

Former SMART-TD top official floats idea of forcing through sellout rail contract even if workers reject it

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The Railroad Workers Rank-and-File Committee is hosting a public meeting Wednesday, September 28, at 7:00 p.m. Eastern Time, “Organize independently to defeat government and union-backed sellout!” All railroaders and their supporters are urged to attend and register for the meeting [here](#). To join or contact the committee, send an email to railwrfc@gmail.com or fill out the form at the bottom of this page.

A former top railroad union official has floated the idea of union bureaucrats forcing through a sellout contract even if workers vote it down, either by unilaterally declaring it passed or having it enforced by the government by sending it to binding arbitration.

In an article published in *Railway Age*, Frank Wilner, a former director of public relations for SMART-TD and a Bill Clinton-appointed chief of staff of the Surface Transportation Board, reported that union officials have refused to rule out the possibility.

Wilner writes: “One union official, while declining to answer specifically, said only that it would be ‘irresponsible’ for *Railway Age* to report on the possibility and asked not to be identified. In fact, such speculative reporting has appeared elsewhere, and overrides of ratification votes have occurred.”

In other words, the unions are directly considering it but do not want the membership to be alerted to that fact.

Significantly, Wilner admits that the idea of the unions unilaterally imposing a deal was earlier proposed by a far-right “right-to-work” campaigner on Fox Business Network. This further shows how the entire political establishment, both right and nominally “left,” have come together against the railroaders. Last week, both parties had prepared separate legislation to block strike action.

This would not be the first time that such a maneuver took place. Wilner notes that in 1996 the United Transportation Union (UTU, now SMART-TD) overruled a rejection of a tentative agreement and sent the deal to binding arbitration, where the arbiter sided with the company and forced workers to accept the sellout contract. More recently, the Teamsters union, which is the parent union of both the Brotherhood of Locomotive Engineers and Trainmen (BLET) and the

Brotherhood of Maintenance of Way Employees Division (BMWED), overrode a majority “no” vote to enforce a contract at UPS in 2018.

According to a union official quoted by *Railway Age*, the rail unions can simply ignore a “no” vote and take the agreement to binding arbitration as the UTU did in 1996. If this is done, the arbiter may simply force workers to take the rejected contract. The unnamed official said, “Some arbitrators have ruled that the membership lacks the authority to second-guess the agreed upon best efforts of the carrier and union leadership.”

Wilner’s commentary expresses the fear of the union bureaucracy before the massive opposition of railroaders to the state-brokered deal which they announced last week in order to block a national rail strike. The deal has failed to quell or demoralize this opposition as the unions had hoped but only enraged workers and convinced them of the need to organize independently of the apparatus.

This finds expression in the growing authority of the Railroad Workers Rank-and-File Committee, which held a public meeting attended by 500 railroaders the night before the deal. Comments in the corporate press have raised the possibility that the deal could still be voted down by workers.

On Wednesday, railroaders took part in shift change pickets at many terminals and yards around the country. This appears to have been organized by local officials aligned with Railroad Workers United, as well as the pseudo-left outlet *Labor Notes*, but rank-and-file workers participated in the pickets to express their anger with the deal.

Wilner warned, “Fringe factions of rail labor have been predicting—even urging—‘no’ votes. Mainstream media, in reporting on those efforts and discontent among rail union members, has provided nattering nabobs of negativism credibility and a pulpit from which to preach against ratification.” This is clearly in reference to the Railroad Workers Rank-and-File Committee. It is also not the first time that Wilner has referenced it as a “fringe group.” One member of the Committee retorted, “So the 90 percent of the railroaders who voted to strike are ‘fringe groups’?”

Earlier this month, thousands of workers from District 19 of

the International Association of Machinists (IAM) voted down a separate tentative agreement by more than 60 percent, while voting more than 80 percent to authorize a strike. The extended “cooling-off” period, which was self-imposed by the IAM bureaucracy, expires next Thursday, September 29, at which point thousands of machinists could go on strike.

Wilner warned that the consequence could be a de facto national strike: “A strike by even a small union could trigger a full-blown nationwide rail shutdown by causing members of all other unions—even those who have ratified tentative agreements—to honor picket lines. While rail labor contracts prohibit so-called ‘sympathy strikes,’ a loophole allows unionized workers to honor picket lines of other unions if members personally feel threatened were they to cross them.”

The IAM, however, is clearly desperate to prevent walkouts. A letter sent by the IAM to members acknowledged the rejection of the contract and authorization for a strike but immediately declared that negotiations would resume. It framed the “no” vote as merely a “strong message” to the companies and justified the extension of the cooling-off period as “a chance for a new tentative agreement.”

Voting is also underway at the BMWED on its own deal, patterned after the settlement proposed in August by Biden’s Presidential Emergency Board (PEB). The union itself admitted in a presentation that the contract would result in a decline in real wages by 3.8 percent, the first decline since 1991. Health care costs would also increase by 4.8 percent every year.

During a town hall held by the BMWED on Wednesday, the union repeatedly attempted to claim to workers that they would never get a better contract because Congress would simply impose the terms of the PEB. When pressed by workers on their refusal to call a strike and the rotten contents of the agreement, the union responded by disabling the chat.

The unions are not interested in convincing workers but in intimidating them and demoralizing them by claiming that nothing can be done. The BMWED’s claims were echoed by the IAM’s letter, which declared that without last week’s deal, “It’s a real possibility that Congress would have imposed a contract on us.”

New hidden concessions are still being uncovered in the rail contracts. Elsewhere, a letter from Brendan Branon, head of the National Carriers’ Conference Committee (NCCC), to Leo McCann, president of the American Train Dispatchers Association (ATDA), admitted that the union agreed that that health care contributions that rise beyond the 15 percent cap after 2025 will be taken from back pay given to workers in the next contract. It also agreed that this clause will not be used to justify any increase in pay to offset the increased health care costs.

SMART-TD also finally released language from its tentative agreement, which had not been completed for days after Wednesday’s deal. The language on time off, which has been one of the most significant issues for workers, is woefully

inadequate. Workers are awarded a single extra paid personal day. Road service assignments will have assigned days off, but they will have to be negotiated by General Committees of Adjustment. Workers in unassigned service are given three days for medical exams/care without attendance demerits, but they must be scheduled 30 days in advance and may only be scheduled on a Tuesday, Wednesday or Thursday.

In a separate announcement, SMART-TD unveiled the time frame for a vote, which it is deliberately extending as long as possible. Voting will not even begin until mid- to late October, the union says, and even then will last 21 days, before finally being tallied in mid-November. This confirms workers’ suspicions that a key motivation in the unions’ agreement was to spare the Democrats from having to move against railroaders in the critical weeks ahead of the midterm elections in early November.

Wilner’s commentary must be taken as a serious warning that there is no barrier that the unions will not cross in order to enforce a contract. They function not as workers’ organizations but as extensions of the government and enforcers of de facto injunctions.

However, their self-serving claims that workers are powerless to oppose the deal are entirely false. Biden’s comments last Sunday on CBS, which brushed off the pandemic and nuclear war but described a rail strike as “not thinkable,” show the immense power that railroad workers have. The ruling class fears American workers more than any other danger it faces. They know a struggle on the railroads would win widespread support, far more than the White House, Congress or any of the other discredited and hated government institutions.

This power, however, must be organized and directed by workers themselves. Railroaders must build up the Railroad Workers Rank-and-File Committee into a national network enabling them to organize themselves to countermand the unions’ betrayals and establish the principle of rank-and-file control.



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