

What accounts for the delays in the railroad engineers and conductors contract vote?

Tom Hall**25 October 2022**

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On Tuesday, more than one month after reaching a White-House brokered tentative agreement, the Brotherhood of Locomotive Engineers and Trainmen (BLET) and SMART-TD finally released their “question and answer” packet for the upcoming vote on the five-year deal.

The contract vote has been subject to endless delays. The deal was originally announced on September 15, less than 24 hours before the deadline for a national strike. Originally, the BLET and SMART-TD unions “tentatively” scheduled the start of the vote for October 14. In a subsequent video statement, BLET President Dennis Pierce and SMART-TD President Jeremy Ferguson announced a new “tentative” start date of October 16.

However, this date came and went without any apparent explanation. The WSWS spoke to several engineers and conductors in the Railroad Workers Rank-and-File Committee (RWRFC), all of whom said they never received a ballot or knew anyone who had. “Our union reps have been very vague about when we’re supposed to be getting the ballots,” one worker said.

Now, a week and a half after the date voting was supposed to have started, the unions announced a new start date of October 31 in the question and answer packet. The end of the vote has also been extended until November 20. No explanation for this delay was given. Even this schedule, however, is “tentative.” “Those dates are subject to slight changes, depending on factors that are beyond the Organization’s control such as printing and preparation times, supply/materials availability, etc,” SMART-TD declared.

In repeated statements, both BLET and SMART-TD have insisted that workers, through the vote, will “have the final say” on the five-year contract that they worked out last month under the aegis of the White House to prevent a national strike. SMART-TD and BLET have also issued

statements on their websites urging workers to update their addresses with their locals, to ensure they would receive a ballot.

This, however, could have been done in mid-September. That they are being made now is in response to widespread suspicion from workers that their vote will be either ignored or unilaterally overridden. The agreement is deeply unpopular and was reached in flagrant and willful violation of a 99.5 percent strike authorization vote. It does not meet workers’ demands, including paid sick days and an end to punishing attendance policies that leave train crews “on call” 24 hours a day.

But the process so far has been completely opaque, adding to workers’ concerns. Nobody should believe that the lengthy and interminable period of “preparation,” as well as the extended voting period itself, is due to technical factors beyond the unions’ control.

In general, the timetable in which the workers are made vote on a contract, especially when it is an unvarnished sellout such as this one, are always constructed so as to best ensure its passage. For example, there have been countless contracts around the country where workers have been forced to vote less than 24 hours after the deal was reached, without even having the opportunity to see the full text of the contract, much less read or discuss it.

In this case, the uproar immediately following the deal meant that the contract had no chance of passing if it had been put to a vote immediately. This is why the BLET and SMART-TD have instead elected to drag out the voting process as far as possible. Their aims are twofold: First, to bleed off momentum against the contract and give the unions time to try to recapture control of the messaging, and second, to extend the vote past the midterm elections in order to maximize Congress’s ability to act against any potential strike if the contract is rejected.

In the very same statements where the union leaders have claimed that “workers will have the final say,” they have also raised the threat of congressional intervention to impose a contract, with the clear implication that workers have no

choice but to accept their deal. At the same time, the BLET invited House Speaker Nancy Pelosi, who has drafted anti-strike legislation against railroaders, to its national convention earlier this month, where she was treated as an honored guest by the assembled bureaucrats.

In other words, their actions make clear they are determined to ensure that Congress, not workers, have the final say. While they have simply ignored repeated strike votes and other clear, overwhelming instructions from the rank and file, if they are able to manufacture a narrow “yes” vote in an atmosphere of intimidation, they will cynically hold this up as being the inviolable will of the membership.

But workers should not take for granted the integrity of a vote that is controlled top to bottom by the bureaucracy. Serious concerns have already been raised by workers about previous votes in the other rail unions. The most substantial are major irregularities in the International Brotherhood of Electrical Workers (IBEW) vote, which appear to have been large enough to have impacted the outcome. One poll of electricians conducted by the RWRFC found that half of respondents either did not get a ballot or did not receive one in time to return it before the deadline. The IBEW’s own internal numbers show that the number of “undeliverable” and “questionable” ballots exceeded the total margin of victory of 150 votes.

When pressed by workers, the IBEW gave contradictory explanations. In one significant slip of the tongue, IBEW Railroad Department head Al Russo told one worker that it would have been “too expensive” to pay to overnight new ballots to those who never received them, suggesting the number of workers affected was substantial.

Workers have every right to be suspicious. Questions have been raised in the votes for most of the five other unions whose contracts have been ratified. Train dispatchers raised similar concerns about mail-in balloting for the American Train Dispatchers Association vote, alleging that such irregularities have plagued the union for years. The vote results for SMART-MD (the smaller mechanic’s division of the union) were unexpectedly released two days early without explanation. Dean Devita, the president of the National Conference of Firemen and Oilers union, cursed out a WSWS reporter when he asked for more information on the breakdown of the vote, accusing the reporter of trying to “interfere in the business of my organization.”

Even in the votes in the International Association of Machinists and Aerospace Workers (IAM) and Brotherhood of Maintenance of Way Employees Division (BMWED), where workers rejected the contract, those unions responded by immediately extending a self-imposed strike deadline. The IAM extended its deadline to early December and is making workers vote again on virtually the same contract,

while the BMWED pegged its deadline to “five days after Congress reconvenes,” making crystal clear that the purpose of the extension is to give Congress time to prepare to act against a strike. These “deadlines” are entirely artificial and are being imposed on workers by the union bureaucracy, not the Railway Labor Act, whose harsh restrictions on the right to “self-help” expired on September 16.

The BLET is also holding its leadership elections during the contract vote. It has had no difficulty in quickly sending out mailers to engineers for BLET United, the slate of incumbent president Dennis Pierce. This election, moreover is being held under conditions where challengers to Pierce are being bureaucratically excluded. At the national convention, delegates refused to nominate David Manning, an Illinois engineer and administrator for a popular Facebook group, to appear on the ballot, denying workers the right to vote for whomever they choose.

Last Friday, the Railroad Workers Rank-and-File Committee issued a statement, “Engineers and conductors: Vote ‘NO’ on sellout White House-brokered contracts! For rank-and-file oversight of balloting!” which stressed the danger of ballot fraud in any election controlled by the union apparatus. It urged “Engineers, conductors and workers in other crafts” to “elect rank-and-file oversight committees, consisting only of trusted co-workers and not union officials, to monitor the balloting.” These committees, they explained, would be tasked with monitoring the vote for evidence fraud, and independently verify the following concerns:

- How many workers have voted? How many voted “yay” or “nay?”
- How many ballots have been sent out? Has every eligible voter been sent a ballot with enough time to return it?
- How many ballots were marked as “undeliverable,” “questionable” or were otherwise disqualified?
- How, where and by whom were the ballots counted?

The serious questions which have already been raised in the engineers and conductors vote show that such mechanisms for rank-and-file oversight are urgently needed.



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