



CORONAVIRUS

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No Corporate Immunity: Stop Corporations from Gambling with Workers' and Consumers Lives

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Corporate special interests are lobbying Congress and the Trump Administration to get sweeping immunity from lawsuits for corporations that reopen unsafely during the COVID-19 crisis. Granting corporations immunity would make it virtually impossible to hold companies accountable if they expose workers or customers to the deadly coronavirus. **Corporate immunity would give corporations a license to cut corners on worker safety — putting lives at risk during the pandemic.**

What Is Corporate Immunity?

- **Corporate Lobbying:** Big business is using the pandemic as an excuse to push for sweeping, unprecedented corporate immunity, an item which has been on the U.S. Chamber of Commerce's wish list for years. And it's not just claims related to COVID-19: corporate lobbyists are also pushing for legal immunity from suit for violations of essential worker protections, including paid sick leave, minimum wage, overtime, and disability non-discrimination laws.¹
- **Senate Legislation:** Republican Senators are pushing legislation that would shield corporations from lawsuits during the COVID-19 pandemic.² Corporate immunity would give employers a green light to ignore CDC guidelines and other basic safety protections for keeping workers and customers safe.
- **Trump Administration Inaction:** Since the COVID-19 crisis began, workers have filed more than 5,000 COVID-19 related safety complaints with the Occupational Safety & Health Administration (OSHA) — but OSHA refuses to do on-site inspections related to COVID-19 exposure, won't issue an emergency temporary standard to protect workers, and has issued *just one* citation for COVID-19 complaints. Without private lawsuits, workers will have no way to hold employers accountable for putting them in danger.

Putting Workers, Customers, Patients, and the Public at Risk

Corporate immunity will remove critical incentives for corporations to follow state law and public health guidelines, putting workers and the public at risk — especially workers of color, who are disproportionately likely to be employed in high-risk jobs. That means companies could get off scot free if they flout CDC guidelines, don't guarantee workers PPE, or fail to take reasonable steps to keep workers safe.

Data from 40 states and D.C. shows that Black people in America are more than twice as likely as White people to die of COVID-19 — and in some states, the gap is even greater.³ That

¹ U.S. Chamber of Commerce, *Implementing a National Return to Work Plan* (Apr. 13, 2020), <https://www.uschamber.com/coronavirus/implementing-national-return-to-work-plan#liability>.

² Paul McLeod, *Employers May Soon Get Protected From Lawsuits While Workers and Customers Are Left in the Dark on Safety*, BuzzFeed (May 22, 2020), <https://www.buzzfeednews.com/article/paulmcleod/coronavirus-states-reopening-back-to-work-lawsuits>.

³ Sheryl Gay Stolberg, *'Pandemic Withing a Pandemic': Coronavirus and Police Brutality Roil Black Communities*, NYT (June 8, 2020), <https://www.nytimes.com/2020/06/07/us/politics/blacks-coronavirus-police-brutality.html>.

alarming gap is, in part, because 80% of Black workers can't work from home⁴ and because Black, Indigenous, and Latinx workers are overrepresented in meatpacking, food service, and retail industries that are already gambling with workers' lives. Here are just a few examples:

- **Meatpacking Plants:** Nearly “half the current COVID-19 hotspots in the US are linked to meat processing plants” which have ignored worker safety and public health guidelines.⁵ Workers in many plants reported that they cannot socially distance at work, fear retaliation for taking sick leave, and don't have adequate PPE.⁶
- **Walmart:** Walmart is the largest private employer of Black workers in America — and only one in ten workers report that masks are required in the workplace and made available to workers.⁷ After a Massachusetts Walmart failed to implement public safety measures, more than one in five workers tested positive for COVID-19.⁸
- **Nursing Homes:** People who lived in or worked at nursing homes and other senior-care facilities *account for at least 40% of COVID-19 deaths.*⁹ But a corporate immunity law would make it impossible for families to hold nursing homes accountable if they failed to test residents, isolate patients, or take other precautions.

If employers recklessly expose workers to COVID-19, those sick workers could also worsen community spread. Under many corporate immunity proposals, customers who catch COVID-19 because businesses failed to take safety precautions won't be able to sue either. Corporate immunity would bar workers from holding companies accountable if they break state public health laws or flout CDC guidelines. And colleges and universities are also lobbying to get immunity if they negligently expose students to COVID-19, instead of re-opening campuses safely.¹⁰

Making It Harder to Re-Open Safely

The Chamber of Commerce and other big business interests argue that businesses need corporate immunity to reopen. But that doesn't add up. If businesses reopen without safety precautions in place, COVID-19 will spread quickly again, forcing states, businesses, and schools to shut down again. We must incentivize businesses to reopen safely and sustainably — which requires taking sensible precautions and leaving liability in place for bad actors. That's why **64% of voters oppose corporate immunity**, including a majority of Democrats, Republicans, and Independents.¹¹

⁴ Elise Gould & Heidi Shierholz, Econ Policy Inst, *Not Everybody Can Work From Home* (Mar. 19, 2020), www.epi.org/blog/black-and-hispanic-workers-are-much-less-likely-to-be-able-to-work-from-home/.

⁵ Megan Molteni, *Why Meatpacking Plants Have Become COVID-19 Hot Spots*, WIRED (June 7, 2020), <https://www.wired.com/story/why-meatpacking-plants-have-become-covid-19-hot-spots/>.

⁶ Sejal Singh & Liz Watson, *Giving Corporations a License to Kill*, Slate (June 11, 2020), <https://slate.com/news-and-politics/2020/06/mcconnell-corporate-liability-covid.html>.

⁷ Daniel Schneider & Kristen Harknett, Berkeley SHIFT, *Essential and Unprotected: COVID-19-Related Health and Safety Procedures for Service-Sector Workers* (2020).

⁸ Christopher Gavin, *Mass. Lawmakers Write to Walmart Over 'Failure' to Keep Employees Safe After Dozens Test Positive for Coronavirus*, Boston.com (May 9, 2020), <https://www.boston.com/news/coronavirus/2020/05/09/massachusetts-lawmakers-letter-walmart-coronavirus>.

⁹ Jon Jamp & Anna Mathews, *As U.S. Nursing-Home Deaths Reach 50,000, States East Shut Downs*, WSJ (June 16, 2020), www.wsj.com/articles/coronavirus-deaths-in-u-s-nursing-long-term-care-facilities-top-50-000-11592306919.

¹⁰ Kery Murakami, *Should Colleges Have Liability Protection?*, Inside Higher Ed (June 3, 2020), www.insidehighered.com/news/2020/06/03/questions-remain-over-whether-colleges-should-be-protected-coronavirus-lawsuits.

¹¹ Press Release, American Association of Justice, *New National Poll Reveals Broad Bipartisan Opposition to Corporate Liability Immunity Related to COVID-19*, www.justice.org/news/new-national-poll-reveals-broad-bipartisan-opposition-corporate-liability-immunity-related.