



PEO Pointers: Court Decision Means Employers Could Face COVID-19 Injury and Death Claims for Workplace Exposures

Insights

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Welcome to "PEO Pointers," a regular series of quick-read alerts to keep PEOs and their client companies up to speed on the latest issues affecting the industry and what they can do to ensure compliance.

A California Court of Appeal just took a sledgehammer to the long-standing workers' compensation "grand bargain" – and the decision could have significant consequences in workplaces across the country. The court concluded that the exclusive remedy doctrine – a legal principle existing in most states that typically blocks injury and death workplace lawsuits in favor of workers' compensation claims – did not prevent an employee from bringing a wrongful death claim after she claimed she contracted COVID-19 at work and passed it to her husband, who later died. You can read the Fisher Phillips Insight analysis about the [state appeal court ruling allowing the wrongful death case to proceed](#). The employee's claims were tied to allegations that the employer failed to take adequate measures to squelch the spread of the virus in the workplace, highlighting the importance of client company compliance with COVID-19 related legal requirements. And while this decision cropped up in California, there's a chance that similar court rulings could spread to other states.

Read the Fisher Phillips [5-step plan for compliance with recent CDC guidance](#) and [five important lessons for managing the Omicron surge](#), which together provide a helpful framework for understanding and addressing the ever-changing requirements. Feel free to reach out to your Fisher Phillips attorney or any member of our [PEO and Staffing Team](#) if you have further questions. And make sure to [subscribe to our FP Insights](#) to make sure you don't miss our next edition.

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