The “Get America Back to Work” Act of 2020

The Get America Back to Work Act of 2020 creates a legal safe harbor from frivolous lawsuits for any person, business, nonprofit, or health care professional acting in good faith to prevent the spread of COVID-19. As cities, states, and other localities across the country begin to reopen from pandemic-related closures, many small businesses feel that the liability risk remains too high to open their doors. For these businesses in particular, a tort claim over the spread of COVID-19 may be enough to force them into bankruptcy. The Get America Back to Work Act creates a federal floor for liability protection, provided that the individual or business took reasonable steps to act in compliance with the guidance of the CDC or their local public health authority.

Sec. 2: Limitation on Liability (General)

- Creates a legal safe harbor for any person acting in good faith to prevent the spread of COVID-19 from frivolous lawsuits
- Applies to individuals, business trusts, legal representatives, corporations, companies, associations, firms, partnerships, societies, joint stock companies, nonprofits, religious organizations, or any organized group of persons.
- Safe harbor does not apply in cases of:
  - Willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious flagrant indifference to the rights or safety of the individual harmed by the person or business
- Effective from Jan. 1, 2020 to 18 months after the end of the emergency declaration.

Sec. 3: Limitation on Liability (Health Care Professionals)

- Creates a legal safe harbor for any health care provider or professional acting within the scope of their licensure or training.
- Safe harbor does not apply if:
  - The health care professional was under the influence of drugs or alcohol
  - The health care professional was acting outside the scope of their licensure
  - The harm constituted willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious flagrant indifference to the rights or safety of the individual harmed by the person or business
- Effective from Jan. 1, 2020 to 18 months after the end of the emergency declaration.

Sec. 4: Limitation on OSHA Citations and Related Penalties

- Codifies OSHA’s current practice of not issuing citations or related penalties for potential safety violations related to the possible transmission of COVID-19 to any employer acting in good faith to prevent the spread of COVID-19 in the workplace.