

Report of the  
COMMITTEE ON DIVERSITY  
to the  
Fifth Regular  
Convention of the  
Brotherhood of Maintenance of Way Employes Division of  
the  
International Brotherhood of Teamsters

**To the Officers and Delegates of the Fifth Regular Convention  
of the Brotherhood of Maintenance of Way Employes Division  
of the International Brotherhood of Teamsters:**

Greetings:

In accordance with Article III, Section 15, of the Brotherhood of Maintenance of Way Employes Division Bylaws, President F. N. Simpson appointed the following to serve as a Committee on Diversity:

**COMMITTEE:**

Jorge Flores, Chairperson	Carmen Nunes	Jennifer Ross
Shyrmayle Beasley, Co-Chairperson	Will Royston	
Renne Perez, Secretary	Ron Farrara	

**ADVISORS:**

Roger Sanchez                      Staci Moody Gilbert

The Committee on Diversity met on Sunday, June 12, 2022 through Monday, June 13, 2022, in Las Vegas to discuss the presentation of their report to the Fifth Regular National Division Convention. During that meeting, the Committee decided to make a few revisions to their report. This revised report reflects those changes.

At the 1998 Convention, Former President Mac Fleming appointed, for the first time in the history of the BMWED, a Committee on Diversity. The Committee met several times during the Convention, issued a report, made recommendations and sponsored a resolution which the Convention unanimously passed. Resolution No. 47 committed the BMWED to "go on record to fight discrimination on railroad properties across the United States and Canada with all of the commitment of which we are capable, within the context of financially prudent allocation of resources."

Since the 1998 Convention, the Committee on Diversity has embarked on a campaign to implement Committee on Diversity recommendations in accordance with Resolution No. 47. Some of the recommendations have been fully implemented while others have only been partially implemented for several reasons. However, there is still much more to do in order to eliminate the vestiges of discrimination.

Below are the recommendations of the Committee on Diversity with a brief description of the progress that has been made in implementing them.

**RECOMMENDATION 1:** The Committee on Diversity shall continue as a standing Committee of the BMWED after the Convention and meet quarterly. BMWED has fully complied with this recommendation. Since the 1998 Convention, the Committee on Diversity has met in various locations throughout the country.

**RECOMMENDATION 2:** The National Division shall write letters to local lodge Presidents and Secretary-Treasurers asking for recommendations for qualified people prior to filling appointee positions and all these positions must be advertised in the BMWED Journal, Facebook, Twitter and other social media. The letters and social media postings should encourage all members to apply. Once employed, training will be provided by National Division.

This is a particularly important recommendation, because it guarantees the active involvement of the BMWED leadership at all levels - National Division, System Divisions and Federations and Local Lodge officers - in the process of guaranteeing that we practice what we preach. The BMWED National Division has not fully complied with this recommendation.

**RECOMMENDATION 3:** There should be more educational programs and ALL MEMBERS should be encouraged to attend. BMWED has complied with this

recommendation sending Diversity Committee members to countless educational events - including: The NAACP, LGBTQIA+, MLK events, TNBC Caucus, Teamsters Hispanic Caucus, IBT Women's Conference, Human Rights Diversity Committee, Coalition of Labor Union Women and AFLCIO. Not only that, the BMWED has held their own educational programs, as funds have allowed. We recommend BMWED continue to hold educational programs that present the opportunity to have a diverse membership attend and provide any translation services when requested.

**RECOMMENDATION 4:** BMWED shall fund educational seminars, including salaries and expenses for all BMWED attendees, and make them available for all Committee on Diversity members. In addition, we recommend on an annual basis the Committee on Diversity members must attend at least one workshop on discrimination and diversity. This will equip the members with the knowledge needed to serve BMWED members.

BMWED has made a vigorous effort to comply with this recommendation and has expended substantial resources in that effort. Committee on Diversity members have attended functions related to civil rights and labor issues. Those who were able to attend those functions participated in seminars and rallies. The BMWED membership will be advised through the BMWED website and social media - of where and when any events will occur and all BMWED members will be encouraged to participate in those events.

**RECOMMENDATION 5:** The National Division President and Vice Presidents shall attend general membership meetings when invited, encouraging all members, to attend to discuss issues of interest to the BMWED.

**RECOMMENDATION 6:** The Committee on Diversity has been informed that the carriers are circumventing the bidding system rules and regulations to discriminate against some of the BMWED members. An example of this is, a member bids a position and the carrier does not want him/her even if the member is qualified, the carriers are finding ways not to award the position by cancelling the position. Also, by adding qualifications that are not needed.

Again, we request National Division support the efforts of the BMWED System Divisions and Federations in reexamining the rules and regulations of the bidding process to make sure they are being applied appropriately, and to identify inappropriate processes that are resulting in discrimination of qualified applicants.

**RECOMMENDATION 7:** In order to avoid the embarrassment of hypocrisy, the Committee on Diversity recommends that the National Division obtain funding and seeks an independent study of the hiring and promotion processes of the BMWED organization to ensure that there are no inappropriate practices. It is also recommended that this report be forwarded to the Committee on Diversity.

This has not been complied with at the present time.

**RECOMMENDATION 8:** On an annual basis the BMWED Journal shall publish the process of how to report suspected discrimination for members to use as a guide. The Journal and social media should include the Committee on Diversity members' contact information, pamphlets and/or fliers of this process. Copies are to be mailed to Local Lodge Secretary-Treasurers for additional distribution at Local meetings. This guide should also be available on the BMWED website.

This has not been done at the present time and we encourage National Division to provide the process of how to report suspected discrimination as confined by Federal Law to the Committee on Diversity to assist our members with their complaint. The EEOC process and link shall be listed under the BMWED Committee on Diversity page on the BMWED Website.

**RECOMMENDATION 9:** BMWED National Division should encourage local lodge members to sign up and become a human rights local lodge representative for their local.

To the Officers and Delegates, we stand and respectfully submit this as our report, from the 2022 BMWED Committee on Diversity. President Simpson, we recommend, and I so move for adoption of this report.

Respectfully Submitted,

The Committee on Diversity

**ATTACHED:** The "**Brotherhood of Maintenance of Way Employes Division NonDiscrimination and Non-Retaliation Policy**" and the "**Brotherhood of Maintenance of Way Employes Division Representation Policy.**"

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES DIVISION  
NON-DISCRIMINATION AND NON-RETALIATION POLICY**

BMWED and its affiliates (System Divisions and Federations and Local Lodges) are committed to maintaining a work environment that is free of discrimination and

free of workplace retaliation. In keeping with this commitment, intolerance, discrimination or harassment based upon gender, ethnic, racial, sexual orientation, age, cultural, religious, physical or mental incapacity distinctions have no place in our workplaces. All BMWED-represented employees should treat each other respectfully and with dignity so as not to unreasonably offend the sensibilities of others. If a BMWED-represented employee raises a concern about discrimination or harassment, that employee will be protected from retaliation.

Discrimination is negative treatment based on irrelevant and invidious or stereotyped distinctions. Harassment consists of offensive and unwelcome verbal, visual or physical conduct based upon a discriminatory classification such as race, sex, religion, age, physical or mental incapacity. Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", sexually offensive touching, or offensive touching or offensive "jokes" or comments about gender stereotyped traits. Harassment may include verbal epithets, nicknames, slang terms, derogatory comments, or slurs, regardless of whether such verbal comments are made directly or indirectly to the person reporting harassment. Harassment may also include an implied or overt threat or promise concerning an individual's employment. Harassment, which is not overtly sexual, but which is hostile to people because of their sex, race, ethnicity, age, religion, or is on the basis of disability is also discriminatory harassment. Discriminatory or harassing conduct that interferes with employment or creates a hostile work environment is strictly prohibited and will not be tolerated.

Retaliation is negative treatment in response to a workplace complaint. Retaliation may include unfair work assignments, refusal to cooperate with the complaining BMWED-represented employee, further harassment or discrimination, snide comments about that employee's initial complaint, rumors about the complaining BMWED-represented employee, ostracism, threats, "practical jokes" which injure, threaten, or place a BMWED-represented employee in danger, damage to a BMWED-represented employee's person, equipment or property, exclusion from workplace events or conversations, or the "cold shoulder". Retaliation against BMWED-represented employees who raise concerns about discrimination or harassment is strictly prohibited and will not be tolerated.

Discrimination, harassing conduct and retaliation are not only prohibited personnel practices; they may be violations of the law. Such conduct should be brought to the

attention of a System Division or Federation officer. The Union strongly encourages BMWED-represented employees to bring even relatively minor problems with discrimination or harassment to its attention as soon as possible so that the problem may be addressed before it becomes worse.

Complaints of discrimination and/or harassment will be handled appropriately and quickly and, as much as possible, confidentially should the complainant so desire. System Divisions or Federations must fairly investigate all complaints and will ensure that neither the complainant nor those who participate in the investigation suffer retaliation. The findings of the investigation will be discussed with the complainant and the alleged violator.

Complaints of retaliation will be taken extremely seriously. If retaliation against a BMWED-represented employee who reports discrimination or harassment is found to have occurred, the organization will take immediate action to prevent further retaliation and will impose appropriate discipline upon the individual responsible for retaliatory conduct.

This policy does not create union responsibility for the actions or omissions of subordinate affiliated bodies absent explicit actual authorization or ratification of such acts or omissions.

## **BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES DIVISION REPRESENTATION POLICY**

BMWED will not tolerate or condone discrimination in the workplace or among its members.

It is the policy of BMWED that System Divisions and Federations must fully and fairly investigate any complaints of discrimination made by BMWED-represented employees who request representation. If that investigation reveals that there is merit in the complaints, the Union must represent and advocate for those BMWED-represented employees.

The Union must fully and fairly investigate any complaints of discrimination made against represented employees who request representation. If that investigation reveals that the complaints are untrue or that the employee is being unfairly disciplined, the Union must represent and defend that BMWED-represented employee.

The Union must fully and fairly investigate complaints of discrimination among BMWED-represented employees and members against each other. At the completion of that investigation, the Union must attempt to mediate the dispute. If mediation is unsuccessful, the Union must make a determination of the merits of the respective complaints and will represent and advocate for the bargaining unit member or members whose complaints it finds are meritorious.

Where there exists a consent decree on any property addressing discrimination issues, BMWED urges use of any alternative grievance or complaint procedures created by such decrees.

If the complaint of discrimination is not satisfactorily adjusted, BMWED urges and supports BMWED-represented employees filing charges with the EEOC or appropriate state or local administrative agency. In most cases, such charges must be filed within 180 days of the occurrence, regardless of the pendency of any grievance process. These time limits may vary by state, so check with National Division counsel early on in handling such cases. Where appropriate, BMWED may itself be a charging party