



# MARYLAND STATE & D.C. AFL-CIO

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## **SB 210 – COVID-19 Claim – Civil Immunity Senate Judicial Proceedings Committee January 26, 2021**

### **OPPOSE**

**Donna S. Edwards  
President  
Maryland State and DC AFL-CIO**

Chairman and members of the Committee, thank you for the opportunity to provide testimony in opposition SB 210 – COVID-19 Claim – Civil Immunity. My name is Donna Edwards, President of the Maryland State and DC, AFL-CIO. On behalf of the 340,000 union members in the state of Maryland, I offer the following comments.

In May of 2020, The Maryland State and DC AFL-CIO and our affiliated unions set a letter to Governor Hogan, urging to, by Executive Order, have MOSH promulgate an Emergency Temporary Standard (ETS) for all workers, broken down by industry. An ETS is absolutely necessary, as we are witnessing new daily records of COVID infections. Unfortunately, the Governor took no action on the request. This has left Maryland in a position with ever-changing guidelines for businesses, as well as inconsistencies between jurisdictions who have markedly different standards from one another.

SB 210 would be measured against this backdrop of constantly changing and inconsistent patchwork of state and local regulations, making it harder for workers to action against employers for putting their lives in danger. Without any kind of real standard to be measured against, SB 210 provides an enormous loophole by which bad businesses can take advantage of their workers pitting their livelihoods against their lives.

The strongest argument against SB 210, in general is that it simply is not needed. Businesses are seizing upon this pandemic to get immunity, by claiming that there is going to be an onslaught of cases which would make businesses afraid to reopen. However, there have actually been very few cases that have been brought, and certainly not an onslaught as the proponents of SB 210 would argue.

Ultimately, this comes down to fairness and balance. If businesses want some form of immunity then there needs to be an ETS in place, that will provide consistent and uniform protections for workers. In the absence of any real protections, there should be no immunity of any kind. We simply cannot have a system wherein we tell workers to choose between a paycheck and their health.

**For the lives and livelihoods of Maryland's workers and their families, we urge an unfavorable report.**