

In summary, to protect your rights when injured on the job, a railroad employee or his next of kin should do the following:

1. **Seek advice and help from your union.** Report your injury to your union representative as soon as possible and follow the advice of your union.

2. **Seek medical help from competent doctors of your own choice.** Tell the doctor how, when, where and why you were injured. Explain to him or her what unsafe conditions or circumstances caused your injuries and tell the doctor what strenuous activities you are required to perform on your job.

3. **Complete your personal injury report, if required to do so**, setting forth all defects, unsafe conditions or actions of others, and causes of your injury known to you. If you are not sure of the exact causes, state “unsafe conditions unknown at the present time.”

4. **Do not give an oral or written narrative statement unless your union advises** that you are bound by agreements requiring you to do so. If required to give a statement, get advice from designated legal counsel first.

5. **Do not depend on the carrier to protect you or to inform you of your rights.** Remember, the claim agent, the railroad’s law department, and the railroad officials are your adversaries regarding your claim. They may appear to be friendly or interested in helping you, but it is their job to help the railroad defeat your claim.

6. **Do not discuss your claim with anyone other than your union representatives**, your approved union attorney, your spouse, or your doctor so proper medical care can be rendered. Even well meaning friends and co-workers can damage your claim without meaning to do so if they are called to testify and say you said something about your claim that is inconsistent with your testimony.

7. **Keep an accurate diary** of your medical treatment, the names, addresses and telephone numbers of all doctors and witnesses, changes in your physical condition, expenses, and the dates you were unable to work.

8. Take advantage of receiving free legal advice through your union approved **Designated Legal Counsel**.

Please feel free to call the offices of Daniel J. Downes at 1-800-624-2121 anytime you may have a question.

9. **Keep this brochure in a convenient place** where you or your loved ones may find it if assistance becomes necessary.

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THE FEDERAL EMPLOYERS’ LIABILITY ACT FELA

A LAW ENACTED FOR THE BENEFIT OF
RAILROAD EMPLOYEES AND THEIR FAMILIES

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DANIEL J. DOWNES, P.C. is a well-established law firm whose members have dedicated their service to protecting the rights of injured railroad employees and their families. They have, for several decades, assisted railroad families with problems unique to the railroad industry, such as Railroad retirement, insurance, and representation under the FELA for injuries caused by the negligence of their employers. The attorneys at Daniel J. Downes, P.C. have extensive experience in resolving problems for rail employees in all crafts. The firm and its members are committed to providing competent and courteous professional services to the members of the numerous rail labor organizations which have honored the firm or its members with appointment to their Designated Legal Counsel lists based on the firm's ability to successfully represent their members and obtain substantial monetary awards and verdicts for them. We are ready, willing and able and have the experience to help you.

Our many friends in rail labor and members of their families have often asked us to provide them some information regarding their rights when injury or death occurs to a railroad employee while on the job. The information provided herein is not legal advice and is not intended to inform you on how the law may be applied to any particular injury or case. It is intended to inform you, very briefly, about the origin of your rights and how you may enforce those rights for your own protection. It also serves to inform you how to get advice or help from attorneys designated by your Union.

The United States Congress recognizing the extreme dangers of working in the rail industry enacted the Federal Employers' Liability Act (FELA) in the early 1900s. This unique law was enacted to provide monetary damages to injured railroad workers who suffered injury or death due to the negligent or unlawful acts of the railroad which employed them. The FELA has been recognized and enhanced through rulings and interpretations of the United States Supreme Court and the lower courts, both state and federal, throughout the country.

The FELA is important to all people employed in the railroad industry and their families because it provides the basis for their sole remedy for injury or death caused, in whole or in part, by the negligent or unlawful acts of their employer. Railroad employees are not covered by the various workers' compensation laws, so it is in the best interest of those concerned to know something about the FELA and how they may best secure the benefits afforded them under the law. Because it is unrealistic to expect you to become an expert in the Act, the U. S. Supreme Court long ago approved the practice of rail labor unions designating and approving attorneys with expertise in this area of law, and of informing their membership of the need for assistance of such attorneys. Help is as near as your telephone. You may call your union representative for information about union approved legal counsel or you may call the designated legal counsel of your choosing direct from listings provided by your union. All off the legal counsel approved by your union have agreed to provide you advice free of charge. We hope you will never become injured while working for the railroad, but if you do, you can rest assured your union has appointed legal

counsel who are trained, qualified and willing to help you with any problem you may have in a professional manner, so you have a good chance of receiving just remedy for your injuries.

The FELA was enacted for your benefit and even though it is slanted heavily in your favor, you must act in accordance with your own best interests and common sense in order to secure the benefits the Act was intended to provide you. Do not place yourself in the hands of your adversaries. Make no mistake about it, when you become injured on the railroad, the claim agents, the officials and the lawyers the railroad hired in anticipation of injuries caused through its fault are your adversaries and will do all in their power to protect the carrier's interests and prevent you from receiving money damages you are entitled to recover under the FELA.

You may recover damages under the FELA even if your negligence is proven to have contributed to the cause of your injury, however, the railroad may be entitled to a set off of damages caused by your proportion of the fault. In some cases your contributory negligence may not cause any reduction in damages at all e.g. when the carrier is found to have violated certain safety statutes such as the Locomotive Inspection Act or the Safety Appliance Act. It is the carrier's responsibility to provide a safe place in which to work, safe instrumentalities with which to do the work, safe methods of operations, to refrain from negligent actions or negligent failures to take action which cause you injury, and to comply with various safety statutes and rules.

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