

FELA – Key Concepts:

1. Railroad workers are **NOT** governed under Workers' Compensation laws!
2. Railroad workers hurt, sickened, or killed while on the job have a right under **FELA** to seek compensation for their losses through settlements or court cases.
3. Workers or their representatives must **prove** that the railroad is responsible, in whole or in part, for their work-related injury, illness, or death.
4. Even if the railroad can shift some responsibility to the employee for an incident, the railroad is still liable for any proven negligence. Monetary compensation may be reduced, however.
5. Railroads have teams of officials committed to reducing their liability and exposure to FELA-based monetary damages.
6. BMWED and our **Designated Legal Counsel (DLC)** support our members' legal rights!



Brotherhood of Maintenance
of Way Employees Division



bmwe.org
facebook.com/bmwedibt
youtube.com/@BMWED

Understanding the Federal
Employers' Liability Act
(FELA)

Revised October 2023

Understanding the Federal Employers' Liability Act (FELA)

FELA governs how our members, and our families, can be made whole for work-related injuries, illnesses, or fatalities.

- Key Concepts
- Important Actions
- The Importance of Designated Legal Counsel
- Where to Learn More



BMWED Education
Department
education@bmwe.org

Important Actions

If you or your family member is hurt, gets sick, or is killed while at work:

- **Request to be taken to the nearest hospital for treatment** (not a railroad-selected clinic!).
- **Call your BMWED representative!**
- **Call your BMWED Designated Legal Counsel (DLC)!**
- **Only when you can safely do so,** complete any required reports of the incident. Ask your DLC for guidance on completing the report if you can.
- **Request a copy (or take a picture) of any report you give the railroad! Provide a copy of your accident report or statement given to your DLC or BMWED rep. as soon as you can!**
- **NEVER allow the railroad official or supervisor to accompany you inside the treatment room or speak directly to your treatment provider!**
- **Work with your BMWED Representative to navigate benefits claims** (RRB, Healthcare, AD&D, Disability, etc.).
- **Work with your DLC to navigate related legal issues** (FMLA, ADA, whistleblower rights, etc.).
- **Understand that the railroad may quickly begin gathering evidence to use against you in a court case!**

Railroad supervisors, claims agents, medical departments, investigators, or other officials, may:

- Try to confuse you about your FELA or other legal rights.
- Try to pressure your family or loved ones into a poor settlement.
- Illegally attempt to get involved in your medical treatment or improperly obtain recorded statements, your medical records, or authorization. **CONTACT YOUR DLC FIRST!**
- Look through your social media accounts to find ways to smear you in any legal proceeding.
- Gather information to use against you regarding any sports or hobbies you enjoy.
- Start surveillance on you within your community.
- Review any prior discipline or testing for evidence against you.
- Quickly try to shift all responsibility to you, creating their own version of events through “All-Hands” calls or “reenactments.”
- Try to cover up railroad safety violations or destroy evidence.
- Coach your supervisor on how to behave or how to gather evidence against you discreetly.

You are not alone!

Your BMWED Representative can help you locate support as you navigate your next steps. Reach out to them regarding required statements, rights in your agreement, reporting, and help you and your family access benefits while you are away from work!

Your Designated Legal Counsel is your ally in defending your legal rights! You have many legal rights the railroad will attempt to ignore or diminish. Calling your DLC will ensure you have experts on your side!

Learn More by Calling Your DLC!

BMWED website

<https://www.bmwe.org/dlc>

Contact information and resources for all our BMWED DLC and your FELA rights!

MY BMWED DLC:

Name:

Phone:

Email: