

BNSF railroad unions beg Biden administration to intervene against punitive new attendance policy

Tom Hall, Claude Delphian
7 February 2022

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

On January 31, the presidents of two of the main unions at BNSF sent a letter to Secretary of Labor Marty Walsh and Secretary of Transportation Pete Buttigieg over the new punitive “Hi-Viz” attendance policy at the railroad. The letter is an attempt at diverting workers’ attention from the union’s own treachery, including its dutiful enforcement of an anti-strike court injunction. It also promotes illusions in the same capitalist state that is robbing workers of their rights to strike and to free speech on behalf of the company.

The new points-based attendance policy, which took effect February 1, significantly worsens the already overloaded and uncertain work schedules that leave train conductors and engineers unable to spend time with their families or even schedule doctor’s appointments. In addition, the policy will lay the groundwork for the carrier to discipline and even terminate experienced, higher seniority workers over only a few days of missed work, allowing the company to shift towards a younger, even more exploited workforce.

The letter to the Biden administration officials came less than a week after a federal judge issued an injunction against workers taking strike action against the new policy. The ruling was based on the reactionary Railway Labor Act of 1926 (RLA), which has been used to all but legalize strikes in the railroad (and later the airline) industry for nearly a century. Judge Mark Pittman declared that the new policy, which threatens to reduce workers to the status of industrial slaves, would likely be determined a “minor issue” in his final ruling which, under the RLA, workers are prohibiting from striking against.

The letter from Sheet Metal Air Rail Transportation-Transportation Division (SMART-TD) President Jeremy Ferguson and the Brotherhood of Locomotive Engineers and Trainmen (BLET) President Dennis Pierce does not even mention the injunction, much less the political motivation

behind the ruling.

The two union officials plead with the Biden administration to intervene on the grounds that the new policy endangers both the safety of workers and the public at large. “Forcing these employees to choose between their job or their safety in the workplace is in complete contradiction to BNSF’s obligation to protect public safety, and to provide a safe workplace environment.”

It continues, “Like all railroad employees, these *essential employees* [emphasis in original] have placed their health, and that of their families, on the line since the COVID-19 pandemic began. They have moved the Nation’s freight, working night and day, and are now being put in a position where their livelihoods could be at risk for simply following CDC guidelines for time away from work for exposure or care due to a positive COVID-19 test.”

They continue, “This policy and its draconian rules and standards fly in the face of railroad safety laws and regulations, and it disregards government recommendations intended to keep COVID-19 out of the workplace. As a result, available work force levels will be impeded and already historic levels of mid-career resignations will be increased.”

In reality the Biden administration’s policy, no less than BNSF’s, is to subordinate health and safety to corporate profits. Rejecting as too costly any necessary measures such as mass testing and quarantining needed to bring the virus under control, Biden is not only getting rid of all coronavirus restrictions as more than 2,000 Americans die every day, but is even ending reporting structures for basic information such as infections and hospitalizations.

In an article summarizing Biden’s COVID-19 policy, *Politico* wrote last week: “The Biden administration is plotting a new phase of the pandemic” aimed at “conditioning Americans to live with” COVID-19. The administration is planning a “conscious messaging shift meant to get people comfortable with a scenario where the

virus remains widespread.”

As for Ferguson and Pierce’s observation that the new attendance policy will result in mass resignations and labor shortages, the Biden administration has responded to the nationwide labor shortage not by seeking to improve working conditions but through economic blackmail, ending supplemental unemployment benefits and cutting the recommended quarantining period to five days. Meanwhile, hospitals, schools, factories and other workplaces have enforced brutal levels of overtime, with 80-hour, seven-day workweeks not uncommon.

While this in many cases has produced sharp increases in resignations, the response has been to flood workplaces with poorly paid, often under-qualified replacements. In a bid to keep in-person classes going, school districts around the country are hiring substitute teachers off the street, and even using police officers in some cases. There is no doubt that BNSF has made similar preparations, and that the intended goal of the policy is to encourage high-seniority workers to quit.

Biden is relying on the services of the pro-corporate unions to enforce these policies against mass opposition. For example, the American Federation of Teachers, whose president Randi Weingarten is a top Democratic Party operative, played the central role in engineering the reopening of schools during the last two school years.

The United Auto Workers, which then-Vice President Biden gave billions in corporate stock in 2009 in exchange for its support for massive cuts to wages and benefits, has been engaged in a joint cover-up with management of the spread of COVID in the auto plants. In the meatpacking industry, where Biden has continued a Trump-era executive order mandating under the Defense Production Act that plants remain open, the United Food and Commercial Workers union even worked with management to create financial incentives for workers to stay on the job in spite of outbreaks.

Because of these and countless other naked betrayals, the growth of resistance of the working class is increasingly taking the form of a rebellion by workers against the corrupt trade union apparatus. Throughout the country and the world, teachers, autoworkers and health care workers have formed rank-and-file committees to oppose both management attacks and union treachery.

Biden is attempting to shore up and expand the reach of the unions through direct state intervention, in order that through these pro-corporate organizations, workers will be placed under a form of state guardianship as a means of containing and suppressing the growth of opposition from below. Thus, a report by a White House task force on the unions, which the WSWs will examine in greater detail,

justifies government policy encouraging union membership by declaring that “the federal government as a purchaser of goods and services has an interest in its contractors reaching first collective bargaining agreements to *promote stability and minimize disruption* of services and goods procured by the federal government [emphasis added].”

In other words, the aim of the Biden administration in promoting the unions is identical to Judge Pittman’s aim in outlawing a strike at BNSF. Biden himself showed his willingness to use compulsion to keep supply chains open when he threatened last October to deploy the National Guard to keep the ports in Southern California open. In the end, however, Biden achieved the same goal by hashing out a deal with port management and the unions to keep them running 24/7.

Labor Secretary Marty Walsh, a former building trades union bureaucrat turned mayor of Boston, personifies the corporatist strategy of the Biden administration. As for Buttigieg, for whom the post of transportation secretary is only a stepping stone to national prominence in the Democratic Party, he is a former Army intelligence officer and mayor of the ex-industrial city of South Bend, Indiana, whose signature achievement was to gentrify whole areas of the city to drive up real estate values.

The union bureaucracy wants to promote a sense of powerlessness by urging BNSF workers to look to these pro-corporate stooges for assistance. But workers are far from powerless and the railroad bosses, the Biden administration, the strikebreaking judges and the union bureaucrats know it. That is why they are desperately trying to prevent industrial action by BNSF workers and the more than 100,000 other railway workers whom the unions have kept on the job for two years after the expiration of their contract.

A nationwide strike by rail workers would paralyze the capitalist economy. On top of that, rail workers have powerful allies, the countless millions of workers across the country and the world who are fighting against essentially the same conditions. By appealing directly to the working class for support, rejecting groveling appeals to the powers that be and the strangulation of their fight by the unions, this struggle can be won. To achieve this requires the development of new organizations, rank-and-file committees.



To contact the WSWs and the
Socialist Equality Party visit:

[wsws.org/contact](https://www.wsws.org/contact)