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“SAFE TO WORK” Act Will Cost Workers’ and Consumers’ Lives

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On July 27, Sen. John Cornyn (R-TX) introduced the so-called [SAFE TO WORK Act](#), a dangerous proposal to [grant corporations sweeping immunity](#) from lawsuits related to COVID-19. **Corporate immunity would give businesses a license to cut corners on worker safety — and cost lives during the COVID-19 pandemic.**

The SAFE TO WORK Act would immunize big employers, universities, nursing homes, and other entities from any liability to workers, consumers, or patients who get sick or die because the entity failed to adopt commonsense safety measures during the COVID-19 crisis. The immunity granted by this bill would last for 4 years and extend retroactively back to December 2019. The bill would:

Immunize businesses that gamble with workers’ and consumers’ lives. It would completely bar workers and consumers from bringing lawsuits under strong state laws across the country that protect worker safety and public health. Instead, more protective state laws would be replaced by an exclusive federal cause of action, which would make it nearly impossible for workers or the public to hold bad actors accountable.

- In general, workers and consumers would not be able to sue corporations that negligently expose them to COVID-19, or sue under other state law.
- People could only hold corporations accountable for COVID-19 exposure if they could show “willful misconduct” and “gross negligence.”
 - “Gross negligence” is already a narrow, heightened standard that is nearly impossible for workers to meet— and the GOP bill further narrows it to a standard equivalent to reckless homicide.
 - Under this standard, most cases will be shut out of court before plaintiffs even have a chance to get evidence of corporate misconduct.
- Plaintiffs must meet a heightened standard of proof: “clear and convincing evidence.” This is a much tougher standard than the preponderance of the evidence standard applied in most civil cases. Workers will almost never be able to meet this high bar and would be shut out of court before they could get evidence of misconduct.

Create a race to the bottom on worker safety. The bill would immunize corporations from lawsuits if they make “reasonable efforts to comply,” not *actually* comply, with any “applicable government standards and guidance.” But if different government bodies issue guidance, corporations can pick and choose which standards to follow.

- In Georgia, Governor Brian Kemp is [already banning cities](#) from issuing mask mandates. Under the bill, if the federal government issued a strong worker safety standard but Georgia issued weak one, a Georgia company could choose to follow the less protective guidance — and would be free from lawsuits.

Shield companies that do virtually nothing to protect workers. The guidelines issued by the Trump Administration are so broad and weak that they do not create meaningful worker safety standards. Corporations could say they complied with vague guidelines — and are immune from lawsuits — without making any changes at all to keep workers safe.

Create new COVID-19 hotspots. Employers that are flouting worker safety laws are creating local COVID-19 hotspots. For example, [nearly 1 in 10 meatpacking plant workers](#) has been infected and a staggering 40% of COVID-19 deaths are linked to nursing homes — many of which failed to take reasonable steps to keep workers safe.

Put Black and Brown lives at risk. Black and Latinx people are [more than twice as likely](#) as white people to be infected by COVID-19, in part because employers are putting workers of color at risk to boost their bottom line. Corporate immunity will only make that worse, as workers of color are less likely to be able to work from home and because Black, Indigenous, and Latinx workers are overrepresented in high-risk industries like food service.

Gut employment and civil rights law. It would strip workers of the power to enforce a wide range of labor and employment protections, including anti-discrimination laws, whenever the alleged discrimination has to do with responding to COVID-19. This broad language could effectively immunize corporations from federal investigations into a broad range of misconduct, like allegations that a company denied reasonable accommodations to a disabled worker or student.

Wide Opposition to Corporate Immunity

Nearly [two-thirds of voters](#) — including 72% of Democrats, 64% of Independents, and 56% of Republicans — oppose corporate immunity.

Corporate immunity proposals are also strongly opposed by:

- [Labor unions](#)
- [Workers' rights](#) & [consumer advocates](#)
- [Progressive movement groups](#)
- [Civil rights advocates](#)
- [Students](#)
- [AARP](#)