

Laura O'Donnell in Bloomberg Law: Virus Liability Shields May Hinge on New Agency Guidance

May 18, 2020 Laura O'Donnell

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Haynes Boone Partner [Laura O'Donnell](#) talked with *Bloomberg Law* about the push for clear, enforceable agency guidelines for businesses in conjunction with legislative safeguards to protect employers against COVID-19 lawsuits. But calls for new guidance could compound efforts to forge and implement a political compromise.

Here is an excerpt:

While any agreement between Republicans and Democrats is likely weeks away, at best, a deal that emphasizes agency guidance to protect businesses would likely require federal agencies such as the Labor Department, the Occupational Safety and Health Administration, and the Equal Employment Opportunity Commission to ease up on enforcement efforts and focus on providing compliance assistance to employers, management-side attorneys told Bloomberg Law.

Earlier this week, a group of 21 state attorneys general urged Senate leaders to pass “timely, targeted and tailored civil liability protections.” They wrote that federal action on business liability should “set a foundation for states,” not prevent them from enacting additional protections of their own.

The attorneys general added that “civil liability protections should be extended to all businesses and non-profit organizations, without regard to size or for-profit or not-for-profit status, that work in good faith to comply with guidance provided by government authorities and consistent with industry best practices.”

Laura O'Donnell, a partner with Haynes Boone in San Antonio, said additional agency guidance should go hand in hand with a legislative backstop.

“Guidance is great in that we should get as much as we can, but we also have to be realistic in realizing that it won't cover everything,” O'Donnell said. “Legislation limiting liability would be great and would be helpful in this time when so many companies are struggling.”

To read the full article, click [here](#).