



PEO Pointers: The California Supreme Court Greenlights “Gamechanger” Trial of COVID-19 Negligence Claims

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.

The California Supreme Court may very well have cleared the path for a new kind of COVID-19 lawsuit that should put employers across the country on notice – and cause you to ramp up your safety compliance efforts. Last week, the court declined to review a Court of Appeal decision that allows an employee’s wrongful death claim to proceed to trial. The case involves an employee who claims she contracted COVID-19 at work and passed it to her husband, who later died. She now seeks to hold her employer liable for her husband’s death. You can read the Fisher Phillips Insight analysis about the [lower court ruling that originally allowed the wrongful death case to proceed by clicking here.](#)

A separate federal appeals court panel, hearing arguments in a similar case, recently referred to the Court of Appeal decision as a “[game changer.](#)” And it’s no wonder. These “take home” COVID-19 lawsuits are beginning to pop up across the country, and there is a chance that similar court rulings will show up in other states.

This trend underscores the importance of understanding and addressing the ever-changing COVID-19 workplace requirements. PEOs should also make sure that your service agreements, including indemnification provisions, adequately address this situation. You should consult with your brokers to ensure you have adequate insurance to address this risk.

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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