

OSHA Obligation as Part of the CARES Act Loans

Articles, COVID 19: Answers to Business Challenges April 2, 2020

If you are applying for a loan under the CARES Act, note that there is a provision that applicants must certify that it is in compliance with all safety requirements of the Occupational Safety and Health Administration (OSHA). Under the Occupational Safety and Health Act, OSHA can require businesses to modify facilities and procedures to protect employees. Businesses that do not comply may be fined, forced to cease operations, or prevented from starting operations.

It is possible that some employees will not be happy about the business staying open or re-opening, and will want to instead stay at home and collect unemployment. Those employees may make a complaint to OSHA that you are not providing them with a safe working environment. OSHA may inspect such businesses, which have certified as part of applying for the loan that they are complying with all safety requirements.

In order to prevent any problems with obtaining the loan, obtaining loan forgiveness, or any OSHA imposed fines, businesses applying loans under the CARES Act need to make sure that they are required to do (and which they certify that they are doing). Those safety obligations may be changing daily due to the Coronavirus.

Please see the attached link from the website of Lancaster Safety Consulting, a nationwide company that helps businesses comply with safety regulations (and a company that I know and trust). If you are not sure you that are in compliance with all OSHA regulations, or want help getting into compliance, you should consider contacting them for assistance.

Be proactive on this, don't wait until it is too late. Protecting your employees from any injuries or illness on the job is always an employer's responsibility, and there is heightened awareness of this due to the COVID-19 pandemic.

For additional information contact Scott Leah.