

The Highball

Official Publication of
Railroad Workers United

Fix the Hazards, Don't Blame the Worker!

Given the record number of fatalities that the nation's railroad's have racked up in recent months, RWU has decided to focus this edition of the newsletter on safety. The carriers' mass layoffs, short staffing, job combining, working rails out of craft, and the resultant crew fatigue and added stress has taken its toll on railroaders. Because the carriers' "behavior-based safety" programs focus on individual behaviors and ignore these systemic causes of accidents and injuries, they are practically worthless and even harmful in recessionary times.

For the past year now, RWU has been agitating around the whole issue of building union based safety instead of behavior based safety. To these ends, RWU has adopted a resolution on safety, published a bi-fold leaflet, produced a video, and put together a "tool kit" for those railroaders who are interested in fighting these sham safety schemes and building instead real union-based safety programs and committees. All of this information is available on the RWU website at: www.railroadworkersunited.org.

In this, the Summer 2009 issue of The Highball, RWU Secretary Ron Kaminkow considers the prospects of UTU-BLET unity once again, and ana-

lyzes what must be done to make it stick. (See below) RWU Co-Chair Jon Flanders summarizes the recent tragic death of Brother Jared Boehlke in Selkirk, NY and the "Black Shirt Friday" organized by RWU in response (Page 2). RWU Co-Chair Ed Michael reviews the Union Pacific's betrayal of their own "Total Safety Culture" program (Page 3). RWU member Robert Hill takes a critical look at BNSF's latest BBS program, WPO (Page 5). On Page 6 we have reproduced the full text of the RWU Resolution on Safety. Finally, our Commentary this issue, entitled "It's Time for Real Safety!" appears on Page 7.

Before any more of our fellow workers are killed, we say, "*Fix the hazards, don't blame the worker!*"



UTU & BLET Again Talk Unity - Let's Build the Spirit!

Ron Kaminkow, BLET #51 RWU Secretary

On June 12th, the Brotherhood of Locomotive Engineers and Trainmen (BLET) and the United Transportation Union (UTU) filed a joint petition for an emergency order with the Federal Railroad Administration (FRA) seeking to prohibit the use of one-person train crews, whether they be remote control or conventional. Among other things, the FRA is told in the petition, "The evidence shows that no conditions exist where a lone engineer or remote control operations are safe." RWU applauds these words and commends UTU International

President Mike Futhey and BLET National President Ed Rodzicz.

But we have seen these proclamations of solidarity in the past, only to see the new found spirit of unity degenerate soon thereafter. The carriers first raised the specter of single employee operations in 2004 when they attempted to replace the crafts of conductor and engineer with the craft of "transportation employee" and run trains with a lone worker. At that time, countless T & E were shocked and outraged at the carriers' irresponsible and reckless attitude.

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“Black Shirt Friday” A Time to Mourn and to Organize!

Jon Flanders, IAM #1145 RWU Co-Chair

Selkirk, Albany, New Jersey, Buffalo, Cleveland, Brooklyn Junction, Grafton, Parkersburg, Huntington, Cumberland ... across the railroaders territory of the USA, the word about Black Shirt Friday, June 19, 2009, spread like wildfire.

Initiated by Railroad Workers United as a response to the mounting fatalities on the nation's railroad system, Black Shirt Friday succeeded to bring railroaders together in solidarity in a way not seen for many years. The activity was particularly focused on the death of Jared Boehlke, a UTU conductor killed while operating a remote control locomotive in the Selkirk, NY yard, when he was ordered to repair a car coupler alone. That same week, signalman John Pichalski Jr. was killed while repairing a broken rail crossing structure. In both instances, the rail workers were killed while working alone, the result of the carriers' excessive cutbacks in personnel.

Railroaders are fed up with phony management "safety" programs that focus on worker behavior and not on hazard elimination. RWU has been campaigning for over a year to reorient joint management - union safety programs toward a focus on hazards, not behavior. The recent wave of layoffs and furloughs, short staffing, job elimination and workers forced to perform their tasks alone all are factors which underlie and contribute to the spike in

fatalities in the past year.

In the press release RWU put out calling for a Black Shirt Friday, RWU pointed out that "Unfortunately, the rail carriers have continued to emphasize worker behavior over hazard elimination. As a result, the carriers tend to downplay, overlook, or ignore altogether the problems and hazards that are created by management practices. Job cutbacks, job combination, and massive layoffs have left too many rail employees working without the extra support and assistance needed in places like dangerous classification yards where Jared Boehlke met his death." In Albany, NY, just outside of Selkirk, the Albany Times Union and WTEN TV news covered the Black Shirt Friday action.

While the action focused on Selkirk, railroaders in dozens of terminals participated, distributed flyers and posters, and wore black to work. As RWU member and track worker Ron Friend observed, "There is more brotherhood and solidarity than many would care to think."

The urgency of the question of rail worker fatalities exploded once again in late June with the devastation caused by the Washington DC Metro rail disaster that killed conductor Jeanice McMillan and nine passengers. As the investigation here develops, it

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Railroad Workers United

Railroad Workers United was organized in April 2008 at a Founding Convention in Dearborn, MI. RWU grew out of decades of struggle within the craft unions for unity, solidarity, and democracy. We are carrying on a tradition of rank-and-file activity which dates back to the 1890s and the time of Eugene V. Debs.

RWU is a cross-craft inter-union caucus of rail labor activists across North America. All rail workers of all crafts from all carriers who support our Statement of Principles are welcome to join in our efforts. Please write, call or email the address below.

Statement of Principles

- *Unity of All Rail Crafts*
- *An End to Inter-Union Conflict*
- *Rank-and-File Democracy*
- *Membership Participation & Action*
- *Solidarity*
- *No to Concessionary Bargaining*

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International Steering Committee

| | | | |
|-------------------------|-----------------------|--------|-----------------|
| Jon Barron | UTU #662 | CSX | Richmond, VA |
| Ron Davison | UTU #194 | CP | Elkhart, IN |
| Steve Desavouret | TCU #6608 | CN | Chicago, IL. |
| Jim Eubanks | UTU #656 BLET #182 | UP | Little Rock, AR |
| Jon Flanders | IAM #1145 | CSX | Selkirk, NY |
| Ron Kaminkow | BLET #51 | Amtrak | Reno, NV |
| Brian Lewis | UTU #239 | UP | Oakland, CA |
| Ed Michael | BLET #724 UTU #979 | UP | Salem, IL |
| Hugh Sawyer | BLET #316 | NS | Atlanta, GA |
| Matt Weaver | BMWED #2624 | CSX | Toledo, OH |
| Chet Whyers | UTU #979 | UP | Salem, IL |

Union Pacific St. Louis Service Unit Ignores Principles of Safety Program

Ed Michael, BLET #724/UTU #979 RWU Co-Chair

The arbitrary discipline policy of the St Louis Service Unit which finds employees responsible for things outside their control flies in the face of the principles of the Union Pacific "Total Safety Culture" (TSC) program. Service unit management insists on disciplining train and engine employees for incidents that occur outside their control and/or for which they have no responsibility.

"Total Safety Culture" is a behavior modification safety program which the UP has spent an untold amount of money in purchasing and implementing. The UP has spent a lot of money to send every employee to a one-day TSC class. They readily admit that past efforts at building safety programs have had a lot of "baggage" and mixed results. Those, such as FTX, (Field Training Exercise) have morphed into what is now used as a gauge of managers' actions to force rules compliance by assessing discipline.

On the St Louis Service Unit, local managers are disciplining employees for actions not under their control. These discipline decisions are diametrically opposed to the tenets of the Total Safety Culture program. What does TSC have to say about such situations?

The TSC training presentation says:
Hold People Accountable for Things Within Their Control

When individuals are held accountable for things outside their control:

- Motivation is decreased (Consequences are uncertain)
- Personal (Dis)stress is increased

In a concluding list of questions meant as a review, we find this question which obviously is supposed to be answered "false".

"Total Safety Culture holds people accountable for things outside their control. "

A. True B. False

Union Pacific's upper management has, in the past, proclaimed a complete, unequivocal commitment to the values of the Total Safety Culture program. But as we have often seen, as these programs are implemented by local management to employees on the job, the commitment becomes one of just lip service. Actual local conditions remain the same or may even deteriorate.

It is a shame to stand by and watch as all those resources spent on Total Safety Culture are wasted.

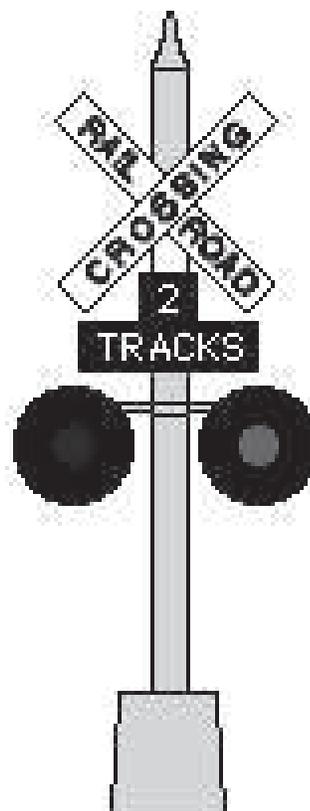
The real shame is that they could have been employed in making truly beneficial changes in employee safety.

Towards the close of the TSC presentation, we find this "description" of Total Safety Culture:

Total Safety Culture - Employee Owned and Driven
Builds Trust
Accountability
Mutual Respect

UP management bought and paid for this program. It is unfortunate that management mocks such noble proclamations. Actions truly speak louder than words.

Total Safety Culture - like all Behavior Based Safety programs that blame the worker rather than focusing on hazards - is a sham. TSC employs the rhetoric of labor-management cooperation, union participation, and worker empowerment. But like all other BBS programs, once implemented TSC is just one more "safety program" created and driven by management that places full responsibility for all accidents and all injuries upon employees, even those that are completely outside of their control.



Building the Spirit of UTU -- BLET Unity

Continued from Page 1

Before winter was over, an organization called ROCU -- Railroad Operating Crafts United - was organized, and campaigned around the slogan "A Minimum of Two Employees on Every Job -- Road and Yard."

It took the UTU and BLET a full 15 months to finally catch up and issue a statement of unity in defense of the operating crafts. And despite the bold words and valiant proclamations, this truce would last little more than a year. All that fancy language of solidarity between UTU President Paul Thompson and BLET President Don Hahs was long forgotten by Spring of 2007. In its stead we saw a return the same old name calling, back stabbing, backroom deal cutting and union scabbery. The "craft war" between the two reignited with a passion as the two were unable to maintain a united front in bargaining with the carriers in national handling.

So while filing petitions with the FRA makes a fine start, RWU encourages the BLET and the UTU to go much further. We have thousands of rank-and-file members who are fed up. Engineers who saw their jobs sold down the river to RCO, trainmen who are now forced to use this unsafe and dangerous technology. Road conductors whose jobs are threatened by the carriers' repeated calls for single employee road trains. Engineers who are concerned about working the next thirty years all alone in the cab of a locomotive ten and twelve hours a day. These members are the base of the unions' power and we need to unleash their anger and frustration. They must be invited into this struggle.

Perhaps the union should call for a demonstration at FRA headquarters, or informational picketing at rail terminals around the country. We need to use our members to get the word out to the public, tell them our side of the story and put the carriers on the defensive. The Obama election showed the power that comes with mobilizing masses of people. We need a similar mobilization of rail labor to put some teeth into these fine statements, proclamations, and petitions.

RWU supports the greatest possible cross craft unity and solidarity between the BLET and the UTU, in fact, between all of rail labor. And it is our belief that the majority of the rank-and-file of our respective rail unions agree on this point. Therefore, we need to take the initiative and build upon the foundation

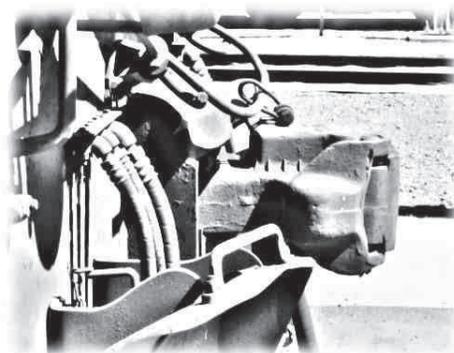
for unity which has been laid by the UTU and BLET officials. We cannot afford to allow the dissolution of this newfound solidarity to take place like the last time a few years ago.

So what can we do?

1 - Rank & file rails must hold our union leaders feet to the fire. We must continue to push for solidarity and unity and demand that our unions stick together on this vital issue. Specifically, write, call, email, and fax your union leaders and thanks them for their stance on single employee operations. Let them know you expect them to keep this up, keep them informed and build on this spirit of unity.

2 -- Build unity at the local level. Consider passing resolutions in your local or division that mimic the BLET-UTU petition to the FRA. This will serve to back up the actions of your International to the FRA and also serve to remind your International that your local expects union officials to stand firm. All rail union members, even those not directly related to this issue should jump in. We are all affected when the operating crafts and not united. All crafts should join ranks around this issue and work to develop and grow this spirit of solidarity to include all railroad workers and all rail unions. Consider building cross-craft coalitions at the local/terminal level.

3 - Rails need to pressure our union leadership to enter a grand bargaining coalition of all rail labor later this year to ensure that our solidarity on issues such as single employee operations is not fractured at the bargaining table. The frail unity that was forged last time on this issue was dealt a swift and mortal blow a few short months later at the bargaining table when the carriers were able to play one union off against the other to the detriment of both. Let's not let this happen again. RWU suggests "One BIG Bargaining Coalition" of ALL rail labor to stave this off and present a solid united front against the carriers this round of bargaining.



On BNSF, More Behavior Based Safety

Robert Hill, BLET #758

This year yet another new "safety program" was unveiled by a major carrier, this time BNSF. But let's start with BNSF's "Safety Vision":

"We believe every accident or injury is preventable. BNSF's NW Division will achieve a change in our safety culture by:

"Recognizing all employees, exempt and scheduled, contribute to the success of OUR division

"Recognizing change is difficult, but TOGETHER, we can identify and reduce risk in our day to day tasks.

"Recognize that TOGETHER, WE have the ability to make a difference in our approach to safety."

I see a lot of WE and TOGETHER above, but it all boils down to YOU and what YOU DO and not the surrounding risk associated with walking conditions, equipment, work environment, etc. The WE's and TOGETHER look great on paper but the realities are if the company can get US to point the finger back at ourselves, this will set a precedence and opportunity to attack FELA and provide less opportunity to protect ourselves with safeguards in the future. A truly joint effort (TOGETHER) would include workers as equals in the process, utilize union based safety programs and empower workers to report unsafe hazards and conditions that exist knowing their concerns would be taken seriously and be addressed by the company.

Black Shirt Friday

Continued from Page 2

appears that once again it was not worker behavior, but underlying hazards beyond the control of that worker which were responsible for the wreck and the fatalities.

Organizers of Black Shirt Friday staged the event in order to raise awareness of safety issues, focus attention on hazards, and get workers involved in the struggle for safety on the railroad. As a side effect, the Black Shirt Friday may have had a positive impact upon BLET -- UTU relations. Shortly after the BSF announcement, the two operating craft unions took a major step towards unity when they announced that they had filed a joint petition with the FRA to put a stop to one person operations. "The evidence shows that no conditions exist where a lone engineer or single person remote control operations are safe...." was the conclusion reached by the joint petition of the two organizations. (see related article, bottom of Page 1, this issue of *The Highball*).

There is perhaps one thing I have learned through my time with this industry is that the carriers consistently create confusion and last minute intimations to push through their agendas and unfortunately some union representatives at the local level look at their own agenda and how they will look to the company rather than stand for their members. This is where we need our International unions to come to our aid and support, to assist us to prevent these kind of programs that infiltrate our work place. As members we don't have to volunteer to participate in behind your back tactics and data collection for the carrier.

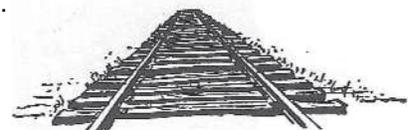
Risk Identification Process (RIP)/ Work Practice Observation(WPO)

RIP is designed as a craft, or "peer-based" process to measure the effectiveness of compliance with work procedures that have the potential to produce injuries. RIP process is developed as follows:

1. WPO/RIP participation decided at craft specific union meeting
2. Local safety site team agrees as outlined in safety summit agreement
3. Union leadership selects craft employee participants
4. The safety team selects 5 highest priority injuries within 3 years
5. Observed work practices of concern selected for problem solving

Each local site safety team selects a WPO/RIP coordinator to train, gather, and calculate observations to determine work practices that exceed the desired safe level. Observers would call in results to a voice mailbox on a daily or every other day basis.

We were told from the beginning this was a employee based program meaning it was developed somewhere by an employee. I've heard Nebraska, I've heard it was somewhere in Kansas? Who started this thing that the carrier does the training and has complete control over its implementation? And which only looks at members behaviors, not hazards? I would like to know what union member or group that developed this program, if there is such a person or group, I would like to confirm that this was indeed an employee based program and WPO wasn't simply purchased from BST (Behavioral Science Technology) or copied from the Union Pacific's Total Safety Culture.



RWU Resolution on Building Real Rail Safety

Adopted by the RWU Steering Committee September 2nd, 2008

Whereas, many currently existing joint "safety committees" and safety programs that are composed of representatives of both rail management and rail labor are, for the most part, designed solely by the carriers; and

Whereas, the model that these committees and programs primarily adhere to is one based upon a concept known as "Behavior Based Safety" (BBS); and

Whereas, this model of safety does not address the most important means by which we can successfully create a safe workplace; i.e., the elimination of workplace hazards; and

Whereas, BBS programs do nothing to address the problems at their origin, which are corporate, managerial and regulatory designs and decisions that may actually be the root cause of a number of workplace hazards; and

Whereas, while the carriers are content to advocate a BBS approach, this strategy simply serves to save the company money while doing nothing to address real issues that we as workers face everyday - inadequate new hire training, lack of adequate qualifying time, crew fatigue, faulty equipment, slip-trip-fall hazards, etc.; and

Whereas, a genuine "union based" rail safety program would be a cooperative effort between members of all rail unions, where both worker behavior AND hazard elimination are given due consideration; and

Whereas, the focus has always been on worker behavior, and despite worker participation in safety programs, management continues to spy on, harass, discipline and fire, leaving countless rank-and-file rail workers cynical, bitter and resentful about the carriers' safety programs; and

Whereas, as a result of this, numerous union locals of the various crafts across the continent have withdrawn in disgust and protest from such joint union-management safety committees altogether; and

Whereas, much of organized labor - including the AFL-CIO and large industrial unions like the Steelworkers (USWA), Auto Workers (UAW) and Transport Workers Union (TWU) have condemned BBS as a fraud, gimmick and union busting tool that only benefits the company to the detriment of union solidarity and real worker safety;

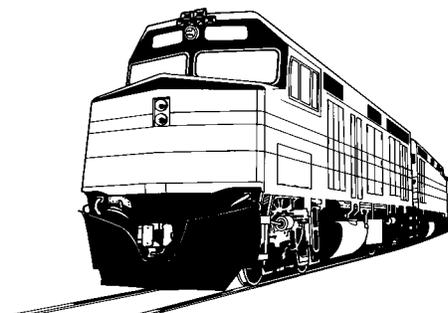
Therefore, be it Resolved, that Railroad Workers United condemns Behavioral Based Safety as a detriment to union members' safety and union solidarity, designed to only benefit the company; and

Be it Further Resolved that RWU urges rank-and-file union members to build independent, union based safety committees that are accountable to their members: and

Be it Further Resolved that RWU advocates the building of genuine union operated safety committees which address hazard elimination, not just worker behavior; and

Be it Further Resolved, that RWU calls on the various unions to stand united on this vital issue of safety and refuse to allow management to pit one member, one craft and/or one union against another in our efforts to build such programs on the various rail properties throughout North America; and

And be it Finally Resolved that a copy of this Resolution be forwarded to the International officialdom of all rail unions in North America



COMMENTARY: *Escalation of Rail Fatalities; It's Time for Real Safety*

Sounding the alarm as early as March, the Federal Railroad Administration (FRA) urged all rail carriers, rail labor organizations, and rail workers to take action to reverse an alarming trend - rail fatalities escalating out of control. The FRA took note of the fact that the year 2008 had already witnessed a reversal of a downward trend with a high of 19 fatalities, and that by March of this year, seven employees had been killed. Despite "asking all rail employees for their help in reversing this trend," before May was over the number of dead had nearly doubled, to 12 killed.

The FRA issued some sound advice to rail workers: Maintain your situational awareness at all times; have thorough and complete job briefings and always ensure that all are aware of the work to be performed; make safety your first priority, and comply with all operating rules and federal regulations. And remember your rights to utilize "the railroad's empowerment policies and good faith challenges that are afforded to you by regulation." Hinting that the root of the problem might lie at the doorstep of the carrier, the FRA notes that, "If a culture exists whereby workers feel they are put in situations where they are making poor decisions for fear of losing their jobs, we must work together to change this culture."

Unfortunately, the FRA stops short and simply advises us that, "As individuals, we have a responsibility to maintain a safe work environment..." Once again, the FRA has focused solely on individual worker behavior and is letting the carriers off the hook. The FRA should consider another option - outlaw behavior based safety programs and in their place, mandate that the carriers and the unions meet as equals to build real safety programs which empower the workforce. They should develop programs that tackle the root cause of accidents, injuries and fatalities. These programs must focus on hazard elimination rather than blaming workers.

Even a quick glance at some of the recent fatalities should show even the casual observer that the drastic increase in fatalities can be linked to carrier actions. The recent economic downturn has resulted in massive job cuts. In many cases, the carrier has eliminated jobs out of proportion to the downturn in traffic levels, resulting in trimmed extra boards and pools, chronic crew fatigue, doubling up on work tasks, short staffing, etc. In this environment, it is easy to see how safety can take a nose dive. And since management's behavior based safety pro-

grams do not speak to these vital issues (adequate staffing, proper rest and time off, and other elimination of hazards), when fatality numbers go through the roof, they have no way to explain this disturbing trend - except to blame the worker even more. Considering that we are in the midst of a recession that has seen dramatic drops in freight traffic and deep cuts in rail employment, one would expect a concomitant decline in employee fatalities. Because the opposite is in fact the case, it is an indictment of all these carefully honed behavior based safety programs. Despite their rhetoric about "Safety First", it is obvious that in the face of this deteriorating situation that maintaining "profits first" is the number one goal of the company.

Unfortunately, the carriers and the FRA are not the only ones who are focusing strictly on behavior-based safety programs instead of hazard elimination. Instead of helping us lobby the FRA for development of effective safety programs, our union leaders have too often become willing participants in the creation of "pilot" behavior-based safety programs. When rank-and-file members or locals ask for help in combating problems with local BBS programs, they defer their responsibilities to others. All too often it seems they are more connected to the carriers' desires than they are to their rank-and-file members' needs. Unfortunately, they often claim to be too busy to take the time to truly educate THEMSELVES about behavior-based safety programs.

It is time for us to draw a line in the sand. It is we who do the work. It is we who move the nation's freight and passengers. It is we who work short staffed, who work without proper rest and time off, who are compelled to work without proper training and preparation. And it is we who die as a result of the carriers' negligence in providing a safe workplace. We are fed up with the carriers' pseudo-safety programs that point the finger at us for all that is wrong. Enough of these meaningless slogans, such as that of one major carrier, which in an Orwellian style campaign bombards its employees with a mantra to recite: "I will not get hurt. I will not hurt others. I will not allow others to hurt themselves."

From our point of view, there is a better way of looking at safety in the workplace: "I will not let the company hurt me. I will not let the company hurt others. I will not allow others to be hurt by the company!"

Yes, it is high time for REAL safety!



Railroad Workers United

Membership Application

Railroad Workers United needs you! If you believe that our unions should fight the carriers and not each other, then RWU is for you. If you believe that the carriers' "Behavior Based Safety" Programs do more harm to us than good, and If you want real union-based safety committees built upon cross-craft solidarity and rank-and-file control, then RWU is for you. If you want to help reform Railroad Retirement; if you wish to see an active, informed and mobilized union membership -- of all rail labor -- then RWU is for you. Please fill out this Membership Application form and mail it in today!

Sign Me Up!! *I want to join and help RWU build labor unity, democracy & solidarity!*

Name _____

Address _____

City _____ State _____ Zip _____

Phone _____ Cell Phone _____

Email Address _____

Union _____ Local # _____ Employer _____

Terminal _____ Craft _____ Years of Service _____

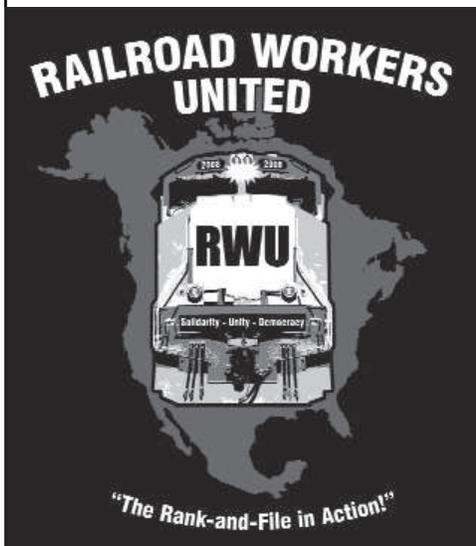
Union Position (if any) _____

I'd like to join for (check one):

1 year \$50.00 2 Years \$90.00 3 Years \$120.00

Clip and mail together with your dues to:
RWU P.O. Box 1053 Salem, IL 62881
 OR join on-line at www.railroadworkersunited.org

Get Your RWU Union-Made-in-the-USA T-shirts and Hats



T-shirts now available in Black or Gray in S, M, L, XL, 2XL, 3XL, or 4XL. RWU logo at left is on the front of the shirt.

Hats are available in Black, Gray or Red, one-size fits all. RWU Logo on the front is stitched embroidery.

Both T-shirts and hats are union made in the USA, 100% cotton and include the RWU 4-color logo.

T-shirts and hats cost \$20.00 each (\$15.00 for RWU members).

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Make your check to RWU and mail with your order to:

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OR

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