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Ukraine

# Why work-to-rule is a mobilising act on Ukraine's railways

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**In May 2018, Ukraine's railway workers took an unprecedented stand against deathtrap conditions. Six months on, I went to find out what's changed.**

In early summer 2018, Ukraine's railway workers held a mass work-to-rule action - strictly observing official quotas and safety instructions.

Across the country, drivers refused to complete routes on the grounds that their engines were not fit for operation. Employees at Ukrainian Railways, Ukraine's state-owned railway company, demanded a wage rise, a return of pension benefits and guarantee of safe working conditions.

Six months after the action started, I visited some of the railway depots that drove this protest to find out what's changed.

## Technical faults

The engine pulls out smoothly, dragging freight wagons filled with cement. Through the dirt-smeared front windshield, Kyiv's already depressing industrial landscape looks even bleaker. The driver's assistant tries to turn on the windshield wipers, but they barely move.

"Just imagine if we had snow, the whole windshield would be covered and you'd have to drive blind," the driver's assistant tells me over the roar of the engine. "This is a real risk to safety on the line."

According to the assistant, the roar isn't normal, either. The external door doesn't close properly, and therefore the sound can't be reduced. Sometimes, driver teams don't hear orders via the radio, which also appears to hardly work.

Driver Serhiy and his assistant Oleksandr work out of the Darnytsya depot on Kyiv's left bank. On 13 May 2018, this depot started a work-to-rule action, whereby employees come to work, but strictly observe instructions that are usually ignored. Given that work in risky environments can be governed by a number of rules, observing them can slow down or completely halt work. This is what happened at Darnytsya, where driver teams refused to take trains out on the line due to their mechanical state.

The next day, railway depots at Kremenchuk, Kryvyi Rih, Zaporizhzhya and Poltava joined them in a wave of protest.

## State within a state

Despite this neglect, Ukrainian Railways (Ukrzaliznytsia) remains the largest company in Ukraine. Older members of the largest company in eastern Europe call it a "state within a state", with extensive infrastructure held over from the Soviet period. This isn't just stations, depot and trains, but its own system of factories, healthcare facilities and even a militarised security detail.

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Today, there are 19,800 kilometres of railway track in Ukraine, making it the twelfth largest network in the world. But every year the railways' infrastructure is worn out a little more, and the length of track is constantly reduced.

With the start of the war in eastern Ukraine in 2014, the company has found itself in a deep crisis. From a profitable company, Ukrainian Railways turned, at the drop of a hat, into a loss-making enterprise. In 2014, the company's losses were more than 15 billion hryvnya, in 2015 - almost 17 billion. For the most Ukrainians, the railway is associated with passenger travel. But financially, it's freight travel that brings in the most money - 80% of all income, while passenger travel only makes up 10%. For the first four years of the war, freight shipments have dropped by a quarter and continue to decrease.

The lack of engines and freight wagons is a particular issue. And the rolling stock that the company has needs either to be written off or repaired.

In a recent report, the Ukrainian Institute of the Future think tank argued that the crisis at Ukrainian Railways doesn't only stem from the war, but poor management and wide-ranging corruption. And the company's problems have consequences for the country's economy as a whole, which relies on metal exports and agricultural products - the majority of internal freight is transported by Ukrainian Railways.

But this crisis is hitting the company's employees hardest, all 263,000 of them.

## Worked to the bone

The engine passes the Darnytsya industrial zone in Kyiv and pushes through the fog into a barren winter forest. Oleksandr Skiba, the driver's assistant, is watching the track. Camouflage jacket, strong build, close-shaven hair - Skiba is head of the Darnytsya depot's Free Trade Union of Railway Workers. To the right of him sits Serhiy, the driver. Both of them are sitting on scratched, broken seats, the cushions ripped out.

"We brought an extra seat. Twelve hours on this is torture," Oleksandr sighs. "But this isn't the worst of it. Sometimes the back of the seat gets up to 90 degrees, there's nothing to rest on."

This engine was issued in 1975, and judging on looks, it seems as if nothing has been changed since then. Broken seats, broken windscreen wipers and a crackly radio are the tip of the iceberg. Instruments in the driver's cabin leak oil, which is a fire risk.

For work in these conditions, Oleksandr received 13,000 hryvnya (Â£372) last month. He also worked 30 hours overtime, for which he received overtime pay. If he hadn't over-fulfilled his quota, he would have earned a few thousand less. Serhiy, the driver, says he usually works above the norm and receives around 12,000 (Â£343). According to him, most of the drivers at the depot receive these wages. To earn more, you have to work a lot more overtime, and that can have predictable costs.

"A driver I know from Zhmerynka worked 300 hours in one month and received 27,000 (Â£772). He spent the whole of next month in hospital, after throwing out his back. What did he spend the money on in the end?" says Oleksandr, turning his gaze to Serhiy, a mocking flicker of a smile on his face.

"On medicine," the driver replies.

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The overtime that drivers are compelled to take in order to receive higher wages is fraught with circumstances - and not only for drivers. According to Oleksandr, a tired driver team can make mistakes which can lead to serious accidents. Trains regularly carry tonnes of flammable freight or chemicals - nuclear fuel, petrol, gas, ammonia or chloride. An accident with this kind of freight can lead to serious environmental and human consequences.

"The stress, a changing shift-pattern, constant vibrations - it's clear that this has a far from positive effect on our health. For drivers, early deaths and cancer are usual fates"

"If you keep breaking the rules, sooner or later there's going to be an accident," Oleksandr says angrily. "All these rules are written in blood. The limits on work schedules are there for a reason, and some colleagues just ignore them."

The average wage before tax at Ukrainian Railways in December 2018 were 10,989 hryvnya (Â£314). But there is a significant gap between wages of ordinary workers and management: the majority of employees are on minimum wage, 3,723 hryvnya (Â£106) per month. People employed in repair shops can make slightly more, between 5,000-7,000. Meanwhile, members of the advisory board make up to 252,000 hryvnya (Â£7,200) per month, and CEO Yevgen Kravtsov's average monthly wage was 920,000 hryvnya (Â£26,335).

This wage gap makes drivers, who sacrifice their health on the rail, angry. According to the drivers I spoke to, the wages that they earn are too little given the difficult working conditions.

"We sit on a huge traction motor, and we're constantly exposed to the electromagnetic field it generates," Skiba complains. "The stress, a changing shift-pattern, constant vibrations - it's clear that this has a far from positive effect on our health. For drivers, early deaths and cancer are usual fates."

Until recently, railway workers employed in hazardous working conditions could choose to retire early: men at 50, women at 55. But in 2017, the Ukrainian parliament amended the pension legislation and removed these provisions - another factor that pushed the drivers' patience over the edge.

## From below

The initiative for a mass work-to-rule action came from drivers in Kremenchuk, an industrial city on Ukraine's Dnipro river. A few kilometres downriver lies one of the largest iron ore mining and enrichment plants in Ukraine, Poltava GOK, which belongs to oligarch Kostyantyn Zhevago. And it's the railway depot of Kremenchuk that transports products of this plant and others out of the region.

"Our action was planned for two weeks before," Moskalets, the energetic head of the local union branch since 1992, recalls in his sing-song mix of Russian and Ukrainian. "But the SBU [Security Service of Ukraine] put pressure on me. They said: look, there's pro-Russian forces here, you've come to an agreement with them, they paid you money. If you start this action, they said, that's it, we'll strap you up on a treason charge. And I told them: no worries, we'll postpone our holiday."

The walls in the Moskalets' office are covered in union posters, jokes and memes printed off the internet and classic quotes ("The only thing necessary for the triumph of evil is for good men to do nothing"). Everyone is here: drivers, assistants, metalworkers, station officers, train personnel. When I ask them to talk about the strike, they respond with a request of their own: "don't call May 2018 a strike." According to Ukrainian legislation, railway workers are not

allowed to strike. Instead, they call their action a "work-to-rule" or "safety week". Indeed, formally, there was no strike on the railway: drivers came to work, but they refused to take the engines out because they didn't conform to safety regulations.

"How did it all begin? We came to work on Monday at five in the morning, and took a look at the first engine we found," Maksym, a young driver, tells me. "And we told the driver that we're a safety commission, and we're going to take a description of the engine. The lads on our teams are fighters, they got involved and helped us."

In two days, the union commission had drawn up reports on all the engines in the depot. Each engine displayed between 50 and 80 violations, which are supposed to prevent a driver from taking the engine out. Work at the depot stopped.

Similar actions were held at depots in Kryvyi Rih, Poltava, Zaporizhzhya, Korosten, Lviv, Ternopil, Sinelnikove and other centres.

The Railway Workers Union advanced a series of demands to the authorities and Ukrainian Railways' management: raise the wages of all employees to European standards, return the right to an early retirement, permit trade unions to participate in elections to management positions and create safe working conditions.

Two days later, the railway depot at ArcelorMittal Kryvyi Rih, a flagship foreign-owned metallurgical plant in southeastern Ukraine, joined the action. Local drivers and train personnel began strictly observing safety rules and, as a result, only 14 of 92 diesel locomotives went into operation. [1].

According to the head of Ukrmetallurgprom, over four days of the May 2018 action, roughly 126,000 tonnes of iron ore remained unloaded. The company suffered losses and began to sound the alarm. On 16 May, a third of a day's production was not transported, at a loss of \$2.5 million. Due to lack of raw materials, the risk of a stoppage began to loom over several metallurgical plants. Industrial managers and politicians demanded action from Ukrainian Railways. They didn't have to wait long.

## Demands

Ukrainian Railways' press office stated that the company was working as normal, and that the refusals to work were minimal. The Union of Railway and Transport Construction Workers (PZhTSU), the successor to the Soviet railway union (and where the majority of railway employees are member), issued its own statement. Activists from the Free Trade Union, which organised the protests, call their competitors a "pocket" or "banana" union. Indeed, PZhTSU came out against the work-to-rule action, calling the protestors' actions "destructive ways of blocking freight transport". Andriy Ryazantsev, director of finance at Ukrainian Railways, called the action "a crime against the entire state, as it leads to losses not only for Ukrainian Railways, but the economy of Ukraine."

Indeed, in striking depots, management tried to convince and pressure drivers into returning to work from the very beginning.

"What did our management do first?" Oleksandr, a driver, starts, with malice in his voice. "Instead of coming out to speak to people, hear their demands, wishes, complaints, they brought people into their office one by one. They know whose nerves are weaker, they can pressure those people! They started trying to frighten us, deceive us in all sorts of ways. They offered one person a promotion to instructor, another - the senior job on the diesel engine, a third

was offered a bonus, and fourth - a new job. Places where people are less organised are more vulnerable, and management managed to get people back on the track. At the more combative depots, Kremenchuk, Kryvyi Rih, Darnytsya, they got the trains back on the track with help from drivers from other towns."

"Our employers got clever," remembers driver Maksym, "and drew up a backdated report that said all the engines were fine for work and are being sent to other depots, for 'repairs'. That is, we were told that the engines were in the shop to be repaired, and in reality, they were being used at other depots, only..."

"By loyal teams," another driver finishes Maksym's sentence.

"I wouldn't call them loyal," Maksym responds. "At the beginning, we didn't let the engines out of the depot, we put stop signals on. We explained this to all our comrades, that they were violating the rules. In response, a bunch of police and military security turned up at the depot. They put the squeeze on us. And when they invited us to negotiate, they got all the engines out of the depot, and hid them from us."

This situation lasted for two weeks. Several depots gave in and went back to work during that time, and some joined the action. Railway managers tried to convince activists with the Free Trade Union to stop protesting, as did other businessmen and representatives of law enforcement. In Dnipro and Kremenchuk, some activists were sent summons for the army conscription office. But the protests didn't die down. Eventually Serhiy Moskalets received a phone call inviting him to travel to Kyiv for negotiations.

## **"How can we stop working to instructions? This is our air!"**

Trade union representatives and management met in Kyiv on 29 May. The meeting was moderated by the Minister of Infrastructure, Volodymyr Omelyan. The negotiations last for six hours until late at night, but the sides could not reach a compromise. Protest leaders insisted on a substantive increase in wages for all employees, but management refused.

As a result, an agreement with decisions was drawn up, but the minister was the only one who signed it - the unions and management refused. The agreement's first paragraph read: "It is recommended that representatives of the Free Trade Union of Railway Workers of Union stop their 'work to rule' action in order to stabilise work in the railway sector." This phrase still has the Kremenchuk drivers in shock.

"They want us to stop working according to instructions, that is, you can do whatever you want?" one union member bursts out.

"Whatever you want, apart from working according to instructions!"

"And Omelyan signed this, our minister!"

"How can we stop working to instructions? This is our air!"

In the same agreement, Ukrainian Railways is due to create a commission to inspect the condition of engines, return early pension benefits and pay strike participants in accordance with legislation.

Although the Free Trade Union wasn't satisfied with the results of the negotiations, with time, the protests gradually fizzled out. Some got tired of fighting and the stress. Others went back to work, afraid of not having enough to feed their family. Elsewhere, drivers no longer saw the point, given their engines were already being driven by "strikebreakers". By mid-June, Kremenchuk was the only depot still striking.

Engines with dozens of violations are still going out on the track every day, degrading further, with risks for life and health of their drivers

On 1 September, all the engines returned to Kremenchuk and began working as normal. Three weeks later, a tragedy occurred at a nearby depot: a fire broke out in the driver's cabin while an engine was on the track. The driver inside, Yuri Kachan, died a week later from his injuries. The engine should not have been out on the track.

"The engine was fully loaded with metal and posed a risk to the environment and people," says Alexander Petrov, one of the Kremenchuk union leaders, in a YouTube broadcast. "He didn't die, he didn't perish, he was killed! They killed him with their lack of responsibility, their lack of organisation. We had already told them: guys, look at what we have to work on! This case should make them us say: "Stop! What are we doing? Where are we going?!"

This tragic death is yet to have any consequences. Engines with dozens of violations are still going out on the track every day, degrading further, with risks for life and health of their drivers. Many repair shops are in a state: there's nothing to repair engines with; metalworkers, even on a 4,000-8,000 hryvnya monthly wage, often have to buy parts and tools with their own money.

## The strike continues

Seven months on, the work-to-rule action may have ended, but Vyacheslav Fedorenko, a young driver who heads up the Free Trade Union of Railway Workers in Kryvyi Rih, is still going. Every day, Fedorenko goes to work, draws up an engine report and then gets on with other tasks. He refuses to handle engines that have safety violations.

For Fedorenko, what's important is the example he's setting to other drivers. But his conviction is costing him: he receives no additional payments, and takes home 6,000 hryvnya a month. But Fedorenko is yet to lose his job, as he's breaking no rules.

"Before the action, many complained that we don't have a collective here"

The decoration and furniture in his large office is minimal: a worn desk, two rows of stools. Fedorenko and his fellow members are yet to make this space their own. They created their union only a year ago, and only recently received their legally-mandated office. Before the May 2018 action, Fedorenko's union had only 19 members out of 1,300 possible workers, but that didn't stop them from paralysing the depot's work.

"Before the action, many complained that we don't have a collective here," Fedorenko remembers. "We tried to figure out whether all this was worth starting or not. I had to work with people very closely, print out instructions, hand them out to people, tell people what to do, show them things, give phone numbers out. I told them: if you have questions, get in touch! There's nothing to lose, guys, you're driving the same trains your parents and grandparents were, and they retired at 55. And they've taken that right from you!"

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In the end, not a single demand put forward by the Free Trade Union was fulfilled. But neither Fedorenko, nor other union members regret their protest. For Vyacheslav, there's been a practical purpose: after the strike, many depots underwent a workplace inspection. In Kryvyi Rih, this inspection concluded that drivers work in hazardous conditions and that pension benefits need to be restored. The Free Trade Union's authority has risen thanks to the protests, and its membership has increased, too. But the main result of May 2018, for Fedorenko and his comrades, is the experience, which has hardened them for future battles.

"You have to understand, before 14 May [2018] no one raised their heads," Fedorenko tells me. "People were treated like cattle, and they silently agreed to it. And then suddenly we remembered: we're citizens! I believe that civil society was born in our depot on this day."

21 February 2019

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[1] <https://www.opendemocracy.net/en/odr/how-workers-in-ukraine-metal-industry-are-fighting-for-wages-rights-democracy/>.