

# BLACKBALLED

HOW TO PROTECT YOURSELF IF  
YOUR MARITIME EMPLOYER IS  
RETAILIATING AGAINST YOU



**Brian Beckcom**

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# TABLE OF CONTENTS

Who I Am and Why You Should Listen to Me .....	7
My Promise to You and My Ironclad Guarantee .....	9
The “Blackball” Bogeyman .....	11
Truth Number 1: Legitimate Case .....	13
Truth Number 2: Getting Blacklisted .....	17
Truth Number 3: State and Federal Law .....	19
Truth Number 4: Fighting Back .....	21
What to Do If You’ve Already Been Blacklisted .....	23
Some Maritime Employer Tricks You Need to Know .....	25
Concluding Thoughts .....	29



W H O I A M A N D  
**WHY YOU SHOULD LISTEN TO ME**

My name is Brian Beckcom. I am a board-certified personal injury attorney. My law firm has represented thousands of personal injury victims, as well as the families of victims of wrongful death. In less than five years, my law firm has obtained more than \$100,000,000.00 (ONE HUNDRED MILLION DOLLARS) in verdicts and settlements on behalf of our clients.

I have also written, edited, or published five books on personal injury legal issues and over 500 articles, web posts, and breaking news items. You can read the articles and website blog posts at the following web address:


[www.vbattorneys.com](http://www.vbattorneys.com)

[www.MaritimeAccidentAttorney.com](http://www.MaritimeAccidentAttorney.com)

[www.TheMaritimeLawyer.com](http://www.TheMaritimeLawyer.com)

You can get free copies of my books at the websites listed above. My articles and books are designed specifically to help injured maritime



workers understand their legal rights, protect their futures, and learn the tricks and traps that employers and the insurance companies use to defeat legitimate legal claims. 

Over the years, I've discovered that my maritime injury clients tend to have the same questions and concerns. I find myself answering the same questions and addressing the same concerns over and over.

I wrote this book to answer the most common question asked by my injured maritime clients—will I get blackballed or blacklisted if I hire my own attorney or file a legal claim?

If you are reading this book, you have the same fear. You are probably afraid that you will get fired and blackballed in the industry if you hire an attorney or bring a legal claim. You may believe that you will be put on a “blacklist” or a “Do Not Hire” list. You are afraid for your future. You are afraid that you will never be able to find work in the maritime industry again.

This book was written specifically for you. In this book, I will provide specific answers to your questions. I will expose the truth behind these fears and will also let you know what is *not true* about the “blackball” issue. If you believe you've already been blackballed, then I'll tell you exactly what I can do to fix your situation.

## MY PROMISE TO YOU AND **MY IRONCLAD GUARANTEE**

Have you ever noticed how hard it is for lawyers to give a straight answer to a straight question? They always seem to use big words and complicated answers to make it sound like they know more than you. They often don't give black and white answers to questions that need black and white answers.

I promise you that I'll give you straightforward answers to straightforward questions in this short book. I won't "beat around the bush" or try to use complicated (and unnecessary) legal language to avoid answering questions you want answered.

I also promise that you will know more about your legal rights following a maritime injury than you knew before you read this short book.

Finally, I will absolutely, 100% guarantee that your case is different from anyone else's case that has ever occurred in the history of the maritime industry. Your case may be similar to other cases; in fact,


it may be almost identical. But it's not the same. Therefore, before I can give you specific legal advice about your specific legal matter, I need to know the full and complete facts of your case. I guarantee that this book does not provide specific legal advice about any specific legal case, including yours. But it will provide you with very valuable and helpful information.

## THE “BLACKBALL” **BOGEYMAN**



It is one of the biggest anxieties for a maritime worker—Will I be blackballed by my employer for filing an injury lawsuit or hiring my own attorney? What kind of legal protection do I have to resist such tactics?

The threat of being blackballed by an employer is real. I will tell you that for sure. But it’s probably not going to happen to you unless you meet certain criteria.

Look, it’s natural for any employee to feel anxious that his employer will blackball him and blacklist him in the industry, so that he never finds work in the industry again. Maritime workers, some who have received specialized training, received  certificates and degrees, been in the industry for years, and have a lot of connections, can’t imagine doing any other kind of work, and so the threat of being blackballed can cause great stress.

Plus, as you know, the maritime industry is a small community. Word gets around. If you file a lawsuit, then your boss may want to

talk bad about you. Your employer may start pointing fingers at you. The insurance company and their army of lawyers will circle the wagons and you will be on the outside looking in.

Will your employer try blackballing tactics against you if you file a lawsuit? The truth is, they may have already done it, even before you hire a lawyer.

TRUTH NUMBER 1 :  
**LEGITIMATE CASE**

YOU PROBABLY WON'T GET BLACKLISTED  
IF YOU HAVE A LEGITIMATE CASE


In my experience, concerns about getting blackballed or blacklisted in the industry if you file a maritime claim or legal complaint, may be overblown. I rarely see an employer blatantly blacklist an injured employee. Why? Because if I find out that an employer has blacklisted an injured employee with a legitimate legal case, I can use that information to make the employer pay more money in a settlement. Or if the case goes to court, I can usually use that information to get a jury mad at the employer, which often results in much higher verdicts.

The fact of the matter is, every day workers file claims against maritime employers. After all, maritime work is dangerous and injuries occur all the time. And some companies cut corners on safety, resulting in even more danger to the workers. Companies will use bad equipment, bad procedures, bad processes, hire bad supervi-

sors, rush the work, or violate rules and regulations, making the work even more dangerous.

The vast, vast majority of maritime injury cases that I accept or review are legitimate legal claims. And the employers know it. Employers also know that maritime workers are within their rights to pursue these claims. Your employer may not like getting sued, but if you're hurt and can't work, and your future is at stake, then your employer understands that you have legal rights and need to protect yourself and your family.

Also, what do you think your employer would do if some company damaged a piece of expensive equipment or caused your employer to lose money or business? Do you think your employer would hesitate at all in asserting its legal rights? Of course not. Your employer would hire its own high-powered company lawyers and seek to recover money damages against any company that damaged its business.

Maybe more important, your employer probably has plenty of insurance to pay out injury claims. The vast, vast majority of offshore companies carry enough insurance to adequately pay out any injury claims. It's  responsible not to carry insurance if you are an offshore company. That means that any settlement paid to you will actually be paid not by your employer but by its insurance company. Plus, the insurance company actually hires the lawyers and pays them too. So your employer pays insurance premiums specifically because it

knows that there is a very good chance that workers will get hurt, and it doesn't want to pay this money from its own bank account. Your employer may have a small "deductible" to pay, but once it's paid that deductible, then the insurance company generally pays the rest, including any settlement with you.





## TRUTH NUMBER 2 : **GETTING BLACKLISTED**



### THERE ARE THINGS THAT WILL GET YOU BLACKLISTED

It is easy to pass judgment when someone else is the one suing his or her employer. However, after the initial shock of an offshore accident has worn off, anxiety often sets in. There is the stress of how medical bills and living expenses will be paid, and the uncertainty of how long it will take to recover from an injury. You are probably somewhat consumed by these fears right now, in fact.

If you're reading this book, you're also concerned about retaliation by the company, including blacklisting. I'm not going to lie to you and tell you that no one is ever blackballed within the industry. It does happen. People are sometimes unable to work in the maritime industry again because of lawsuits. However, it doesn't happen to most injured workers.

Here are some factors that may get you shunned in the industry:

1. ***You've filed a bunch of other lawsuits against previous employers.*** While you should consider filing an injury claim if you are seriously hurt from negligence, not every injury warrants a claim. It is understandable that maritime employers would be hesitant to hire someone who has a history of filing lawsuits. Just like someone with a long list of safety infractions will have trouble finding work in the maritime industry, someone with a long list of accident and injury claims may be seen as a safety risk or as “accident prone.”
2. ***You've filed illegitimate or frivolous claims.*** Let's face it—people sometimes file claims that are not legit. It doesn't happen very often, but it does happen. These frivolous lawsuits waste everyone's time and are a poor reflection on the maritime worker. You can hardly blame a maritime company for not wanting to employ one of these workers. Is your case legit? Were you injured through no fault of your own? If you were injured due to negligence, then you probably have a legitimate case. But if you are making stuff up, or if you blatantly violated safety procedures or ignored direct instructions from your superiors, and you got yourself hurt because of your own dumb decisions, then your case is probably not legitimate, and you should think twice before hiring a lawyer or pursuing legal action.

## TRUTH NUMBER 3 : **STATE AND FEDERAL LAW**



STATE AND FEDERAL LAW PROTECT YOU  
AGAINST RETALIATION FOR HIRING A  
LAWYER OR BRINGING A LEGITIMATE  
LEGAL CLAIM

If you're a maritime worker who needs to file an injury claim or hire a lawyer, and have been afraid that your employer will fire you for this, you must know that some state and federal law protect you. For example, under Subtitle B Chapter 451 of the Texas Labor Code, an employer may not discharge an employee or otherwise discriminate against an employee, if

- The employee has filed a workers' compensation claim;
- The employee has hired a lawyer to represent him in good faith;
- The employee has instituted or caused to be instituted in good faith a proceeding under subtitle A (FN1); and



- The employee has testified or was about to testify in a proceeding under subtitle A.

Certain federal laws also protect injured offshore workers. For instance, there are specific laws on the books that protect maritime workers who report safety violations. Your employer cannot fire you if you report safety violations in good faith. Or if you're injured and report your injury to your employer, then your employer is not allowed to fire you for reporting an injury. If you seek qualified medical treatment for your injuries, your employer cannot use that as an excuse to fire you.

The laws clearly define that an employer cannot retaliate against an employee by threatening him or terminating his employment just because the employee files a workers' compensation claim or hires a lawyer. If you've been hesitant about filing a claim or seeking legal advice about your situation, you should know that your rights may be safeguarded under state and federal law, and that a knowledgeable maritime attorney will help you protect them.

## TRUTH NUMBER 4 : **FIGHTING BACK**

YOU CAN FIGHT BACK  
IF YOU THINK YOU'RE BEING  
RETALIATED AGAINST

Do you think your employer is retaliating against you for enforcing your legal rights after an on-the-job injury? If so, there are steps you can take to protect your rights.

For example, you can report your employer to the proper regulatory body, which in offshore work is often the U.S. Coast Guard or the Mineral Management Agency, or the Occupational Safety & Health Association.

However, in my experience, the regulatory agencies typically don't do a whole lot to protect the workers. They are understandably busy with other tasks, and if a single maritime employee is injured then retaliated against, they may not make the time to do anything about it.

That's where an experienced maritime lawyer can step in. At my law firm, if we believe that you are being blacklisted or punished for asserting your valid and legitimate legal rights, we will make that part of your legal case. We can use that to increase the settlement dollar amount for your case, demand that the company immediately cease any retaliatory conduct, and demand that as part of any settlement your employer agree in writing not to disparage you to anyone in the industry. We can also use this information in court if your employer refuses to pay you a fair settlement. A lot of jurors get really mad at companies who mistreat employees, and if your employer is retaliating against you after you got hurt, then many juries will make the company pay even more for this sort of improper and inappropriate conduct.

We simply don't entertain frivolous lawsuits, and refuse to represent clients who want to waste everyone's time. Happily, we don't come across too many of these clients. If we determine that an employer has retaliated or is trying to retaliate against an injured employee, most of the time we can make that part of the legal case and increase the amount of money the employer pays as a settlement, as well as getting the employer to agree to stop any such conduct.

## WHAT TO DO IF YOU'VE **ALREADY BEEN BLACKLISTED**

What do you do if you are afraid that you have already been blackballed in the maritime industry following an on-the-job injury? If you've already been blackballed in the industry, your options are much more limited. As stated earlier in this book, one option is to report the situation to the proper regulatory authorities. However, as you know, the regulatory authorities are busy with other matters and may not give much attention, if any, to a maritime employee who is being harassed by his employer.

Therefore, if you believe you've already been blackballed in the industry, it is probably a good idea to hire a qualified maritime lawyer to help protect your rights. There really isn't much you can do on your own to enforce your legal rights against a maritime employer who is blackballing you, because the laws that govern maritime injury claims and the penalty for retaliating against injured workers are very complex. Most lawyers will never handle a maritime injury case in their careers. It would be very unlikely that you would be able to protect yourself against improper employer retaliation on your own. You need to get an experienced maritime lawyer who knows the law



and knows how to protect your rights if you've been blackballed—or are afraid you've been blackballed by your employer.

In terms of finding the maritime lawyer best suited to represent you in your case, I would recommend that you do research on the internet and talk to friends who have had similar experiences. You can of course visit our web sites, which are packed with useful information about maritime legal issues. I've also written a short book that lays out in a step-by-step fashion how you can hire the best maritime lawyer for your case. You can order all these books online by visiting [www.MaritimeAccidentAttorney.com](http://www.MaritimeAccidentAttorney.com).

Without an experienced maritime lawyer, your employer will have no fear of any repercussions that may occur if they retaliate against you after you are injured. A competent and experienced maritime lawyer, on the other hand, may cause them to think twice before damaging your reputation or attempting to blacklist you in the marine industry.

## SOME MARITIME EMPLOYER **TRICKS YOU NEED TO KNOW**

Employers, the company lawyers, and the insurance agents have a “bag of tricks” they like to use on injured employees.

Let me tell you a quick story about a client I represented in a previous maritime injury case. My client had worked for his company for almost fifteen years. He had trouble reading and writing but had worked his way into a supervisory position on a drilling rig. He suffered an injury to his knee due to no fault of his own. After he was hurt, he followed the instructions of the company representatives and insurance people to the letter. He didn't file a lawsuit and went back to work after the company doctors released him.

A few years later, he was hurt when a defective crane dropped almost fifteen feet, injuring his back severely. The company knew the crane was defective but did not tell my client about it before they put him in the crane to perform a personnel transfer. Once again, my client listened to and trusted the company and went to their doctors and followed their protocols.

After five months of intensive medical treatment and physical therapy, the company doctors released my client back to work even though his back was still giving him problems. However, when my client went back to work, they demoted him into a hard manual-labor position, where, not surprisingly, he re-injured his back and was unable to work. After my client reinjured his back a second time, the company fired him. They claimed it was part of an overall downsizing, although it was almost unheard of at the company to fire long-time employees. Normally, the newer employees would get fired first. We believe that the entire reason the company fired my client after his third injury on the job was because they did not want him to be a liability to the company.

When they fired him, they put him their “do not hire” list. This is equivalent to blackballing at a specific company, and if my client were to apply for other jobs, new employers would find out that my client had been blacklisted at his previous company.

My client had no choice but to hire a lawyer. What was he going to do about his financial future? How was he going to provide for his wife and children? These are the kind of tactics I see all too often in the maritime industry.

Even if you are a long-time employee, once the company sees you as a liability your time at the company is limited. They may not come right out and blackball you, but they will do it in a sneaky way,

making up some excuse to fire you so they can get rid of you without having to deal with a lawsuit or payment of a settlement.

Another trick I see all the time after a maritime injury is the “company doctor” light-duty release trick. A maritime employee will get hurt, go to company doctors, and then the company doctors will release the employee to work before he or she is ready. This becomes an impossible situation for you. If you try to go back to work, and you re-injure yourself or injure somebody else because you are physically unable to perform your work properly, the company may fire you, and you likely will not be able to assert your legal rights from the previous injury. On the other hand, if the company doctor releases you back to work, and you are not prepared physically to return to work and don't return to work, the company will claim that you are not following doctor's advice and may fire you for that reason. This company-doctor trick is used all the time in the marine industry, and injured employees often get caught in this trap.



Another problem I see too often is injured employees place too much trust in their employers. I cannot even count the number of injured maritime workers who have called me years after they were injured, once they realized the company was not going to pay them a decent settlement or take care of their future needs. The employer pretends that it will treat the employee fairly. But after a year or two, the employer stops doing the right thing and the injured employee calls me for help. By that time, it may be too late. All the witnesses have disappeared or changed their stories. The company has already

documented everything that happened in a way that's favorable to the company, not the employee. That's why I've written a free special report that allows injured maritime workers to know immediately whether the company has their interest at heart, or whether they are acting "behind the scenes" to protect the company at the expense of the injured worker. It's called "Protect Your Future" and you can order a free copy by visiting [www.MaritimeAccidentAttorney.com](http://www.MaritimeAccidentAttorney.com).

Companies use all sorts of other tricks that I see all the time. That's why I offer a free legal consultation to injured workers, with no strings attached. I can review your legal situation and determine pretty quickly what the appropriate course of action would be for you.

If you believe the company may be trying to trick you or harm your future legal rights, don't hesitate to call me for a free consultation. I won't pressure you to hire me as your lawyer and the entire consultation is confidential and private.

## CONCLUDING THOUGHTS

I hope you found this short book helpful. I hope it's eased some of your concerns about being blackballed in the industry. I also hope that it has opened your eyes to the cold, hard reality of what occurs and what doesn't occur after you suffer an injury on the job in the maritime industry.

At the end of the day, the maritime industry is a business. It is a business that is intended to make a profit. Most maritime employers will initially treat injured workers relatively well, but after a period of time they see those workers as a liability. If you've been injured offshore, your company has probably already taken steps to protect itself at your expense. For example, they've probably got an accident investigation going, hired insurance agents that specialize in taking favorable statements for the company, and gotten you into their company-doctor-controlled medical program. They've probably already taken a bunch of steps to protect themselves from any future legal claim by you, often doing this behind the scenes so you don't even know it.

When you're injured offshore, you enter a war zone. The only way you can prevail in this battle in my opinion is to arm yourself with

information like the information contained in my books. I'm glad that you ordered this book. I truly hope that you found it helpful. I am certain that you know more about your situation from a legal standpoint than you knew before you read this book.

If you have any questions, you can email me directly at [brian@vbat-law.com](mailto:brian@vbat-law.com). You can also call my number from anywhere in the world toll-free at (877) 724-7800.

I wish you the best of luck.

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