

Navigating COVID-19 in the Construction Industry

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The COVID-19 pandemic is causing widespread challenges in the construction industry. Employee safety concerns, forced project shutdowns, construction delays, and supplier interruptions are mounting. Contractors must carefully navigate these unprecedented times by knowing their contractual duties, regulatory obligations, and mechanic's lien rights.

Assess your OSHA compliance. Safety is paramount, and OSHA regulations may require preventative measures to protect against COVID-19 exposure on job sites. As is well known, OSHA imposes a general duty to provide a workplace "free from recognized hazards that are causing or are likely to cause death or serious physical harm" and also imposes personal protective equipment (PPE) standards. Contractors should assess whether their current practices and equipment are compliant. In the event of a COVID-19 case, contractors must determine whether it should be reported on their OSHA 300 logs.

Understand your contractual rights and obligations. Project delays and shutdowns are happening. Expect it and be prepared by reviewing your contractual requirements. As a starting point, most contracts have force majeure clauses, site conditions clauses, project safety clauses, notice requirements, or other applicable provisions. Be sure you fully understand your contractual rights and obligations.

Determine your mechanic's lien deadlines and requirements. Deadlines and requirements for mechanic's liens vary greatly by state and by project type. With the uncertainty of COVID-19, this is a critical time for contractors to ensure their mechanic's lien rights are preserved by complying with all applicable notice requirements and deadlines.

Keep calm and contact us. Let our Construction Team help you navigate these urgent and difficult challenges. It is what we do best.