In late Fall of 2019, workers at Canadian National (CN) mounted what was the longest rail strike in Canada in more than a decade. On November 19th, 3200 conductors, yardmen, and yardmasters went out on strike when contract negotiations failed to produce a result that was acceptable to the members. A strike vote taken in October revealed that an overwhelming 99.2% of them had voted to authorize a strike.

After a week on strike, a Tentative Agreement (TA) had been announced, when CN realized that the workers solidarity and their strike could not be broken, and that a government back-to-work order to bail the company out was not forthcoming. On November 27th, the parties penned a “Return to Work Agreement” under which – among other things – the strike period be recognized as time worked, so that benefits and entitlements accrue without interruption; that the union would be held harmless; and that the carrier would take no reprisal against any of the union’s officers or members.

As this issue of The Highball goes to press, the TA is being circulated around the system as workers vote on its contents. It is expected to be adopted. RWU will issue a full report and analysis once the results are released to the public sometime in January.

The strike had broad support across Canada, as the union made clear that the contentious issues were not financial ones, but rather those concerning safety of rail operations that had been placing the members – and Canadian society at large – in danger. Still reeling from the devastating rail disaster at Lac-Mégantic, Quebec of 2013 - in which that rail carrier attempted to blame the workers for the tragedy - Canadians understood the strike in terms of worker and public safety. The carrier had hoped to win public support for supposed propane shortages, but the union disclosed that the carrier had stocks of propane at the ready for needy customers. Farmers’ hostility was likewise mitigated and somewhat refocused upon their learning of the overwork, scheduling, and fatigue issues involved.

For years now, CN has been trimming its workforce to the bone under the rubric of Precision Scheduled Railroading (PSR). In many cases, the railroad had made such deep cuts to the ranks of trainmen, that the carrier was caught shorthanded due to severe winter weather, bumper grain harvests, and increased traffic flows through the west coast Port of Prince Rupert, BC, all of which have combined to delay trains and hamper fluidity of the rail system. Time and again, CN has expected its train crews to step up and work themselves literally to death in order to keep the railroad from a “meltdown.” While crews have the right under the contract to file rest on the road and be tied up by the 10th hour, and file rest in the yard and be tied up by the 9th hour, the carrier wholesale violates this agreement, resulting in exhausted and demoralized train crews. Ultimately, this strike was a venting of a frustrated workforce that had finally come to say, “Enough!”

The union - Teamster Canada Rail Conference (TCRC) – had proposed that its members have more time off work by improving contract language that would mitigate against crew fatigue and make for safer train operations. In the last two years, nearly a dozen TCRC members have lost their lives at CN and the other major carrier, the Canadian Pacific (CP). The union claims that the short staffing and resultant overwork and crew fatigue are a direct contributor to increasing fatalities, accidents and injuries at both railroad carriers.

Rail strikes are relatively frequent in Canada, but just like in the United States, workers are often hamstrung by labor law that allows strikers to be ordered back to work in short order, mitigating against their effectiveness. The rail carriers – both north and south of the border – have little incentive to negotiate in good faith as a result, knowing that the striking workers will soon be ordered to return to their posts. In this strike however, the Canadian Prime Minister opted to not intervene, and encouraged the company and union to reach a voluntary agreement. Thus, the CN was brought to its knees within a week.

Just prior to the inking of the TA on November 27th, the union released a voice recording of an interaction between a Chief Train Dispatcher and a train Conductor, in which the Conductor was pleading his case that the crew was unfit for duty as a result of overwork and fatigue, while the Chief Dispatcher was adamantly that they continue their tour of duty. Apparently, it had the desired effect of “blowing the whistle” on the carrier’s unsafe behaviors, being repeatedly played on television and spread on social media. This outrageous example of disregard for both safety and the union agreement appeared to be a powerful catalyst. Within hours the carrier would reach agreement with the union on a TA that addressed at least some of the union’s primary safety concerns. The voice recording is available on the RWU website under Campaigns – Stop Crew Fatigue.

NOTE: The major rail carriers and the rail unions in the U.S. commenced bargaining for a national contract on January 1st. With PSR now in full swing in this country, and the carriers likewise intent on further reductions in employment, look for safety to be a top priority in bargaining. US unions would be wise to start now in educating the public and political officials about the process and alerting them to the safety crisis at hand. Rail workers need to understand that the public, together with elected officials, can make or break a rail strike. Rail workers should consider candidates for office who will be sympathetic when push comes to shove. Because the Canadian brothers and sisters were not ordered back to work, CN workers were able to bring the carrier back to the table. Like them, U.S. railroad workers have immense power to achieve a safe, properly staffed railroad, complete with a two-person crew on every train, if we are freed up to exercise our power.