

With less than 1 week left before emergency arbitration board issues ruling, US train dispatchers vote near-unanimously to authorize strike action

Erik Schreiber
10 August 2022

Are you a railroad worker? Tell the World Socialist Web Site what you expect from next week's decision from the PEB and what you are fighting for. All comments will be kept anonymous.

More than 99 percent of workers in the American Train Dispatchers Association (ATDA) voted in favor of a strike earlier this month. The vote provides approval for a strike if the Class I railroads and the railroad unions fail to reach a settlement in the current negotiations, which is currently under mediation by the White House, and which have dragged on for three years.

Only a few weeks earlier, 99.5 percent of workers belonging to the Brotherhood of Locomotive Engineers and Trainmen (BLET) voted in favor of a strike. This was the first nationwide strike vote that BLET has held since 2011. The fact that these votes took place at all is an indication of the enormous opposition among railroad workers, who work under impossible conditions that have long surpassed the breaking point. Workers spend much of their time on call and work weeks that can last for 70 hours or more.

Attendance policies such as “Hi-Viz” and “Precision Scheduled Railroading” require workers to remain available for duty all day, every day. Missing work because of illness can lead to disciplinary measures, including termination. These regimes make it almost impossible for workers to spend time with their families or even schedule necessary medical appointments. In addition to these challenges, workers face the ongoing coronavirus pandemic and the spread of monkeypox, which the White House recently

declared a public health emergency .

Workers have also been without a raise for nearly three years, the entirety of the pandemic, since the last contract expired. Twenty percent of the US railroad workforce have left the industry since 2019, driven above all by punishing scheduling systems which leave them on call 24/7.

It is doubly significant that train dispatchers have voted to authorize a strike. These workers are responsible for setting the schedules for conductors and engineers, but their own numbers have likewise been decimated in recent years. Railroaders report that individual dispatch offices are responsible for vast swaths of the country, putting them in impossible situations and leading to chaotic and irrational scheduling.

Meanwhile, the railroads have been making enormous profits. CSX reported second-quarter profits of \$1.18 billion, which represents a 5 percent increase over the same period last year. The company's revenue increased 28 percent to \$3.82 billion in the second quarter. Earlier this year, BNSF reported record profits for 2021. The company's operating income rose to \$8.8 billion, a 13.7 percent increase over the previous year. Even though the infrastructure of the railroads is on the verge of collapse, the railroad industry is the most profitable in the country, with a whopping 50 percent margin posted in 2019, or five times the national average.

In spite of widespread sentiment for strike action, the railroad unions have been working with the government to smother opposition and keep workers on the job.

Over the summer, the railroads publicly campaigned to demand that Biden intervene to appoint a Presidential Emergency Board (PEB), effectively demanding that Biden illegalize a potential strike by their own members. Biden did this last month, and the PEB took effect at midnight July 18, the very second workers would have legally been allowed to strike after the expiration of a cooling-off period.

Last month, Biden appointed a Presidential Emergency Board after the National Mediation Board had concluded that talks between the companies and the unions had reached an impasse. The rail unions had publicly asked Biden to intervene, knowing that the appointment of a PEB would outlaw strikes for 30 days under the antiworker Railway Labor Act (RLA). The PEB held a week of hearings during which each side in the dispute presented its case. The PEB is scheduled to recommend a settlement by August 15 at the latest, then yet another 30-day cooling-off period (during which workers may not legally strike) will begin. If an agreement is not reached under the PEB, then Congress could then intervene.

The PEB has been presented to workers by the rail unions as a fair and neutral arbiter. In fact, the composition of the board confirms that its purpose is to rule in favor of the companies.

Biden chose Ira F. Jaffe to chair the new PEB. During the Obama administration, in which Biden served as vice president, Jaffe chaired two PEBs, in 2011 and in 2013. In the 2011 dispute, which involved the freight railroads and the unions, Jaffe and the PEB sided with the companies on almost every point. He had also participated in PEBs appointed by Republican President George W. Bush, which indicates the confidence that both capitalist parties place in him.

Also named to the PEB was David Twomey, professor of business law and society at Boston College. Like Jaffe, Twomey has more than four decades of experience as an arbitrator in labor-management disputes. He has settled rail disputes as a member of PEBs appointed by presidents of both parties, beginning with President Ronald Reagan. Twomey continues to intervene in disputes involving rail carriers such as CSX and Norfolk Southern.

The final member of Biden's PEB is independent arbitrator Barbara C. Deinhardt. In 2008, as chair of the New York State Employment Relations Board,

Deinhardt intervened in a dispute between energy company Con Edison and Utility Workers Local 1-2. In the 1990s, she served New York Governor Mario Cuomo on the state's Workers' Compensation Board. Like Jaffe and Twomey, Deinhardt has significant experience in protecting the companies' profit interests at workers' expense.

Any settlement proposed by the PEB is certain to protect the railroads' profit interests at the expense of workers' demands for better wages or relief from the intolerable conditions. President Biden, who styles himself as being from the "Land of Corporate America" (the state of Delaware, a corporate tax haven which has more registered businesses than residents), has faithfully defended the financial and corporate aristocracy during his decades in the US Senate and two terms as vice president.

Rail workers can have no faith in the ATDA, BLET, SMART-TD or any of the other trade unions, which are controlled by well-paid bureaucrats with a material interest in ensuring the companies' profitability. They have faithfully abided by the RLA for nearly a century and gone out of their way to prevent strikes. In January, when a federal judge issued an injunction that forbade workers from striking to protest the draconian attendance policy that BNSF had imposed on them unilaterally, BLET and SMART-TD eagerly enforced it, acting as policemen for the company. The unions even went further by forbidding workers to make any public statements whatsoever about their grievances.

To wage a genuine fight, rail workers need new organizations: rank-and-file committees that they themselves control democratically. These committees must be independent not only of the unions but also of the two big business political parties. Through the committees, workers can formulate demands based on their objective needs, not on what the companies are willing to concede. Such demands could include a 20 percent raise to beat inflation, cost-of-living adjustments, accurate train line-ups and an end to punitive, points-based attendance policies.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact