



Saturday, July 18, 2020

The Honorable Steve Sisolak, Governor of Nevada
Senate Majority Leader Nicole Cannizzaro
Speaker of the Assembly Jason Frierson
State Capitol Building
101 N. Carson Street
Carson City, NV 89701

Dear Governor Sisolak, Leader Cannizzaro, and Speaker Frierson,

This coalition joins you in support and effort to help our economy and our community recover and defeat the COVID-19 pandemic. We believe we are stronger together and it will take all hands on deck to make sure every Nevadan is safe and thriving. While there is a complexity in addressing the many issues arising from the pandemic, we know that immunity from liability is not the solution. There are multitudes of measures that protect businesses already. Investing in workers and their safety is critical to economic recovery.

Worker Safety

When workplaces are not properly protected, patients, customers, clients, and the community are all at risk. This concern is not hypothetical. Some essential businesses have already put employees back in the workforce without ensuring their safety. As a result, infections have spread in and out of the workplace. In some cases, this has led to renewed shutdowns, slowing the pace of recovery.

Without adequate protective equipment and other safety measures, workers will be deterred from coming back to work.

Existing Protections

If a business acts responsibly in following safety guidelines, it is protected from liability. Even if a business violates its responsibilities, the person will still have to prove the violation caused he/she to contract COVID-19. Under current liability laws, businesses are only required to do what is reasonable under the circumstances; thus, if businesses take reasonable steps to protect their workers and their customers, they will not face lawsuits. Reasonable actions do not place an enormous burden on businesses despite the extraordinary times.

Difficulties for COVID-19 Suits

There are so many unknowns still when it comes to this virus and it will be exceedingly challenging to establish that a specific negligent act of a business caused the transmission of the COVID-19 virus. To establish a claim, a person must prove the business failed to act with reasonable care to avoid injury to itself or others AND the business's failure to act with reasonable care caused the person to contract COVID-19. It will only be with extreme recklessness on behalf of the business that these claims will be able to be proven.

Constitution Abuse

The right to a trial by jury is granted to all citizens in the seventh amendment. It should be up to the courts to decide whether or not a lawsuit is warranted. A for-profit business should not be able to decide that all claims are illegitimate and therefore none should be heard.

Financial Protections for Businesses

For businesses concerned about lawsuit costs, there is the lawyer pays statute. This protects businesses two-fold as it disincentivizes attorneys from filing careless claims and it makes sure that if a business does get sued, their costs will be covered if the suit is dismissed.

Incentivization

Legal liability is one of the most powerful incentives we have to ensure that businesses operate safely. For that reason, we strongly oppose any legislation that would establish immunity for businesses that operate in an unreasonably unsafe manner, causing returning workers and consumers to risk COVID-19 infection. Removing legal accountability for businesses not only would jeopardize the health and safety of workers but it would also jeopardize everyone who enters those workplaces. This would be extremely damaging to our economic recovery.

The pandemic cannot be an excuse for failing to protect workers and the public. Nevadans and our tourists would suffer needlessly as a result of failing to protect workers. Allowing legal immunity does not align with the administration's extraordinary actions in past months to keep Nevadans safe.

Sincerely,

Nevada Workers Coalition

The Nevada Workers Coalition is made up of the following organizations:

AFSCME Local 4041

Mi Familia Vota

Progressive Leadership

ACLU of Nevada

Nevada AFL-CIO

Alliance of Nevada

Battle Born Progress

Nevada Conservation League

Retired Public Employees of Nevada

Care in Action

Nevada Justice Association

SEIU Local 1107

Chispa Nevada

Nevada State Education Association

Southern Nevada Building Trades

Culinary Workers Union Local 226

Nevada Women's Lobby

Southern Nevada Central Labor Council

Faith Organizing Alliance

Northern Nevada Building Trades

Teamsters Local 986

IATSE Local 720

Northern Nevada Central Labor Council

UFCW Local 711

Make the Road Nevada