



**MCELDREW
PURTELL**



The **10** Commandments of **FELA***

Your Essential Guide
After a Railroad Injury

(215) 545-8800
mceldrewpurtell.com

*Federal Employers' Liability Act

The **10** Commandments of **FELA**

- 1 Report your injury** immediately to management.
- 2 Seek medical attention** promptly and document your condition.
- 3 Clearly describe** how the injury occurred.
- 4 Identify and secure witness contact information** and reach out to your **union representative**.
- 5 Photograph the injury** scene and the involved equipment.
- 6 Do not give recorded statements** without legal advice.
- 7 Keep detailed records** of medical visits and treatments.
- 8 File an accurate and timely injury report**.
- 9 Push** for the **treatment and care** you need.
- 10 Consult an FELA attorney** as soon as possible.

McEldrew Purtell can **represent** you in the event that the **railroad retaliates**.

FELA

Comprehensive Guide to the **10 Commandments**



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www.mcelandrewpurtell.com

Colin S. Haviland, Esq.

Partner & FELA Team Leader

chaviland@mcelandrewpurtell.com

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Commandment 1

Report your injury immediately to management.

Immediately reporting your injury ensures it is officially documented by your employer, providing clear evidence of when and how it occurred. Delayed reporting may weaken your claim, as employers often dispute injuries not promptly reported. Reporting swiftly helps establish timelines, demonstrate honesty, and prompt an immediate investigation, minimizing your employer's opportunity to deny responsibility.

Examples of employer negligence may include failure to document injuries in a timely manner, attempts to persuade employees to delay reporting, or discouraging reporting altogether. If management attempts to alter your description of events or delays recording your injury, these actions may constitute negligence, and such incidents should be carefully noted. **Remember, the Federal Railroad Administration (FRA) explicitly prohibits employer retaliation against employees who report injuries or unsafe conditions.**

Commandment 2

Seek medical attention promptly and document your condition.

Immediate medical attention not only addresses your health concerns but also creates essential records supporting the validity of your injury claim. Medical records substantiate the connection between your injury and work-related activities, strengthening your FELA claim. They also provide professional assessments of your condition, crucial for establishing any emotional and/or physical consequences of your accident or injury.

Employer negligence in medical matters may involve denying prompt access to medical facilities, minimizing the severity of the injury, or pressuring employees to continue working despite their injuries. Keep detailed records of any such actions, as these can significantly impact the strength of your claim.

The FRA prohibits retaliation against employees who exercise their rights to seek medical attention following a workplace injury.

Commandment 3

Clearly describe how the injury occurred.

A detailed, accurate account helps avoid misunderstandings or misrepresentations that could weaken your case. Include exact descriptions of the work environment, tasks performed, equipment involved, and any unsafe conditions or procedures contributing to your injury. Precise information will strongly support establishing employer negligence.

Employer negligence examples include unsafe workplace conditions, inadequate training, poor supervision, and failure to provide proper safety equipment.

Clearly documenting these conditions at the time of injury will significantly strengthen your case.

Employees who report negligence or unsafe conditions are protected from retaliation by FRA regulations.

Commandment 4

Identify and secure **witness contact information** and reach out to your **union representative**.

Witnesses provide crucial independent verification of your account, strengthening your credibility and claim. Collect detailed witness information immediately, including names, contact information, and job positions. Encourage witnesses to document their recollection of the incident as soon as possible.

Employer negligence may include intimidating witnesses, suggesting alternative narratives, or discouraging witness participation. Document any such interactions or pressures exerted on witnesses. **Any retaliation or interference by employers is strictly prohibited by the FRA.**

Commandment 5

Photograph the injury scene and involved equipment.

Photographs can preserve vital evidence, capturing unsafe conditions, defective equipment, and general work environment hazards that may have contributed to your injury. Take clear, detailed photos from multiple angles to comprehensively document the scene.

Employer negligence often involves attempts to quickly alter or clean up the scene to hide dangerous conditions or defective equipment. If you notice such actions occurring, document them immediately. **The FRA prohibits employer retaliation against employees who document unsafe conditions.**

Commandment 6

Do not give recorded statements without legal advice.

Recorded statements made without legal counsel can inadvertently harm your claim, as they may be used by your employer to shift blame or minimize liability. Always consult your attorney before making any statements to ensure your rights and interests are protected.

Employer negligence includes pressuring employees into providing immediate statements, misrepresenting the purpose or importance of recorded statements, or conducting misleading or coercive interviews.

Document these attempts carefully, as FRA regulations protect employees from retaliation for exercising their right to legal counsel.

Commandment 7

Keep detailed records of medical visits and treatments.

Thorough medical records clearly document your injuries and treatment progression, providing essential evidence of both physical harm and related costs. Maintain accurate records of appointments, treatments, prescribed medications, and healthcare provider recommendations.

Employer negligence in medical recordkeeping may involve attempts to influence medical professionals, limit necessary treatments, or prematurely require employees to return to work. **Note any such interference carefully, keeping in mind that FRA regulations protect employees against retaliation for seeking necessary medical treatment.**

Commandment 8

File an **accurate** and **timely** injury report.

You are entitled to consult with legal counsel of your choosing before completing and submitting the form. Detailed reports establish your compliance with company and legal requirements, providing essential documentation to support your claim. A comprehensive injury report includes precise details of the incident, environmental factors, and potential safety violations.

Employer negligence includes pressuring employees to omit relevant facts, altering reports post-submission, or delaying or ignoring injury reports.

Clearly document any evidence of these practices, remembering that the FRA prohibits retaliation for accurate reporting of injuries or safety violations.

Commandment 9

Push for the **treatment and care** you need.

Do not sign any documents, releases, or “return-to-work” forms until you have consulted with a qualified attorney. Advocate consistently and persistently for comprehensive medical care, rehabilitation, and other necessary support to facilitate your recovery. Your rights under FELA entitle you to receive adequate and effective medical treatment.

Employer negligence in treatment often includes attempts to limit or deny necessary medical care, minimize injuries, or prematurely demand a return to work. Documenting employer responses to your treatment needs is crucial to building your case. **FRA regulations protect employees against retaliation for asserting their right to proper medical care.**

Commandment 10

Consult an FELA attorney as soon as possible.

An experienced FELA attorney protects your rights, ensures fair treatment by your employer, and negotiates effectively on your behalf. Legal counsel can accurately identify negligence, advise you on how to document critical evidence, and help you secure appropriate compensation.

Employer negligence related to legal counsel may involve attempts to dissuade employees from seeking attorney assistance or providing misleading information about employee rights. **Document any such interactions. Employees have the right, protected by FRA regulations, to seek legal advice without fear of retaliation.**

Incident Documentation

Date of Injury:

Location:

Detailed Description of Incident:

Witnesses

(names and contact information):

Job and Equipment Details

Job Assignment at Injury:

Tools and Equipment Needed:

Tools and Equipment Used:

Safety Analysis

How could this job have been made safer?

Were there previous complaints or safety concerns?

Were safety procedures properly enforced?

Medical Treatment Log

Medical Visits and Providers:

Treatments Received:

**Recommendations from
Healthcare Providers:**

Additional Notes and Observations

Notes on Employer's Response:

Any retaliation or negative responses observed:

Additional details or miscellaneous information:

Final Review and Attorney Consultation

Key points to discuss with your FELA attorney:

Questions or concerns you have regarding your claim:

Next steps to follow up on your case:

Work Injury?

Get the answers and
justice you deserve.



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railroad@mceldrewpurtell.com
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1845 Walnut Street, 18th Floor
Philadelphia, PA 19103

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