

## FELA - Over 100 Years Old and Working

**"It is a reproach to our civilization that any class of American workmen, should in the pursuit of a necessary and useful vocation, be subjected to a peril of life and limb as great as that of a soldier in time of war."** (President Benjamin Harrison 1889 Speech to Congress)

By the turn of the twentieth century, work-related accidents killed one in three hundred railroad employees each year, and one in fifty was injured in an accident. In 1908 alone, 281,645 employees were injured at work, and some 12,000 killed.

Congress passed FELA in 1908 in response to these high number of railroad injuries and deaths. Under the Act, a railroad covered by the act shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce, or, in case of the death of such employee, to his or her personal representative, ... for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

FELA was not intended to be awarded automatically. Unlike workers' compensation provisions in state laws, FELA requires the injured railroader to prove that the railroad was "legally negligent," at least in part, in causing the injury. After proving negligence, the injured railroader is entitled to full compensation.

In the 100 years following the enactment of the FELA, 26 bills were introduced to replace the FELA with workers' compensation. Congress refused in each instance to make this change. These attacks upon the FELA have continued to the present, and in each instance they have been rebuffed by Congress.

**"The Federal Employers Liability Act was designed to put on the railroad industry some of the costs of the legs, arms, eyes, and lives which it consumed in its operation. Not all these costs were imposed, for the Act did not make the employer an insurer. The liability which it imposed was the liability for negligence."** (Associate Justice of the Supreme Court of the United States William O. Douglas)

## Federal Employees Liability Act

*Established 1908*

**FELA** applies to all railroads, their employees and is the exclusive remedy for most claims an employee may have against his/her employer.

Railroad employees are injured or killed on the job daily. When this happens, the railroads retain skilled claim agents and attorneys to protect their interests. They put their legal knowledge to work - taking photographs, obtaining statements from witnesses, collecting measurements. These agents and attorneys work for the railroad, not for you.

Under **FELA** you are entitled to collect a claim if there is evidence that the injury was caused, in **whole or part**, by the fault or negligence of the railroad.

**Tavormina & Young** have helped many injured employees and their families receive compensation under the **Federal Employers' Liability Act** (FELA) and will continue to help those in need. If you have been injured at work call us, we will assist you through these difficult times.