


# Businesses, Schools, & other entities including Local Governments and Non-Profits Need COVID Liability Protection Now!

*Employers in good standing should not be punished by opportunistic litigation*

The ask is simple – entities in Oregon need the following language to ensure they are protected from unwarranted lawsuits during this pandemic:

***"A person or entity acting in good faith shall not be subject to civil damages resulting from acts or omissions that complied with an executive order or regulation or were in accordance with guidance regarding COVID-19, unless the damages result from the person or entity's gross negligence or from the person or entity's reckless, wanton or intentional misconduct. This section applies to all causes of action that accrue during the complete duration of the COVID-19 emergency declaration, EO 20-03 issued March 9, 2020."***

**Why is this needed?**

Entities are doing everything they can to comply with Governor Brown's executive orders, agency mandates and federal guidelines to protect the health of employees and the public can still face punishment from COVID lawsuits. This fundamental unfairness leaves thousands of employers, nonprofits and local governments exposed to new crisis-driven liability even if they are in compliance with government issued COVID regulations. Even as other states have acted to protect these entities, Oregon employers remain vulnerable.

If an entity is acting under orders of the Governor or if they are following the guidelines issued to safely guide their operations, then they should have certainty during the COVID-19 emergency situation that they will not be sued. ***Entities need to know they have protection from lawsuits if they are following state mandated safety guidelines.***

During a Special Session, Oregon Legislators should immediately pass legislation that provides:

- Protection for following State and Federal Guidance – entities who follow guidance from the government about how they can safely operate should be protected from unwarranted lawsuits;
- Recognition of the COVID-19 situation – entities should not be liable for circumstances beyond their control including limited PPE, limited testing and workforce shortages due to the crisis;
- Limited Duration for Liability Protection – only for acts or omissions during the COVID-19 Emergency (effective with the first order: EO 20-03 March 8, 2020)
- Limited Scope of Liability Protection – allow for gross negligence, reckless or willful misconduct claims to move forward (not looking to protect bad actors!)

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