

Wisconsin Passes COVID-19 Civil Liability Exemption for Employers

By Brian J. Christensen

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Businesses, schools, nonprofits, and other employers in Wisconsin are protected from COVID-19 litigation under 2021 Special Session [Senate Bill 1](#), signed into law as 2021 Wisconsin Act 4 by Governor Tony Evers on February 26, 2021. Section 8 of the new law provides employers some of the most expansive COVID-19 civil liability protections in the country.

Beginning March 1, 2020, Wisconsin employers are immune from civil liability for the death of or injury to any individual or damages caused by an act or omission resulting or related to exposure to COVID-19. This immunity will protect employers from claims asserted by employees and patrons alike and extends to individual agents and employees of the company.

This legislation will be applied retroactively, although it does not apply to lawsuits filed before the effective date. Immunity, however, does not apply if the act or omission involves reckless or wanton conduct or intentional misconduct.

While the new law provides substantial protection to Wisconsin companies and employers can be more confident in continuing to operate their businesses, employers still need to continue taking appropriate and recommended precautions against the spread of COVID-19 to protect their employees and the public.

Neighboring Indiana also has [enacted a COVID-19 immunity shield](#) that protects companies acting in good faith.

Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance and are available to help employers weed through the complexities involved with [state-specific or multistate-compliant plans](#).

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work, or any member of our [COVID-19 team](#).

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Meet the Author



[Brian J. Christensen](#)

Principal
Milwaukee 414-944-8900
Email

Practices

Litigation

Services

COVID-19
Multi-State Resources: COVID-19
Advisor