



# **Railroad Workers United**

***Solidarity • Unity • Democracy***

***The Rank & File in Action!***

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## **RWU Resolution in Support of Railroad Worker Whistleblowers**

**Whereas**, the current union strategy of relying on the government to police the railroad corporations and defend those disciplined and fired for reporting on-the-job injuries and workplace hazards has been shown to be a failure; and

**Whereas**, this failure is best exemplified by the fact that 7 of the top 10 worst whistleblower law breakers in the U.S. are now rail carriers; and

**Whereas**, the Federal Rail Safety Act (FRSA) whistleblower law is only available to a worker after the Department of Labor decides a case has merit, representing only a tiny percentage of the actual violations by the rail carriers; and

**Whereas**, workers are forced to file and conduct their cases as isolated individuals, lack information about the law, have no access to the case as it is developed by OSHA, and have no right to representation by legal counsel in the appeals process; and

**Whereas**, the organizations that represent railroad workers - unions - have been completely excluded from the process; and

**Whereas**, the rail carriers have appealed each and every time that a worker has won a whistleblower case, denying the worker the OSHA award and job reinstatement, prolonging the process for years to come; and

**Whereas**, the rail carriers - at any time during the appeals process - are allowed the option to effectively buy off whistleblowers with cash settlements and thereby eliminate any reference to the original OSHA finding of carrier guilt as part of the settlement; and

**Whereas**, the OSHA whistleblower punitive damage cap that can be levied against a rail carrier is set by law at \$250,000, not nearly enough to dissuade the railroads from violating the law; and

**Whereas**, the law has no provision to mandate a change in corporate policy and has no provision that the carriers educate their employees about the whistleblower law; and

**Whereas**, no individual managers or corporate boards have ever been disciplined - and apparently will not be - under the whistleblower law;

**Therefore, Be it Resolved** that RWU believes that the defense of railroad worker whistleblowers must be taken up by workers and their unions, not lawyers and politicians; and

**Be it Further Resolved** that RWU urge the North American rail unions to create a joint/cooperative task force/committee in order to use their combined powers in the collective bargaining process to codify whistleblower rights and safety provisions in labor contracts; and

**Be it Further Resolved** that RWU urges the rail unions to negotiate specific language that would ensure that a worker who has a legal whistleblower case pending will remain on the job, pending final outcome of his/her case; and

**Be it Further Resolved** that RWU encourage unions to fight for contract language that allows workers the right to strike in response to unsafe policies by the rail corporations; and

**Be it Further Resolved** that RWU urge unions to fight for the disciplining and firing of company managers guilty of enforcing anti-safety policies; and

**Be it Finally Resolved** that RWU encourage all whistleblowers to form a "Railroad Whistleblowers Network" (RWN) to not only aid and assist one another throughout the whistleblower process, but to work towards realization of the above-mentioned goals.

**Adopted by the RWU 5th Biennial Convention - Chicago, Illinois - April 1, 2016**