

Metro North Pledges Safety: But Will the Company Be Law Abiding?

In December, Metro-North announced that it has implemented a number of changes in a supposed effort to prevent company retaliation against employees who sustain injuries on the job or report safety hazards and violations. The action comes after an Occupational Safety and Health Administration (OSHA) ruling hours before the MN statement. The incident in question dates to 2011 when the company issued disciplinary charges against a Connecticut employee who reported a workplace injury. The employee filed an initial Federal Railroad Safety Act anti-discrimination complaint with OSHA in April, 2012. An amended complaint was filed the following April *after the railroad issued additional disciplinary charges against him.*

“When employees, fearing retaliation, hesitate to report work-related injuries and the safety hazards that caused them, companies cannot fix safety problems and neither employees nor the public are safe,” said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. “In this case, the Metro-North’s conduct was deliberate and discriminatory, and we have assessed the maximum amount in punitive damages allowed under the law.” The company has been ordered to pay the employee a total of \$250,000 in punitive damages, \$10,000 in compensatory damages, and to cover reasonable attorney fees.

In addition to the company’s record of retaliating against employees who are injured or report violations, MN has been under the gun for a series of train wrecks and fatalities over the previous two years. The railroad was cited by the Federal Railroad Administration last spring for its dismal safety record.

As a result of all this, Metro-North claims to be turning over a new leaf. According to a company statement released at the

time of the OSHA ruling in mid-December, “The Metro-North of today has zero tolerance for discipline targeted against those reporting safety violations or injuries, and is expanding training for workers and supervisors on safety requirements and adherence to critical safety rules.”

This is not the first time that OSHA has awarded a railroad worker punitive damages suffered by a law-breaking railroad company. In fact, OSHA has found every Class One rail carrier in the U.S. guilty of violating workers’ rights to a safe workplace free from discrimination for reporting hazards and/or workplace injuries. And in every single case, the rail carrier has appealed the OSHA decision as a matter of course, in effect throwing out OSHA’s finding and remanding the case to the courts. With such brash claims about the company’s “zero tolerance for reprisals against workers” will Metro North have the unmitigated audacity to appeal this one? They have 30 days from the date of the ruling, December 16th. Stay tuned.



Can Metro North reform itself into a safe, law abiding railroad?