

Case Name: Smith v. CSX Transportation, Inc.

Date Decided: October 23rd, 2010

Originally Filed in: Georgia (state)

Decided by: Georgia Court of Appeals (State)

Court: Court of Appeals of Georgia

Judge: Ellington

Citation: 306 Ga. App. 897

Background:

Plaintiff, a railroad employee, was injured when he slipped and fell on a stairway while he was attending a mandatory safety meeting on his employer's premises. Plaintiff brought this claim pursuant to the Federal Employees Liability Act, 45 USC Â§ 51 *et seq.* (FELA), against his employer, CSX Transportation (CSX), alleging that he was injured because CSX breached its duty to provide a reasonably safe place to work. Plaintiff's claim rested on two assertions: (1) that his fall was caused by a small puddle of liquid soap that was spilled on the stairway, and (2) that CSX violated an OSHA safety regulation because the stairs did not have the required non-slip coating as required by federal law. At trial, the jury found for CSX. Plaintiff appealed on the grounds that the trial court erred when it refused to instruct the jury on the federal OSHA safety requirements.

Issue:

Did the trial court error when it refused to instruct the jury on the federal OSHA safety requirements? And, when must a trial court provide instruction to the jury regarding OSHA safety measures?

Overall Issues Discussed or Touched Upon in this Case:

- *Procedural Issues - State*

Held:

Yes, the appellate court held that the trial court erred when it refused to instruct the jury regarding the potential violation of the federal OSHA safety regulation. It is the duty of the trial court to charge the jury on the law applicable to the issues where there is any evidence on which to predicate the instructions. A refusal to give a requested charge is error if the charge is a correct statement of the law and applicable to the issues involved. Generally, evidence of noncompliance with OSHA regulations is admissible as evidence of an employer's negligence. The court found: (1) that the OSHA regulation did apply to the building in question, and that (2) the plaintiff had presented evidence that the stairs in the CSX building were not of a nonslip finish and that, together with the soap spill, the condition of the stairs caused his fall.

Comments:

It is the duty of the trial court to charge the jury on the law applicable to the issues where there is any evidence on which to predicate the instructions.