



MARYLAND STATE & D.C. AFL-CIO

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**HB 1106 – Civil Actions – Immunity From Liability – COVID-19 Exposure
House Judiciary Committee
March 3, 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 HB 1106 – Civil Actions – Immunity From Liability – COVID-19 Exposure. 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 sent 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. Unfortunately, the Governor took no action on the request. Since the start of the pandemic, the Governor has issued dozens of executive orders. As of this hearing, 32 are in effect, and 36 others have been rescinded. The most recent EO was issued on January 28, 2021. These ever-changing regulations of businesses, as well as all 24 jurisdictions issuing their own standards, has left Maryland in a completely confused state, navigating a patchwork of near weekly changing guidelines.

HB 1106 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. Even more perniciously, this bill would make it impossible to take action against a business by a member of the general public that, believing the business to be “safe” to patronize, contracts COVID-19 and is injured because of it. Without any kind of real standard to be measured against, HB 1106 provides an enormous loophole by which bad businesses can take advantage of their workers – and the general public – knowing they will face no consequences for their actions.

The strongest argument against HB 1106, 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 been very few cases that have been brought, and certainly not an onslaught as the proponents of HB 1106 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 and the public. 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, and we cannot have a system where we do not allow members of the public to seek satisfaction for injuries that occur due to the poor decisions of unscrupulous business owners.

For the lives and livelihoods of Maryland's workers and their families, and for every member of the public, we urge an unfavorable report on HB 1106.