



# RAILROAD WORKERS UNITED

**Unity – Solidarity – Democracy: The Rank & File in Action!**

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## What Are Rail Unions Doing About “Blame the Worker” Safety Programs?

### *Rail Unions Ignore Mountain of Evidence against Behavior Based/Behavior Modification Safety Programs*

Rail unions, most especially, the two largest [UTU & BLET], continue to ignore the overwhelming evidence that the “behavior based” safety programs, so touted by rail carriers, are a serious threat to members’ safety and to union solidarity. These programs enlist the participation of individual union members to “observe” fellow members on the job. The “observers” then complete “anonymous” reports on unsafe behaviors and compile data about those behaviors for some unspecified future use. Rather than take the lead to educate their members about the insidious problems with such programs, and develop a model for an alternative, the top leadership of both the United Transportation Union (UTU) and the Brotherhood of Locomotive Engineers & Trainmen (BLET) are acquiescing to the carriers and are simply passing the buck to their respective individual general committees, locals and divisions.

The lack of leadership and its required due diligence by these union officials have resulted in a confused and contradictory mess. The result is a fragmented and divided workforce as various legislative boards, general committees, locals and divisions assume a myriad of approaches to the programs. Some of these subordinate bodies, who recognize these programs for what they really are, are adamantly opposed to member participation. Some locals have submitted the question of participation to a referendum vote of their members. But because of the lack of leadership and a clear position on the issue from the union, some rank-and-file members continue to participate even though their local has gone on record as opposed to the programs.

The carriers have not bargained national agreements with the unions regarding these programs. On the Union Pacific (UP), the UTU is now touting a set of “Guidelines” which basically adopt the “Total Safety Culture” program as it was purchased by the UP. Those guidelines do somewhat define the initial local development of the “Implementation Teams”, but they do nothing to address the fact that behavior-based safety programs focus strictly on worker behavior as the cause of almost all on-the-job accidents. On the Burlington Northern Santa Fe (BNSF) some BLET bodies have developed agreements to implement the BNSF “Best Practices” program which conducts “Work Practices Observations”. And the Canadian National has been attempting to introduce their version of “Blame the Worker” programs.

In June 2008, the U.S. House of Representatives, Committee on Education and Labor issued a report entitled *"HIDDEN TRAGEDY: Underreporting Workplace Injuries and Illnesses"*. The report included sub-sections entitled: *"Underreporting Problems in the Railroad Industry"* and *"Behavioral Safety, Bad for Safety, Bad for Recordkeeping Accuracy."* Here are some of the committee's conclusions:

"While there is almost always a human element involved in accidents, most incidents (major and minor) have many complex causes and human error is almost never one of the root causes. Worker errors are generally the consequences - or last link in a causal chain, not the causes themselves."

"Today's railroad regulatory environment is more oriented toward assigning blame to a single individual, without a thorough examination of the underlying causes that led that single individual to commit an error. This approach is apparent in both railroad internal investigations of injury accidents, as well as FRA regulatory reports."

"In order for an accident to happen, an unsafe condition must be present. These may range from conditions like slippery floors or objects that are too heavy for workers to lift safely, to management system errors such as allowing or encouraging frequent deviation from safe procedures, not providing training to workers, ignoring past warnings and close calls and lack of oversight by supervisors or enforcement agencies."

"Blaming workers for accidents can make safety problems worse."

"Some employers, however, try to blame workers for the incident, even though the employer has legal responsibility for safety in the workplace and other factors are almost always to blame."

In March 2001, Frederick C. Gamst (Professor, University of Massachusetts, Boston) submitted a paper to the Transportation Research Board (TRB) Committee for Review of the Federal Railroad Administration Research and Development Program. Here are a few excerpts from that paper entitled: *Concerns Regarding the Behavioral Focusing of Railroad Accident Reporting on Human Failure/Error.*

*"For a century and a half, the carriers have used varieties of a discredited model for finding cause in accidents: usually, blame it on one employee at the bottom of the hierarchy, and rarely look for correctable systemic causes, for which management (or even regulators) might be culpable."*

*"This hoary kind of accident monitoring and correction is analogous to attempting to do today's electronic repairs with yesteryear's blacksmith's tools and techniques."*

*"Railroad managers desire to "fix" their employees instead of their behavior engendering system."*

*"The non-systemic tradition of blaming a rail accident on one employee is a practice from an outmoded and discredited managerial philosophy sometimes called behavior-based safety."*

*"These [behavior-based] programs blame workers (the victims of occupational health and safety exposures to hazards) by focusing on worker behavior rather than problems in the system, such as hazards inherent to the work process. By focusing on workers' 'unsafe acts' as the causes of injuries and illnesses, companies do little to address the root causes of safety and health risks."*

*"Victim blaming is at the heart of behavior-based safety programs. The original [i.e., underlying] theory that 95% of work accidents are due to unsafe acts was based on seriously flawed research."*

*"Not only do the blame-and-punish-one-individual accident data not allow a realistic picture of safety, but also the data can be intentionally reported falsely, to mislead reviewers of the data."*

Many other unions and union-based organizations have issued policy positions opposing these programs. United Steel Workers (USW), United Food and Commercial Workers (UFCW), Canadian Auto Workers (CAW), Oil, Chemical and Atomic Workers International (OCAWI), International Brotherhood of Teamsters (IBT), United Electrical, Radio and Machine Workers of America (UE), Transportation Workers Union of America (TWU), and others are on record as recognizing the glaring shortcomings and the anti-union nature of behavior based safety programs.

The AFL-CIO has this to say about the subject:

*"At the workplace the move toward behavior-based safety and incentive programs is particularly alarming. Rather than examining how core work processes affect health and safety, behavior-based safety programs claim that an overwhelming majority of job injuries and illnesses are the result of the unsafe acts of workers themselves. Behavior-based safety programs attempt to place the responsibility for a safe workplace squarely on the backs of workers, rather than addressing workplace hazards."*

Another less discussed aspect of these programs is the hazard they pose to union solidarity. Health and safety, under U.S. labor laws, are deemed to be a mandatory subject of bargaining. When carriers introduce a behavior-based safety program, our unions have the right to demand to bargain the conditions, and should not be ignoring their duty to best represent our interests. Additionally, these "Blame the Worker" programs have a foundation in human psychology and the subtle aspects of these programs often pit union brothers and sisters against their local and other brothers and sisters. Some members are seduced into active participation by the opportunity to get paid to stay at home, get out of the weather or not work nights and weekends. Others become convinced these programs are beneficial even though the evidence indicates otherwise. We have already seen these factors create serious problems in some locals.

In summary, these programs:

- Blame the worker for accidents rather than identify the underlying cause.
- Aid carrier management in avoiding their duty to provide a safe work environment.
- Deflect resources away from fixing the real on-the-job hazards.
- Threaten union solidarity.
- Replace more effective labor-management or union-based safety efforts.

Instead of ignoring the issue or deflecting responsibility to subordinate bodies, the rail unions should follow the lead of other labor unions which have developed methods of addressing behavior based/modification programs.

One example is the Health & Safety Department of the Oil, Chemical and Atomic Workers Union (OCAW) which has developed a program for making improvements in their members' health and safety. The program is called *Triangle of Prevention* or *TOP*. TOP is designed to create effective safety systems which center on fixing the workplace, not the worker.

Another example is the United Steel Workers Health, Safety & Environment department which actively educates members about behavior-based safety programs and has developed a model for effective Joint Labor-Management Health & Safety Committees. Additionally, Ms. Nancy Lessin, a USW Safety, Health & Environment Activist from the USW Tony Mazzocchi Center for Health, Safety and Environmental Education, is available to conduct workshops explaining the shortcomings and dangers of behavior-based safety programs and the advantages of a union based safety model to rail union leaders and members. This workshop would be a valuable addition to UTU, BLET and other rail union regional meetings and training workshops.

The subordinate bodies and members of most rail unions justifiably expect their National and International officers to give them guidance and leadership in handling these behavior based "Blame the Worker" safety programs. These officers need to first educate themselves about the inherent problems in these programs and then provide the necessary leadership to educate their members and help guide them in creating effective union-based health and safety committees.