

What To Do If You Get Hurt

Brothers,

Since the first of the year there has been several injuries within the Ft. Worth Service Unit whereby managers over-involved themselves by “assisting” the employee in completing the accident report, instructing the employee to mark off in LS (laid off sick) status rather than LH (laid off hurt) status, and instructing or asking the employee **NOT** to be given a prescription for pain which would automatically make the injury reportable, etc. By involving themselves in this nature, managers do not have the best interest of the employee in mind. Rather this is a method by which they protect their own jobs, keep the injury from being reportable to the company and/or FRA and ultimately keep their budget and bonus intact. Brothers, be certain that these are extremely serious violations on the part of the manager or managers involved.

A memo was sent to the general chairman regarding these alleged charges and his response follows. It also includes a checklist of things to do and not to do in case you are hurt on the job. It would be wise to copy this memo and keep it in your grip.

Memo From the General Chairman

Brothers,

This is a very serious issue and it can be convoluted by the employee’s personal choice in how the matter is handled.

My advice to an injured employee would be as follows:

- Load up on job insurance. (BRCF, CPA, LECMPA honor length of service with UTU IA)
- Seek treatment from you own doctor if possible.
- Fill out the accident form truthfully and honestly (I would suggest getting advice from Union and Legal Council if possible.)
- Do not allow managers in the examining room and make it clear to your doctor that you don’t want him discussing the case with them.
- Do not fill out the medical release form attached to the injury report.
- Insist on proper treatment of the injury. If you need meds due to pain, then you should get them.
- Tell them you want to be laid off hurt to properly report the injury. Don’t argue with them about it, if they refuse, simply turn the harassment over to the Union.
- Keep a written diary of the incident with detailed accounts of exactly what happened and who said what to whom.
- Contact your Union representative as soon as possible. Buckle your seat belt and prepare for an investigation. We have won several big arbitration cases where they have fired employees because of filling out an injury report. Having plenty of job insurance protection can shield you from adverse financial impact of this type of harassment.

- Seek the advice of designated council. They will talk to you for free and assist in any way they can. If this turns into a career ending situation, you will be glad you did and absolutely benefit from contacting them early. BLET has several good firms that are designated and it is imperative that our membership avail themselves of that resource.

In situations like these, the railroad is playing hardball and in order to get into the game, the employee needs legal representation. The union has no standing or expertise to represent an employee in the FELA arena. We will aggressively represent them in the discipline arena should it become necessary.

Fraternally,

Gil Gore
General Chairman