

Unions help BNSF railway clamp down on workers' dissent in aftermath of anti-strike injunction

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31 January 2022

The World Socialist Web Site urges railroad workers to contact us with your comments. All submissions will be kept anonymous.

The issuing of an injunction against strike action last week in federal court has been taken as a green light for an intimidation campaign against workers at BNSF railway. Many have reported to the WSWs that both management and the unions, including the Brotherhood of Locomotive Engineers and Trainmen (BLET) and International Association of Sheet Metal, Air, Rail and Transportation Workers—Transportation Division (SMART-TD) are actively seeking to prevent workers from speaking to the press, in violation of their First Amendment right to free speech.

Last Tuesday, Judge Mark Pittman issued a temporary restraining order against 17,000 workers at BNSF who had voted nearly unanimously to authorize strike action against a new points-based attendance policy which management is unilaterally imposing. The new “High Viz” policy, scheduled to take effect today, will significantly worsen the already long and unpredictable working schedule which make it difficult for workers to spend time with their families or even visit the doctor, while also laying the groundwork for experienced workers to be fired for missing only a few days of work.

The ruling was based on the reactionary Railway Labor Act (RLA), first enacted in 1926, whose purpose and function has been to all but eliminate strikes in the railroad industry, the scene of many of the largest and most militant strikes in the United States in the decades after the Civil War. Workers are only allowed to strike under the law after exhausting a maze of federal mediation and other legal requirements, and even then

only on “major” issues. Pittman’s temporary order is based on the likelihood that the final ruling, expected early in February, will rule that the new policy subordinating workers’ personal lives to the company’s scheduling is a “minor” issue.

In the ruling, Pittman instructed the unions to order workers to “refrain from self help,” and “immediately cease and desist all exhortations and communications encouraging same upon pain of fine, suspension or other sanction by SMART-TD.” In other words, the ruling made the unions legally responsible for ensuring not only that workers do not strike, but that they do not even speak about striking.

However, in written instructions largely following the language of the ruling, the BLET and SMART-TD gave to this order the broadest possible interpretation to include all public statements of any kind about the company. In a letter to BLET local chairmen asking that the restraining order be distributed to members, BLET National President Dennis R. Pierce wrote, “In addition, as this is an ongoing legal matter, all BLET officers and members should *refrain from participating in media interviews until advised otherwise* [emphasis added].” Since then, workers have reported to the WSWs that local union officials have also instructed them not to speak with the press.

The unions, no doubt, are well aware of the galvanizing impact statements have had that workers have made in recent weeks to the press on the deplorable conditions at the company. In particular, a WSWs interview with a BNSF engineer, which was published before the ruling, has been viewed tens of thousands of times and elicited a wide response from workers. Workers from other Class I railroads such as

CSX and Union Pacific also wrote in to the WSWS after reading the interview to explain how conditions on their railroads were essentially the same.

After the ruling, management has also gone on the offensive. Workers have reported that management has sent threatening communications to them and their coworkers instructing them not to speak to the press, citing both the injunction as well as company policy which bars employees from speaking on behalf of the company without prior approval.

Last week's court ruling was not the result of a legal technicality over the definition of the word "major," but a political decision aimed at blocking resistance by the working class to deteriorating working conditions. Significantly, Pittman said in his ruling that an injunction would be in the "public interest" because a strike would "exacerbate our current supply-chain crisis." Here, "public interest" is defined as the financial interests of American corporations who have made record profits over the course of the pandemic, not the interests of workers who are pushing for strike action themselves and would welcome a strike by this strategically vital section of the working class.

Effectively, the ruling gives state sanction not only to BNSF's decision to unilaterally impose the new attendance policy but, in accordance with the purpose of the RLA itself in depriving workers of the strike weapon, to a regime of management dictatorship.

The day before the ruling, a group of railroad unions which includes the BLET and SMART-TD declared a "dead end" in two years of negotiations on a national contract with the major railroads, declaring talks had "completely stalled" after industry negotiators continuously have demanded "insulting" concessions which members would not "even remotely entertain." In keeping with the RLA, however, the unions have applied for a federal mediator to intervene in talks. However, the same federal law which subjects workers to endless rounds of mediation before being allowed to strike does not place any restrictions on management unilaterally imposing new policies such as the "High Viz" policy at BNSF without even the pretense of the negotiations.

But the unions have been totally integrated as a transmission belt within this system of corporate state control, taking legal responsibility for the policing of its own members. In exchange, these institutions are

allowed to keep the massive amounts of money which they have gleaned from workers' dues money. SMART-TD alone reported more than \$760 million in assets last year to the Department of Labor. The result is that conditions have deteriorated over decades to their present level, where workers are constantly monitored and live in fear of being disciplined, and continuous job cuts have reduced crews to only two people per train, with one worker per train the stated goal of the industry.

"Any militant union was quickly smashed in this industry long ago," one BNSF retiree told the WSWS. "When the BLET brags about its long history, how it was founded in 1863, that's really a self-indictment. It's been allowed to exist because it poses no threat to management and does not fight for workers."

But the corporatist relationship between the unions, the company and the government in the railroad industry is only a more explicit version of the same basic relationship which exists elsewhere. In the auto industry, the United Auto Workers received billions of dollars in corporate stock in 2009 in exchange for its support for the restructuring of the industry under the Obama administration, which saw the slashing in half of wages for new hires. In public schools, the American Federation of Teachers and its president, Randi Weingarten, are spearheading the campaign to reopen schools during the pandemic and have worked to smother opposition from teachers and students.

To organize a real struggle, railroad workers need new organizations, rank-and-file committees, which are already being built by autoworkers, teachers and other workers. These committees, completely independent and in opposition to the pro-corporate union bureaucracy, do not begin and end with state-controlled "mediation" nor do they accept any limitations on workers' rights to free speech. Instead, they fight to build workers' own independent initiative, educate their coworkers and unite workers across different companies and industries in a common struggle for wages, working conditions and pandemic safety.



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