Coronavirus Shines Spotlight on Rail Carriers' Archaic Policies

In recent decades, the big rail carriers have promulgated harsher and more draconian attendance policies that their employees must live and work under. Railroad workers are subject to severe discipline up to and including termination should they dare – under most any circumstances – to violate such policies. But this is just the tip of the iceberg. To add insult to injury, the rail carriers have concluded that – contrary to labor law – the subject of such policies is not a mandatory subject of collective bargaining, something legally to be negotiated with the workers' unions. And to top it all off, when workers in Train & Engine (T&E) service and other crafts "mark off," they do not even get paid, since most T&E workers in the U.S. receive absolutely NO paid sick leave!

Enter the Coronavirus. With the pandemic spreading by leaps and bounds across the continent, government agencies and private employers alike have been drawn into the fray, with authorities at all levels making pronouncement and issuing proclamations. However, when it comes to the railroad industry, it seems that the response of the major rail carriers and the regulatory agency – the Federal Railroad Administration (FRA) – misses the mark. The FRA has taken what it calls an "all-government" approach to the crisis, effectively a "hands off" attitude, issuing not a single guideline or regulation for the industry. On March 14th, Administrator Ron Batory did issue a "Declaration of Emergency Situation", but this edict appears to allow the rail carriers to appeal for a relaxation of rules under which it must operate. As for the carriers, all have issued guidelines and expectations for employee conduct in the face of the crisis. But in most cases, their edicts appear more concerned with protection their operating ratio, displaying a complete disregard for not only their own employees' health and well-being, but for that of the entire nation.

At the nation's third largest railroad CSX, workers are getting mixed messages from the carrier. "At CSX, our top priority is the safety of our employees, their families and the communities where we operate," said Sheriee Bowman, a public relations manager at CSX. "The company is closely monitoring the spread of the novel coronavirus COVID-19 disease and have taken preventative measures to safeguard our people and operations."

The systemwide policy released by the carrier the second week of March states that if infected, employees are to stay out of work and seems to suggest that failure to go home and stay home could result in discipline. "Violations of this policy are taken seriously and will be addressed pursuant to CSX's discipline policies and practices," the guidance reads. "If you violate this policy, you may be subject to discipline, including discharge." Yet simultaneously, Bryan Tucker, Vice President of Corporate Communications stated: "There aren't any changes to the attendance policy. We expect people to follow the normal protocol." (Note that in recent years, numerous employees have sued CSX, accusing the carrier of violating their rights to take time off work due to medical issues as provided for under the Family & Medical Leave Act (FMLA).

This "steer the course" attitude is all too prevalent on the nation's railroads. To effectively combat the pandemic, a few simple measures would go a long way to contain the spread of Coronavirus:

- Temperature testing of employees who arrive at work with an elevated temperature, with employees sent home as necessary.
- Paid time off – for a two-week minimum period - for those workers who have been diagnosed with Coronavirus or has been quarantined.
- Recall to service countless furloughed employees as is necessary to provide adequate and proper staffing until the crisis over.
- Ensure that hand washing facilities and sanitizer and disinfectant wipes are readily available and conveniently located throughout the workplace.
- Properly cleansing and disinfecting all shared workstations, including locomotive cabs and restrooms.

Given its nature, the rail industry has the potential to facilitate the spread of the disease to all parts of the continent. It is one of the wealthiest in the U.S and Canada, with the means to easily undertake the actions listed above to safeguard its workers and the nation. Failure to do so represents a betrayal of not just those workers, but a failure to live up to the responsibility granted to it by society. It is a sad day when Kentucky Fried Chicken takes necessary measures that the rail industry refuses to.