

Indiana lawmakers propose new law shielding businesses from COVID-19 liabilities

Jack Temple
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As the coronavirus pandemic continues to ravage the state of Indiana, and with vaccine distribution barely begun, state legislative leaders decided the first order of business in 2021 would be proposing bills in both the Republican-controlled House and Senate granting immunity from COVID-19 liability related lawsuits to businesses, schools, and health care providers.

Similar liability legislation has been pushed for at the national level by Republicans in Congress. If such a measure is passed in Indiana, it will serve as a blueprint for other states, which are also seeking to protect corporations that have kept workers on the job under unsafe conditions throughout the pandemic, contributing to the 24.4 million confirmed infections and nearly 400,000 deaths nationwide.

The proposed bills in Indiana would prevent individuals from claiming that they were infected with or exposed to COVID-19 and are entitled to monetary damages as a result. Indicative of the importance of these liability protections to the business interests in the state, one or both proposals are to be fast tracked to Republican Governor Eric Holcomb, who has already verbally endorsed the liability shield, by the end of January or beginning of February for his approval, rather than the normal late-April timeline.

Senate Bill 1—so named because Republican senators consider it the most important legislation of the year—exempts any individual or entity from COVID-19 liability, barring clear and convincing evidence of gross negligence or willful or wanton misconduct. The shield would be retroactive to March 1, 2020, five days before the first confirmed COVID-19 infection in the state and would run through the end of the year 2024. In the House, Bill 1002, if enacted, would provide similar liability protections to individuals and entities, with additional shields for health care organizations.

Other proposals relating to COVID-19 are expected before the bill-filing deadlines in each chamber, including measures to limit the authority of the governor and local public health officers to implement lockdowns and close restaurants and bars. Additionally, Republican State Senator Dennis Kruse has filed Senate Bill 74 which would prevent businesses from requiring their workers to receive any vaccines, including for COVID-19.

Republican State Senator Mark Messmer, sponsor of Senate Bill 1 and the Senate Republican floor leader said, “many Hoosier businesses, especially small businesses, are already struggling because of the COVID-19 pandemic, and these costly accusations could very well put a reputable company out of business.” This priority, even though no such lawsuits have yet been filed against any businesses or organizations, but with 8,936 Indiana residents who have lost their lives to the virus since March of last year, shows exactly whose interests the state legislators represent.

Further clarifying that the true concern of the state government was to protect the ability of businesses to generate profit at the expense of workers’ lives, Senator Messmer continued, “I don’t anticipate a large number of cases like this, but it’s important we prepare and protect factories, local shops, restaurants, houses of worship and other organizations so Hoosiers can maintain their jobs and our economy can continue to recover.”

To talk of protecting factories and other businesses—meaning protecting profit margins—during a pandemic that has claimed the lives of over 375,000 people in the US, with nearly 9,000 of them in Indiana, instead of workers’ lives is obscene.

As of Saturday, January 17, 2021, there were 3,228

new positive cases in the state and 24 new deaths. The statewide 7-day positivity rate sits at 13.8 percent, compared to the 11.7 percent at the end of April 2020 after close to two months of lockdown measures had been in place. Now, despite these grim statistics, as the new year begins and a new state government convenes, there is no talk of implementing even the most basic protections for workers, much less a return to the limited lockdowns of last spring. Nor is there any action being taken to improve the distribution of the new COVID-19 vaccine throughout the state, which remains the purview of the for-profit health care networks.

Since the beginning of the pandemic, workplaces such as auto factories, warehouses, food processing plants and offices have been identified as the prime vectors for infection. As the WSWS has reported previously, the virus has run rampant in such facilities as the Faurecia Gladstone plant in Columbus, Indiana, and the FCA factory in Kokomo, turning these workplaces into veritable deathtraps for the employees forced to work there.

The immediate priority should be to shut down all schools and non-essential production, with full compensation to all workers who must stay home and continue only essential production under the most stringent safety precautions. Of course, such actions are unthinkable to the ruling class, as they would directly threaten the profits generated by the exploitation of the working class.

Instead, the focus of the capitalist politicians who serve the ruling class is on eliminating even the possibility that a business could be held liable for one of its workers being infected on the job. And though the push behind these proposed bills comes from Republican senators, the Democrats in both houses have put forth paltry to nonexistent resistance.

House Democratic leader Phil GiaQuinta of Fort Wayne insisted that any new liability protection law be “written tightly” so that it only applies to COVID-19. GiaQuinta assured state business leaders that he has their interests at heart by adding, “of course we want to make sure that we are helping our small businesses as well as holding those bad actors accountable.”

Workers of Indiana should pay close attention to these developments. Neither capitalist party can be trusted to act in their interest. The WSWS and the

Socialist Equality Party urge all workers to form rank-and-file committees at their workplaces, through which to fight independently against both the ruling class, their union lackeys and political stooges, and establish democratic control over production and take action to save lives and put an end to the pandemic.



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