

## ***Commentary: Do As You Are Told! Now!!***

“File your grievances later. If not, you will be pulled out of service immediately for insubordination.” Those of you who have ever heard something to that effect, please raise your hands. Hmmm. That’s pretty much what I figured. I’m going to describe an admittedly bizarre hypothetical scenario, but please stay with me, as I assure you I’m going somewhere with this.

Imagine that you are about to step into some kind of chain link fence type cage for one of those anything-goes Ultimate Fighting contests. Before the two of you commence to “dukin’ it out”, your opponent puts a straightjacket on you. As your trainer tightens and buckles the straps, your opponent proceeds to handcuff your arms behind your back, shackle your ankles and blindfold you, but to ensure you do have some means to defend yourself, he/she will offer you your choice of a pea shooter or dart blowgun that you will have to clench with your teeth. Once the bell rings and the match begins, your opponent is free to pummel you mercilessly with chains, clubs, truncheons, brass knuckles, blackjacks, ninja sticks, etc.

Would you knowingly, willingly and/or voluntarily accept these terms of engagement before you stepped into the ring?! I didn’t think so. This may qualify as a slight exaggeration, but I respectfully submit those are the terms of engagement that we are forced to “accept” every day we report for “duty”, regardless of whether it is knowingly, willingly and/or voluntarily. Decades ago the carriers, through their government, set the “rules” defining how we can and cannot defend ourselves, with this virtual stranglehold unconditionally accepted by the leadership of our unions.

I know that things are pretty rough all over. If the contract-busting and union housebreaking we are enduring at CP Rail is not playing for you yet, I’m certain it will be coming to a terminal near you sooner rather than later, if allowed to fester unchecked. Space limits me from sharing this sordid saga in all its gory graphic detail, but suffice it to say that the carrier treats our Agreements as if they were written on toilet paper. Actually, that’s not fair, as even toilet paper at least serves a useful purpose.

What is the response of our unions? “We’ll hit them right where it hurts with bazillions of penalty claims”. I feel that our experience should clearly expose as a myth and fairy tale that penalty claims pose even one iota of deterrent when the carrier is hell-bent on busting the contract, and by extension, the union.

Depending on the grievance process to enforce our contracts is the equivalent of charging into “battle” (figuratively speaking) in the face of “heavy weaponry and artillery” with a “pistol” that when you pull the trigger, a big flag comes out that says “BANG!”. Most of the time when large volumes of penalty claims are submitted, they end up being negotiated or arbitrated down to a few cents on the dollar, or bartered to bring someone back who was probably unjustly fired in the first place. Even when they do end up paying a full basic day, the carrier still comes out ahead, saving on the benefits of the extra employees, whose work we or management performed. When you factor in the productivity gains from effortlessly imposing a virtual reign of terror on a demoralized workforce, flagrantly violating our agreements is a cost-effective way of doing business for the rail carrier.

These lopsided terms of engagement would not exist without the Railway Labor Act (RLA). The carriers shamelessly hide behind the “skirt” of the RLA, using it as a virtually impenetrable Star Wars like “force field”. The RLA is and will be the question of questions for railworkers in the face of the carriers’ intensifying assault on our safety and dignity, as well as our quality of life on and off the job.

In a previous Commentary (see The Highball, Spring 2013 “The Concessionary Landscape: How Did We Get Here?”) I highlighted the direct and/or indirect impact of past Presidential Emergency Boards on our

deteriorating conditions over the last 30-plus years to the present. Going back to the BLE-T's "threatened" national strike in the Fall of 2011, any seasoned rail veteran knew exactly how that was going to play out. We've seen this "play" a few times before. In the December 1st, 2011 statement from BLE-T National President Dennis Pierce, entitled "The Decision is Yours", he concludes stating, "I promised you as recently as September that we would put every ounce of our energy into the fight, and I can assure you that my promise has been kept. We have left no stone unturned, we have played out every scenario and we have tried to overcome every obstacle the carriers - and the system - placed before us."

We need to organize a long overdue structured democratic discussion amongst rail workers around the country to assess the history as well as the moral and ethical legitimacy of the restrictions imposed upon us by the RLA. Only then can it be declared that we have left NO stone unturned, played out every scenario and tried to overcome every obstacle.

***To be continued....***