

employee. This is the basis for the FELA.”); *Birchem v. Burlington N. R. Co.*, 812 F.2d 1047, 1049 (8th Cir. 1987) (distinguishing between **duty to provide a reasonably safe place to work** and **duty to work reasonably safely in the workplace provided**, “**The Railroad believes that Birchem’s violation of safety rules is**

¹⁶¹ App 8 (45 U.S.C. § 51), App 9 (45 U.S.C. § 54), and App 10 (45 U.S.C. § 55).

sufficient evidence to establish his negligence and make it a jury question. The district court properly admonished the jury during the trial that the Railroad’s theory was an impermissible effort to transfer to Birchem its nondelegable duty to provide safe equipment and a safe working environment”); *Pepin v. Wis. Cent.*