



COVID-19 Related Workplace Deaths: Preparedness And Implementation Is Key

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Mark Wallin
Partner

Now in its 23rd week, the Barnes & Thornburg Wage and Hour Practice Group's [COVID-19 related workplace litigation tracker](#) has now analyzed 423 complaints filed across the United States, in 12 different categories. This week's spotlight is on a familiar category of COVID-19 related workplace complaints that was previously reported on: [deaths caused by COVID-19 infections](#) allegedly connected to the workplace.

This week's update to the tracker includes one such case where the plaintiff, a widow, alleges that her husband's employer failed to implement safety policies and failed to provide PPE and safety equipment necessary to protect against the virus. The allegations in this case demonstrate the importance of employers not only communicating a plan of action to mitigate the dangers to the workforce but also implementing those measures necessary to protect the workforce.

In *Yaquelina Rivera v. Poly-America L.P., et al.*, the plaintiff is the widow of a former operator employed at a chemical manufacturing company. She alleges negligence and gross negligence under Texas law. The plaintiff claims that her husband's employer failed to provide personal protective or safety equipment, such as facemasks, hand sanitizers, or filters, and failed to implement safety policies, such as social distancing. The plaintiff alleges that her husband contracted COVID-19 while at work because his employer failed to take steps to protect its employees. Her husband was later hospitalized

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and died from COVID-19. In response, the plaintiff brought a wrongful death suit on her behalf and on her children's behalf.

As we have previously observed, for the foreseeable future we anticipate [more litigation](#) pertaining to an employer's safety-related response to COVID-19, more illness among an employee population, and more allegations that illness and death were the result of the employer's response (or lack thereof) to COVID-19. Although public health guidance at the local, state, and federal levels is fluid, employers should continue to monitor and adapt their plans to appropriately mitigate risks to the workforce. When in doubt, seek guidance from your labor and employment attorney.

Contributors to the COVID-19 Related Workplace Litigation Tracker will continue to present on the trends we are seeing in our [monthly webinar](#), with the next one scheduled for Oct. 7. We will continue to track these trends as they unfold, and will continue to update the tracker each week. As always, stay tuned.