



E-ALERT

Related Lawyers

James H. Landgraf

Related Industries

Construction

Media Contact

Peter Dunn
Director of Client
Relations and
Communications
Philadelphia, PA
pdunn@dilworthlaw.com

COVID-19 ALERT: CONSTRUCTION PROJECT SAFETY

April 03, 2020

Depending upon location and type of construction project, some projects have been fully closed down while others are proceeding. Even where they are proceeding, however, delays are being experienced. This may be a result of reduced available work force due to isolation/quarantine issues involving persons in the labor force, supply shortages associated with other industries being shut down or slowed down, transportation delays, or may result from job site safety issues and concerns.

An owner, construction manager, contractor or subcontractor needs to balance job site safety concerns associated with the COVID-19 restrictions with contractual requirements to prosecute the work. Regardless of contract provisions and work directives, efforts to accelerate by requiring additional crews may not be effective. Violations of safe workplace requirements and recommendations may impose limitations on the number of workers at a site or within a location at a site.

As of present, there are no specific adopted OSHA standards covering COVID-19. However, some OSHA requirements may apply to potential occupational exposure to COVID-19. These include OSHA's personal protective equipment (PPE) standards as well as the "general duty clause" that requires employers to furnish each worker "employment and a place of employment, which are free from recognized hazards that are causing or likely to cause death or serious physical harm". It is also clear, COVID-19 can be a "reportable illness" if a worker is infected as a result of performing the work related duties.

Other entities are adopting safety guidelines and recommendations. The NAHB (National Association of Home Builders) has published construction job site guidance for COVID-19 that describes recommendations to prevent worker exposure, protective measures to be taken on a job site, PPE recommendations and work practice controls. These may be found at NAHB "Job Site Safety & Recordkeeping Guidance for Corona Virus".

While projects that are ongoing are and will experience delays, before an owner, construction manager, contractor or sub-contractor attempts to compel others on the project to accelerate production, workplace safety guidelines and requirements, as well as enforcement of the same, need to be reviewed carefully, to avoid creating yet further issues on the project. On top of creating unnecessary stoppages, disputes and claims for constructive acceleration or delay, workplace safety penalty provisions or personal injury claims may result from imposing work conditions contrary to the regulations or recommendations.



E-ALERT

For further information on these and other issues affecting the construction industry as a result of the COVID-19, please contact [James Landgraf](#).