

Business as Usual = Defeat. Resist the Status Quo!

One objective of my commentaries over the last several years has been to share my personal vantage point from being a railroad worker for 40+ years. I've tried to combine my first-hand experiences and observations with facts that I've acquired, regarding labor history, politics and economics, along with the resulting analysis and conclusions I've arrived at. At times I've reported on our trials and tribulations at CP Rail. While it goes without saying that railroad workers all around the country have been catching hell in numerous ways, shapes and forms, I felt that the uber-aggressive determination to exponentially increase the rate of exploitation by CP's former CEO, Hunter Harrison (HH), was particularly ominous. I feared that if his efforts to obliterate decades of long standing terms of engagement at CP were successful, as he had been at the ICG and CN, this "cancer" could spread throughout the industry. Now that HH's "skills" are at the service of CSX investors, to my brothers and sisters working there: Forewarned is forearmed! This context merits an update on the situation at CP, in order to assess what I consider to be important lessons. What went down here serves as a virtual "poster child" for all that RWU stands for and is fighting against. For background info on this, refer to *The Highball*, Fall 2014 "Don't be Fooled by Candy-Coated Promises: Fight Back"; Fall 2015 "Unity-Solidarity-Democracy: Needed Now More Than Ever!"; and Winter 2016 "Operating Craft Unions are Helpless as HH Divides and Conquers at CP".

Kindergarten level divide-and-conquer methods have been utilized by all bosses vs. the workers since the dawn of the industrial age. Pit the unemployed vs. the employed; the workers at one factory vs. the workers at another; one union vs. another; the workers in one industry vs. workers in another; the workers in one country vs. the workers in another, etc. Though railroad bosses did not invent "divide-and-conquer", they have honed it down to a precise science in their little section of the universe, with a special shout-out to HH. Before I bring this sordid saga to the present, a little more info about CP's Section 4 notice is in order, as it is essential to this story. While some of you may be familiar with a Section 4, prior to the Summer 2015, I had never heard of it. It's a nifty little secret weapon, courtesy of The Railway Labor Act, that a carrier can utilize when the basic collective bargaining process, governed by Section 6 notices, is not working out as the carrier would like. After the SMART-TD decisively rejected H.H.'s "blood-money-for-anything-goes" TA by a 30-to-1 margin back in December 2014, CP went to the Surface Transportation Board (STB) with a heartbreaking tale of economic woe. Citing the need for improved efficiency in their business model, they needed to restructure wages and working conditions. In essence, they were demanding what would have been the equivalent of an \$8.00 per hour pay cut for anything goes, as opposed to the blood money raises that had been decisively rejected. This gun-to-the-head threat was used by the SMART-TD leadership to motivate for a second attempt at ratification, but the TA was once again rejected, this time by a 2-to-1 margin. The BLET leadership also used this threat to motivate their first attempt at ratification. With this threat posed, seduced by visions of dancing \$\$\$'s, along with an appalling lack of union consciousness, a majority of engineers gleefully ratified HH's vision, essentially stabbing their fellow SMART-TD union brothers and sisters in the back. Eugene Debs had to be

spinning in his grave. Shortly thereafter, the conductors were dealt another blow when the arbitrator ruled on the Section 4.

After 40 years in the industry, it takes a lot to faze me, but my jaw dropped when I read this. Legalese mumbo-jumbo aside, all rails should contemplate the implications of this excerpt from the pro-company arbitrator: "I am not bound by the terms of the collective bargaining agreements in effect. I have authority to modify work "ownership" rules, seniority rules, job assignment rules, and other labor agreement terms as necessary to permit implementation or an authorized transaction. My authority to modify labor agreements extends to effectuation of operating changes and coordinations that are directly related to, or flow from, the approved principal transaction. A modification of labor agreements is justified if it is necessary to the achievement of the public transportation benefits on which the STB's approval was based."

To that end, the arbitrator kept the wage scale intact but gutted major work rule agreements on a conditional basis, as it pertained to the specific business needs cited. Of course CP took the grey area and ran with it. With the engineers having just sold their work-rule agreements, to make it work CP essentially imposed the same conditions on the SMART-TD conductors under the cover of the Section 4 ruling. This resulted in a fair amount of toxic dissension as engineers were now making mongo blood money for selling their work rules, while these conditions were being forced on conductors being paid approximately 33% less. "What was the point of twice rejecting this agreement, when we are essentially working under it now, minus the blood money compensation?", some would justifiably grumble. As the resulting penalty claims were piling up, the union couldn't afford to take them to a Board because: 1) The union's financial resources were severely strained by a bazillion bogus investigations; and 2) in one major terminal, many conductors defected to the BLET in response to their LC advocating for the agreement. I'm sure that struck fear into HH at the time. The GC ended up working part-time. Because the SMART-TD GC was mandated by the negotiating committee to not even discuss the 10 hour day, at the beginning of this year an impasse was declared and the union agreed to binding arbitration, rather than roll the dice on a PEB under the Trump administration. In March, the arbitrator, under the cover of the BLET's shameless treachery, imposed the same agreement on the conductors that they had decisively rejected twice. The conductors at CP made a valiant stand for their dignity, safety and quality of life, but with the union leadership playing by the established rules, they were essentially set up to be slaughtered without resistance. How many more crushing defeats must we endure before we rewrite this script?

Mark Burrows has served as Organizer and Co-Chair for Railroad Workers United. He retired last winter after hiring out in 1974, working as an engineer for a combined total of 37 years for the Chicago North Western and the Soo Line/Canadian Pacific in Chicago, Illinois. He continues to be an active member of RWU and a contributing writer to this newsletter.

