

# Will Businesses Get Immunity from Coronavirus Lawsuits?

By Lisa Nagele-Piazza, J.D., SHRM-SCP

May 12, 2020

**A**s more businesses make plans to reopen, lawmakers are split on whether to hold employers responsible for shielding workers from COVID-19. Some lawmakers want to protect employers from coronavirus-related lawsuits, but others are concerned such protection would lead to employers not taking proper steps to safeguard workers.

"Senate and House Republicans are united in our demand that health care workers, small businesses, and other Americans on the front lines of this fight must receive strong protections from frivolous lawsuits," said Sen. Mitch McConnell, R-Ky., and Rep. Kevin McCarthy, R-Calif., in a joint statement.

U.S. House of Representatives Speaker Nancy Pelosi, however, said that Democrats likely won't support business liability immunity in the next coronavirus relief package, reported The Hill (<https://thehill.com/homenews/house/495302-pelosi-democrats-will-not-back-business-liability-protections-in-cares-act>). "At the time of this coronavirus challenge, especially now, we have every reason to protect our workers and our patients in all of this," Pelosi said during a press conference. "So we would not be inclined to be supporting any immunity from liability."

We've rounded up articles and resources from *SHRM Online* and other trusted media outlets on the news.

## SHRM RESOURCE SPOTLIGHT

Coronavirus and COVID-19 ([www.shrm.org/ResourcesAndTools/Pages/communicable-diseases.aspx](http://www.shrm.org/ResourcesAndTools/Pages/communicable-diseases.aspx))

## Lawmakers Clash on Employer Protections

Republican members of Congress and business groups that want to provide legal safe harbors for employers have argued that immunity from coronavirus lawsuits is necessary to protect companies that plan to reopen soon, as well as businesses that have remained open during the pandemic. Although some Democrats oppose blanket protections for businesses, they may agree to limited immunity for employers who take certain steps to safeguard their workers.

(Reuters (<https://www.reuters.com/article/us-usa-congress-liability-idUSKBN22J1H1>))

## House Republican Proposes Employer and Worker Protections

Rep. Mike Turner, R-Ohio, has proposed the Employer and Employee COVID Protection Act (<https://turner.house.gov/sites/turner.house.gov/files/TURNER%20COVID-19%20Bill.pdf>), which would provide immunity from coronavirus lawsuits to employers that comply with state and federal laws on reopening. Employees who have health concerns would be able to request special accommodations from their employer and would remain eligible for unemployment benefits if returning to work is too risky. "Many businesses are concerned about reopening due to the risk associated with being held liable if one of their employees contracts coronavirus after coming back to work," Turner said. "This bill is proactive and seeks to protect complying businesses and employees as we begin to restart the economy."

(Rep. Mike Turner (<https://turner.house.gov/media-center/press-releases/turner-to-introduce-legislation-to-protect-employees-and-provide>))

### House Democrats Are Working on New Bill

In the next coronavirus relief package, House Democrats are looking to provide \$750 billion in aid to state and local governments and more direct payments to individuals. They also want to expand unemployment benefits and provide safety protections for frontline workers who are most at risk of being exposed to the coronavirus.

(*The Wall Street Journal* (<https://www.wsj.com/articles/house-democrats-close-in-on-new-stimulus-proposal-11588851736>))

### Check State Law

Many states are introducing plans to reopen, and employers should understand the associated legal risks. Although federal lawmakers haven't provided businesses with immunity from coronavirus-related lawsuits, employers should check state laws on the matter. For instance, in Utah, businesses and property owners may be shielded from coronavirus lawsuits unless the case asserts willful, reckless or intentional infliction of harm.

(Lexology (<https://www.lexology.com/library/detail.aspx?g=aa7d0e94-9651-48d2-b2b5-103fa08d63ee>))

### How to Practice COVID-19 Safety When Reopening Your Retail Business

Brick-and-mortar retailers were already struggling before COVID-19. Now, as states slowly begin to reopen, these businesses must figure out how to keep workers and customers safe while simultaneously adhering to government guidelines and employment laws and trying to maximize profits. For those reopening their retail stores soon, here are some tips to ensure that the process goes as smoothly as possible.

(*SHRM Online* ([www.shrm.org/resourcesandtools/hr-topics/employee-relations/pages/how-to-practice-covid-19-safety-when-reopening-your-retail-business.aspx](http://www.shrm.org/resourcesandtools/hr-topics/employee-relations/pages/how-to-practice-covid-19-safety-when-reopening-your-retail-business.aspx)))

Feedback

## HR DAILY NEWSLETTER

News, trends and analysis, as well as breaking news alerts, to help HR professionals do their jobs better each business day.

Email Address

**CONTACT US ([WWW.SHRM.ORG/ABOUT-SHRM/PAGES/CONTACT-US.ASPX](http://WWW.SHRM.ORG/ABOUT-SHRM/PAGES/CONTACT-US.ASPX)) | 800.283.SHRM  
(7476)**

© 2020 SHRM. All Rights Reserved

SHRM provides content as a service to its readers and members. It does not offer legal advice, and cannot guarantee the accuracy or suitability of its content for a particular purpose.

[Disclaimer \(www.shrm.org/about-shrm/Pages/Terms-of-Use.aspx#Disclaimer\)](http://www.shrm.org/about-shrm/Pages/Terms-of-Use.aspx#Disclaimer)

Feedback