

Union Pacific unilaterally revokes time-off policy, citing “labor shortage”

Bill Mertz**15 August 2024**

Railroaders: What are conditions like now, nearly two years after strike ban? Fill out the form below. All submissions will be kept anonymous.

Union Pacific (UP) railroad is attempting to modify a crew scheduling agreement which guaranteed additional days off, citing alleged labor shortages. The move comes only months before the national rail contract is due to be renegotiated at the start of next year.

Under the policy, known as “11/4,” locomotive engineers work 11 days on duty, followed by four guaranteed off days. This is in contrast to the historical “extra board” system where train crews were subject to being on call for most of their careers, until they acquired sufficient seniority to hold a regularly scheduled position.

While still requiring engineers to be available to work over a week and a half with no breaks, 11/4 is still an improvement over the federally mandated 24 hours off after 11 days.

The policy was not part of the contract which was imposed by the White House and Congress through a strike ban in late 2022. Instead, the railroad agreed to it following talks with the Brotherhood of Locomotive Engineers and Trainmen (BLET) in May of 2023.

Now, Union Pacific is attempting to unilaterally modify the agreement so engineers coming off their rest days are placed at the top of the call list, fouling up the schedules of engineers who are still on their days of scheduled work. Union Pacific claims this is necessary because it has had to hire more people than anticipated.

But the truth is that these “shortages” are created by the railroads themselves. They have used intolerable working conditions to drive tens of thousands out of the workforce, squeezing as much profit as possible out of those remaining.

The decision to change 11/4 exposes the managerial dictatorship in the railroad industry. There are effectively no “contracts” as such because workers are legally barred from engaging in strikes and other forms of “self-help” to enforce them. UP and the railroads receive the backing of the government, which uses the anti-strike Railway Labor Act (RLA), strike bans by Congress, pro-capitalist courts and government mediators to effectively ban strikes.

Infamously, after workers voted down a government-mediated contract in late 2022, and finally exhausted all anti-strike provisions under the RLA, Biden and Congress banned a strike and imposed the deal.

This state-sanctioned attack on railroaders is international. This month, Canadian National and Canadian Pacific Kansas City announced plans to lock out 9,300 workers in Canada. The companies are banking on Canada’s Liberal government to intervene, as it and previous governments have, to impose massive concessions.

In June, BLET filed a lawsuit in federal court against the change in schedules by Union Pacific, asking a judge to rule this a “major dispute,” which legally allows a strike to occur. “The change has no legitimate business rationale, but is instead being implemented to purposely make engineers’ lives more difficult so as to force the Labor Unions to ask to renegotiate other aspects of the 11/4 Agreement,” the suit reads.

But the BLET knows very well that the judge will rule in favor of the railroad, and has only filed suit to create the impression that it is doing something. In early 2022, a federal judge ruled against BNSF workers when that railroad unilaterally imposed the hated “Hi Viz” attendance policy. In his ruling, Judge Mark Pittman cited “national interest” as a major factor in his decision—in plain language, the interests of corporate

America, not American workers. They also want to keep the railroads operating to move military equipment to US proxy forces in Ukraine and Gaza.

The union bureaucrats share responsibility for this state of affairs. They deliberately blocked a strike in 2022 and helped the White House impose a contract through endless unexplained delays, designed to drag things out until after the midterm elections. Railroaders, furious, responded with a rebellion organized through the Railroad Workers Rank-and-File Committee.

After the deal was imposed, the railroads voluntarily gave up a series of fig leaf concessions to allay workers' anger, including modest provisions for sick days and the 11/4 schedule itself. But what is given is easily taken away.

At the same time, they moved forward with long-planned new attacks on workers. Only days after the anti-strike bill was signed into law, Union Pacific announced a pilot program for one-man crews, while BNSF began assigning locomotive maintenance to nonunion contractors.

Conditions on the railroads have continued to decline, creating unsafe conditions for workers and the public. This was tragically shown in the East Palestine, Ohio disaster, where the government and both parties provided Norfolk Southern with cover after it poisoned the entire town with a "controlled release" from derailed chemical tankers.

At the end of the year, the contracts for UP and the five other Class I railroads are up for renegotiation. None of the issues that drove workers in 2022 have been resolved, and workers have unfinished business with the railroads, their lackeys in the bureaucracy and the capitalist state.

Railroaders must build upon the experiences of 2022. They should prepare now to develop rank-and-file structures that give them real control and prepare for a three-front war.



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