

Houston attorney warns employers to prepare for wave of COVID-19 wrongful death suits

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David Barron spoke with the *Southeast Texas Record* about how he believes there will be a large number of cases filed in front line industries and workplaces where there have been substantial outbreaks of COVID-19. There are two big hurdles, David says, to bringing a COVID wrongful death suit – proving causation and required intent. “Employers will, of course, defend cases on the basis of lack of causation,” he said. “What is important to note, however, is that OSHA requires employers to investigate whether a COVID-19 case arose in the workplace and potentially log the case. This is a Catch-22 for employers because logging the illness as work related concedes causation. A failure to log will be scrutinized and a lack of diligence may be construed as ill intent.”

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