

# Unions block fight by BNSF workers, call on arbitrator to rule on Hi-Viz attendance policy

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*If you are a BNSF railroad worker, or for that matter any railroad worker, please reach out to us at [bnsfwrfc@gmail.com](mailto:bnsfwrfc@gmail.com).*

On March 23, the two largest unions at BNSF announced they would not pursue any legal challenge to the anti-democratic injunction issued by a US federal judge to block a strike by 17,000 railroad workers against the company's punitive new attendance policy. Instead, the unions announced, they would submit the issue to arbitration.

The so-called Hi-Viz attendance policy, put into place on February 1, cuts the number of days workers can be off because of fatigue, sickness or other personal needs from the previous 84 days a year to 22 days. The new policy is aimed at pushing workers beyond their limits and facilitating company's plans to fire higher-paid and more experienced workers.

From the beginning, the Teamsters-affiliated Brotherhood of Locomotive Engineers and Trainmen (BLET) and the International Association of Sheet Metal, Air, Rail, and Transportation-Transportation Division (SMART-TD) rejected any struggle to mobilize railroad workers at BNSF and throughout the industry to defy the judge's strikebreaking injunction.

In fact, the unions welcomed the judge's ruling, seeing it as a means of beating back the militancy of railroad workers. Some 115,000 workers at Union Pacific, CSX, Norfolk Southern and other Class 1 railroad workers have been working without a new contract for two years and are determined to win substantial raises and stop the industry's campaign to reduce crew sizes even as the number of freight cars on trains are expanded.

Earlier this month, 3,000 Canadian Pacific (CP) engineers, conductors and yard workers struck over wages and working conditions, until the two-day strike

was shut down by the Teamsters Canada Rail Conference (TCRC) and agreed to submit the dispute to binding arbitration.

At BNSF, the unions have made the lame argument that arbitration would provide a "quicker resolution" to the Hi-Viz dispute. According to them, it would only take a few months to resolve with arbitration versus a year or up to two with an appeal to the decision by the federal judge in Dallas that the attendance policy was a "minor dispute," which workers were not allowed to strike over.

The US unions, like their Canadian counterparts, claim that arbitrators are "neutral" parties. Nothing can be further from the truth. The arbitrator will be chosen by the National Mediation Board (NMB), a US government agency, which has long been used to impose the dictates of big business and block strikes by railroad and airlines workers.

The entire process will take place under the government's anti-worker Railway Labor Act, which subjects all "minor" contract disputes to compulsory arbitration, preventing any independent action by workers to defend themselves. The arbitrator's decision will be effective for five years and workers will have no recourse to oppose it under this system stacked up against them.

This move by the unions isn't without precedent. In 1999, BNSF imposed an "Availability Policy," which severely restricted employees' ability to have time off. The unions at that time announced that a "neutral" arbitrator would decide the outcome of the conflict. Of course, the arbitrator ruled that the railroad had the right to impose the policy. The railroads were empowered by that decision and have been accelerating the assault on workers' rights, with the collusion of the unions, ever since.

Over the years, BNSF has culled its workforce to the point that, according to one retired worker, “In the train yard, there aren’t enough yard workers to operate safely.” While workers’ health and safety is sacrificed, BNSF saw its profits rise to \$6 billion last year, up 16 percent from 2020, further enriching billionaire owner Warren Buffett.

For workers, the brutal attendance policy is anything but a minor issue. Employees are allocated 30 “points.” If they call off on any weekday except Friday, they lose two points. An absence on a Sunday results in the loss of 3 points; on a Friday or Saturday, 4 points; and if a worker can’t work on a holiday they are scheduled to work on it, they lose 7 points. Once the total falls to zero, workers are suspended for 10 days without pay. They are then re-instated with 15 points. If an employee uses all their points again, they are suspended for 20 days. A third violation results in possible termination no matter how many years of seniority a worker has.

Most rail workers are already on call 24 hours a day, seven days a week. They can be called to work in as short of a time as an hour and a half’s notice. When called in, their shift can last for up to 60 hours. This causes workers to be in constant fear that the telephone will ring, resulting in stress and exhaustion for them and their families even when they are not at work. One worker told the *World Socialist Web Site*, “I can’t even schedule a doctor’s appointment because I always get called into work and end up missing it!”

The railroads used to have five-man crews per train. Railroad workers are now expected to do the same work with a two-man crew and railroads are trying to run trains with only one worker.

Predictably, BNSF says its system gives employees a “clearer idea” when they can take time off while ensuring there are enough workers to operate the trains which haul the products businesses need to operate. BNSF said the new system provides “ample time for obligations outside of work, including planned vacations, personal leave days and unplanned absences.”

The unions have demonstrated again and again that they will not fight these conditions. Throughout the pandemic, the unions have collaborated with management to keep workers on the job no matter how many have succumbed to the deadly and physically debilitating disease.

The Biden administration has done everything to boost the unions to police the working class and prevent strikes, especially as the US government ramps up its military confrontation against Russia. In the name of “national security” and keeping “critical” infrastructure and supply chains operating, the White House has relied on the United Steelworkers and other unions to block a strike by 30,000 oil refinery and petrochemical workers and impose the dictates of the price-gouging energy companies, and is moving to prevent a strike in July by 20,000 port workers in California, Oregon and Washington.

The Biden administration like the Trudeau government in Canada is acutely aware of the growing anger in the working class against the ravages of inflation and the ever-greater levels of exploitation being demanded by corporations that have reaped vast government-backed profits during the pandemic.

But workers must break free from the pro-capitalist and pro-war unions and build new organizations of struggle, rank-and-file committees that fight for what workers need. This includes substantial raises, cost of living protection, guaranteed time off, removal of security cameras from the trains, re-institution of three-to-five person crews, and the abolition of the Railroad Labor Act of 1936. The BNSF Rank-and-File Committee must be expanded to unite railroad workers across the United States, Canada and internationally.



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