horrible I would gladly give up a raise in pay...if I could just be treated like a human!”

The two unions at BNSF immediately bowed before the federal judge’s trampling over workers’ democratic rights. The national leaders immediately ordered their subordinates to post the court order and attached instructions to their membership “through every means available, including all Union managed social media outlets. In addition, as this is an ongoing legal matter, all BLET officers and members should refrain from participating in media interviews until advised otherwise,” BLET President Dennis Pierce wrote in a January 25 letter to local union chairmen.

In fact, the highly paid officials who run BLET, a division of the Teamsters, and SMART-TD welcomed the judge’s intervention to block a strike, because they fear that they could lose control of a revolt by the rank and file. Both unions have accepted decades of concessions, which have destroyed thousands of jobs and reduced the number of workers on increasingly longer trains to dangerously low levels.

BLET President Pierce (2020 salary, \$273,766) said workers “must NOT engage in any strikes, work stoppages, picketing, slowdowns, sickouts, or any other activity intended to disrupt the operations of the railroad in response to BNSF’s Hi Viz attendance policy.”

It continued, stating workers should not even engage in protesting online on Facebook or any social media outlets, warning workers would be disciplined, “This means that any member who continues to encourage other employees on social media, or in any other forum, to engage in a strike, work stoppages, picketing, slowdowns, sickouts, or any other activity intended to

disrupt the operations of the railroad MUST immediately stop doing so. Members who continue to do so risk fines, suspension, or other sanctions by BLET.”

But the struggle is far from over, and workers are refusing to be gagged. Workers speaking to the *World Socialist Web Site*, not only at BNSF, but at CSX, Canadian National and other railroads, have denounced the unsafe and oppressive conditions being imposed by all the railways and their billionaire owners like Warren Buffett (BNSF) and CN (Bill Gates).

To develop this fight, rail workers need to form rank-and-file committees, independent of the corporatist unions, to unite with the broadest sections of the working class to fight the continuous sacrifice of workers’ health and safety to corporate profit.

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