

How the rail unions plan to ram through their sellout contracts

Tom Hall, Erik Schreiber, Jacob Crosse
25 September 2022

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.

The White House-brokered deal reached two weeks ago to avert a national rail strike has no support among the workers. The deal, patterned after the August report of Biden’s Presidential Emergency Board with only a few minor tweaks, leaves intact sub-inflation pay increases and includes only three additional unpaid days off for routine medical procedures which must be scheduled a month in advance. It also keeps in place the hated attendance policies such as Hi Viz and Precision Scheduled Railroading (PSR).

As the full language of the contracts become public, workers are discovering new concessions all the time. The tentative agreement reached with the SMART-TD union includes a new Automated Bid System, which threatens to reduce yard workers’ schedules to the constantly on-call status just like engineers and conductors. “This tentative agreement is worse [than the PEB],” one experienced yard worker told the *World Socialist Web Site*. “[This is] a way of keeping us working and it’s getting rid of our time off, which the carriers have been going after for years. This Automatic Bid System is a way of doing that.”

An article appearing this weekend in the *Fort Worth Star-Telegram* declared, “U.S. rail agreement was presented as a done deal. Now that they’ve seen it, workers disagree.” That article cited the national meeting of hundreds of railroaders sponsored by the Railroad Workers Rank-and-File Committee held the night before the deal was struck. The article also compares the situation on the railroads with the John Deere strike last year, where workers rejected several consecutive sellout deals from the United Auto Workers.

The unions would have no hope of passing the deal in a free, democratically-run vote. This is why they have no intention of conducting one. Instead, they are seeking to ram through the deal using a multi-pronged approach, including lies, threats and intimidation, and lengthy delays in order to bleed off workers’ momentum.

This underscores the need for the rank-and-file to organize themselves to take control over the entire process, exercising oversight over both the balloting and the entire voting procedure.

Here are a few of the strategies that the unions are likely preparing to deploy:

Overriding a “no” vote to impose a contract

Last week, former SMART-TD public relations director Frank Wilner

raised the possibility that the unions could simply ignore a “no” vote and impose the deal unilaterally. This could be done either through a constitutional loophole, or by sending the contract to binding arbitration, where it can be enforced without a vote. Wilner cited the precedent set by the United Transportation Union (the precursor to SMART-TD) in 1996, when it did the latter. The *Star-Telegram* article also cited a Georgetown University labor historian who raised 1996 and concluded, “So a rejection doesn’t automatically mean a strike.” The media chatter by well-informed experts suggests that this is being actively considered.

Both Wilner’s original comment, and reporting of it by the WSW, sparked anger among railroaders, prompting an official response from Teamsters General President Sean O’Brien. Both the Brotherhood of Maintenance of Way Employees (BMWED) and the Brotherhood of Locomotive Engineers and Trainmen (BLET) are part of the Teamsters. O’Brien denounced “rumors” of an imposed settlement as “absurd and utterly false.” He also hailed the terms of the deal and claimed that “the membership’s right to legally strike was not taken away by allowing them [to] vote.”

O’Brien’s presentation of the vote as an example of “union democracy” is unintentionally revealing. The unions have simply chosen to ignore both overwhelming internal polling which shows workers are opposed by more than three-to-one to the PEB’s proposal, as well as a 99.5 percent strike authorization vote held this summer by the engineers. But if they are able to obtain from workers, under duress, a majority of even a single vote in favor of the contract, they will cynically claim that this represents the inviolable will of the membership.

O’Brien “forgot” to mention in his statement that overriding a “no” vote is exactly what the Teamsters did to 250,000 UPS workers in 2018. The union used an anti-democratic constitutional loophole to ram the sellout deal through, stipulating that if less than half of the membership votes, then two-thirds must vote “no” for the contract to be rejected.

O’Brien, a former acolyte and thug for General President James P. Hoffa, engineered a split with his mentor shortly before negotiations in order to pave the way for his own election campaign. While the loophole was repealed at the last constitutional convention, there are many other methods through which the same result can be achieved, including through binding arbitration.

This is a warning to hundreds of thousands of UPS workers. O’Brien, elected with the support of the pseudo-left *Labor Notes* publication and the union faction Teamsters for a Democratic Union, has spent months demagogically promising that the Teamsters will strike UPS if they do not reach an agreement before the 2018 deal expires next year. But O’Brien’s defense of the sordid deal worked out on the railroads makes clear that similar maneuvers are in the works at UPS.

Ballot fraud

Workers have ample reason to suspect that the union bureaucracy will engage in foul play. “With the last agreement, the way they counted the votes, a ‘no’ vote is a no, a ‘yes’ vote is a yes, but whoever did not call in and vote, they counted that ‘vote’ as a ‘yes’ vote,” the veteran yard worker told the WSWS. “They rig the vote and that’s how they get these agreements to pass. After every agreement we look at each other like, ‘I voted no and everyone I know voted no. How did this thing pass?’”

Earlier this month, District 19 of the International Association of Machinists and Aerospace Workers (IAM) announced that its members had rejected its agreement by a margin of more than 60 percent. A worker told the WSWS that when he examined the final vote tally, he found something strange. According to the IAM, Lodge 1112 cast only a single vote, out of 274 dues-paying machinists. Considering the overwhelming opposition to the contract, this result is hardly credible.

There are countless examples of suspicious votes engineered by other unions, including a vote last year in the United Brotherhood of Carpenters, where Seattle workers rejected a contract twice only to have it declared to have passed a third time. One of the bureaucrats involved, Executive Secretary-Treasurer Evelyn Shapiro, was ousted only weeks later on corruption charges. In 2015, the United Auto Workers rammed through a national contract at Ford by the slimmest of margins after the vote came down to a single plant in Detroit, where widespread voting irregularities were reported, including collecting ballots in trash bags. At Volvo Trucks in Dublin, Virginia last year, the UAW claimed a fourth vote passed by 17 votes after thousands of striking workers rejected it, including by 90-91 percent, only weeks before.

In steps that the unions take to create the impression of election integrity, the BMWED announced that the American Arbitration Association (AAA) would coordinate its vote on the tentative agreement. Prominent on the latter organization’s website are the claims that “AAA results stand up to challenge” and “AAA results are difficult to overturn.”

These considerations are paramount for the rail companies and their henchmen in the unions. Should any dispute about the election results arise, BMWED can keep the details of the dispute-resolution process secret, since an AAA process is private. Moreover, much like the Presidential Emergency Board, an AAA process may be conducted by arbitrators who are industry stalwarts and specialize in certain kinds of cases.

Even in the event workers vote down the contract, the unions could simply force workers to vote again on essentially the same contract over and over until they get the desired result. This tactic has been employed countless times by the unions just in the past two years, including for Seattle carpenters, at Volvo Trucks, John Deere, auto parts maker Dana, Kellogg’s and Nabisco. Indeed, the IAM has already restarted discussions to get a second agreement before a self-imposed strike deadline this Thursday.

Divide-and-conquer

Railroaders have been incensed by the fact that the 12 unions are forcing them to vote on separate deals reached independently by each union. In particular, they are opposed to the “me-too” clause in many of the agreements. Workers understand this as a bid to peel off smaller crafts from the engineers and conductors by incentivizing them to settle for their own deals, with the knowledge that any better contract terms won by other workers through a struggle will automatically apply to them as well.

A recent BMWED letter, however, shows that the unions are also using it in the inverse. Defending inadequate provisions for their contract for travel expenses, the BMWED declares that “we do not have the liberty to

create an agreement” that “involves new money from those values of the tentative agreement.” They explain that the reason for this is because of the me-too clauses in the other contracts. “If they introduced new money, they [the carriers] would have to share that economic value with all other crafts.” In other words—the BMWED says it can’t get better terms because if the carriers were to give them to the maintenance workers, then everyone else would be entitled to it!

Delaying and leveraging Congress’ threat to intervene

The unions are also relying upon the threat of congressional intervention, intimidating workers by claiming that because of this, it is impossible to get anything better. This has been stressed repeatedly in several statements by union officials.

The bureaucracy, in fact, is relying upon this. In fact, they doing everything they can to strengthen the hand of Congress by needlessly delaying the vote for weeks, until after the November midterm elections, when an injunction will no longer have any electoral consequences for the Democratic Party. SMART-TD released its vote timeline late last week, under which workers will not even get the chance to vote until mid-to-late October. Balloting will drag on for three weeks until mid-November.

Delaying the vote also serves the function of trying blow off steam among the workers and give the unions’ time to try to sow an atmosphere of fatalism among workers. “They are trying to wear us down,” the yard worker said. “They keep dragging it out to where we will just say, ‘f*** it. Settle it. I’m done.’”

“It seems to me like they [the unions] took away our right to strike,” he concluded. “So what happens if we vote no, and vote this tentative agreement down? Are we just in limbo still? Or do we get to strike? Because the union is saying ‘no one knows.’ There are lot of people that are pissed off.”

The way forward

Workers cannot allow the voting process to remain in the hands of well-heeled bureaucrats. They must organize themselves independently to demand and fight for rank-and-file oversight, including the right for rank-and-file workers to monitor the vote and counting of ballots. Workers must also fight for control over the entire procedure, including an end to the lengthy delays which only strengthen the hand of the government and the carriers. Workers must have the opportunity to vote these contracts into the garbage can as soon as possible in order to clear the way for a nationwide strike.

The Railroad Workers Rank-and-File Committee is fighting to create new structures to put railroaders, not bureaucrats, in control. To contact the committee, fill out the form below, or contact them directly by emailing railwrfc@gmail.com or texting (314) 529-1064.



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact