As this issue of The Highball goes to press, most rail unions have reached agreement on paid sick leave provisions with the Class One rail carriers in the United States. At least one carrier -Norfolk Southern - has reached agreement with all the crafts. The basic provisions are four (or four and one sick leave days: with three (or in some cases two) additional days obtained by converting already provided “personal leave days.” For sick leave usage, this turn of events may come as quite a surprise, given the harsh tone and combative posture the rail carriers had previously assumed on the question in national handling just a few short months ago. How do we account for this about face by the Class One carriers on the all-important question of paid sick leave for Railroad workers?

Traditionally, most rail workers - despite being union represented - had not received sick leave benefits from the rail carrier. And historically, this was not a major issue for the railroad workforce. Why? Because if/when a rail worker - especially one from the ranks of the operating crafts - wished to take time off work, s/he simply “marked off” for one or more (up to 30) days. No penalty, no questions asked. Granted, workers did not get paid. But this significant arrangement for many, was one of the great benefits of a railroad job, and allowed workers the ability to control their own work life, working when they wished, and likewise, refraining when desired.

Now enter Wall Street’s lean and mean production of recent decades, then “Precision Scheduled Railroading (PSR),” all emphasizing job cuts and combinations, backed by draconian attendance policies to make those remaining employees work more shifts and longer hours. Railroad workers lost their great benefit (it was unfortunately, not contractual) and gained nothing in return. It was in this context that paid sick leave really became an issue - and a rallying cry - in this last round of bargaining, as untenable work requirements and harsh penalties for “excessive mark-offs” had been brutalizing the workforce.

So, the battle lines had been clearly drawn in the late summer of 2022 when Presidential Emergency Board (PEB) #250 was announced, it refusing to address the issue, and recommending just one single additional “personal leave day” for all personnel. Feeling dejected and betrayed, most workers from all crafts were ready to strike for better. Where unions polled their members, the results were overwhelmingly in favor of strike action. Railroad Workers United’s informal poll of 3000 across all crafts showed similar results.

However, union officials of most unions capitulated without a fight in the weeks following the PEB announcement, settling for a “Tentative Agreement” (TA) based on the PEB recommendations. RWU issued a formal statement in opposition, urging all union members to vote NO on any such contract proposal. Then the unions of the operating crafts – who had appeared to be holding out – capitulated after an all-night “bargaining session” and agreed to a deal brokered by President Biden and Labor Secretary Walsh that supposedly granted “sick time” but did in fact grant no such thing. Once again, RWU urged a NO vote on that TA, and pushed for strike action upon contract rejection. Throughout the Fall of 2022 – while union officials from every union urged members to vote yes while extracting every last wish of the PEB – the rail unions capitulated. Alternative media picked up the story, soon followed by the mainstream, and then the floodgates opened. RWU soon had developed a Media Outreach Committee of 15 members and recruited other working railroaders to speak out as well. Due to a herculean effort, RWU ensured that the voices of railroad workers were heard loud and clear. Countless workers and citizens were inspired by our struggle and rallied to the cause. Like us, they were outraged when the President and Congress thwarted our right to strike with legislation. Meantime, the rail union officials sat on the sidelines and did not utter a word, not a single “leader” objecting to the government’s action.

But the movement that galvanized around the issue was still on the ascendency as the year drew to a close. Rail carriers and politicians alike now had a black eye for their hardball approach to the rail workforce. RWU had helped to expose the industry – its furloughs and layoffs resulting in short staffing, the chronic fatigue and overwork, the lack of time off upon penalty of discipline up to and including termination, the dissatisfied shippers, the delays to passenger trains, the compromises to safety and all the rest while the carriers engaged in mass stock buybacks and reaped record profits while moving far less freight than a generation earlier. Seizing on the historic opportunity in front of us, RWU threw everything we had into the fight and into the effort to expose and discredit these modern day “Robber Barons.”

Despite the government’s breaking of the strike (not unexpected, as the government has done so one way or another for more than 150 years), enormous pressure was brought to bear on Congress to legislate a solution to the staffing crisis. It is in this context that the Class Ones did a 180 about face and have engaged the trade unions in bargaining property-by-property for paid sick leave, bearing fruit in a matter of a few months. What had not been possible for more than two-and-a-half years in national handling (not a single day of paid sick leave) was achieved in short order now, the carriers conceding 4 or 5 paid sick days with options to convert additional “personal leave days” as well. The point here is this: The Class Ones did not change their tune because they suddenly became humane, moral, or decent. They did not bargain sick leave provisions because they suddenly understood the importance of it to the health and well-being of their employees. And they certainly did not bargain it because of union officials’ prowess at the bargaining table (we saw how ineffective that had been for the previous 2.5 years already).

No, the carriers were brought to heel because working railroaders raised hell, went public, fought back, won allies, gained favorable media coverage, defied the carriers along with the wishes of the PEB, the politicians, and the union officials. Had we not, the carriers would have had no incentive whatsoever to bargain sick time, period. The proof is that, in the absence of this workers’ movement, the three years previous of behind-closed-doors bargaining had produced nothing. In the face of such an uprising – fearing that the Congress just might foil legislation upon them with more generous terms and conditions for the workforce – the carriers relented, accepting some limited paid sick leave provisions, now posturing in front of God and everyone to appear reasonable and responsible, while just a few months earlier they were ready to risk a national rail shutdown before agreeing to even a single day of sick leave.

Going forward into the next round of national bargaining in 2024, what lessons can we draw from this fight?

1. – National handling must be brought out into the light of day, so all union members know what is going on week-to-week, every step of the way.
2. – The membership must be polled, consulted, and involved at every step of the bargaining process.
3. – The union officials must lead and organize member actions throughout the course of bargaining.
4. – New health & safety rules must be put in place in a PEB, regardless of who is President.
5. – Do not trust any politicians from any political party to come to our aid and assistance.
6. – Do not accept the union officials’ claim that “this is the best we can get.” If you believe you deserve more, vote, and raise hell.
7. – All unions must come together and bargain as a single, united, and indivisible, ironclad bargaining coalition from Day One.
8. – No union/craft breaks rank. None settles until ALL unions/crafts settle.
9. – Join Railroad Workers United, help build unity of all rail labor, and get involved in the fight for a good contract in the next round of national bargaining.
10. – Ultimately, to win the working conditions and the railroad we as workers want, the rail industry must be brought under public ownership like the rest of our transportation infrastructure. Get involved in the effort to make the rails public.