THE SAFE TO WORK ACT
Safeguarding America’s Frontline Employees
To Offer Work Opportunities Required to Kickstart the economy

Protections for Schools, Colleges, Charities, and Businesses

Provides temporary protection from the trial bar for schools, colleges, charities, and businesses that follow public-health guidelines, and for frontline medical workers

- Creates an exclusive federal cause of action for personal injuries arising from coronavirus exposure allegedly caused at a school, college, charity, church, association, government agency, or business.

- Defendants are liable only if they failed to make reasonable efforts to follow applicable public-health guidelines and committed an act of gross negligence or intentional misconduct.

- Imposes procedural rules, including concurrent federal jurisdiction, over all claims covered by the statute, heightened pleading standards, a clear-and-convincing-evidence burden of proof, class action disclosures and damages caps.

- Cause of action and procedural rules sunset the later of the end of the COVID-19 PREP Act Declaration or October 1, 2024.

Provides temporary protections from the trial bar for frontline healthcare workers

- Creates an exclusive federal cause of action for medical liability claims arising out of the provision of care for coronavirus, or services provided as a result of coronavirus, by licensed healthcare facilities and healthcare workers, including doctors, nurses, and volunteers.

- Limits liability only to gross negligence and willful misconduct.

- Imposes procedural rules, including concurrent federal jurisdiction, over all claims covered by the statute, heightened pleading standards, a clear-and-convincing-evidence burden of proof, and damages caps.

- Cause of action and procedural rules sunset the later of the end of the COVID-19 PREP Act Declaration or October 1, 2024.

Provides protection from federal labor and employment laws for employers who follow public health guidelines

- Protects employers from liability and from agency investigation under federal labor and employment laws for actions taken to comply with stay-at-home orders and other public-health guidance.
• Protects employers from liability for injuries arising from workplace coronavirus testing.

• Provides that a business who provides training, PPE, or other assistance to an independent contractor or to a franchisee’s employee does not convert the independent contractor or franchisee’s employee into the employee of the person providing the training, PPE, or other assistance.

• Amends the WARN Act of 1988 to provide employers flexibility in light of the sudden economic dislocation caused by the coronavirus.

**Updates to the PREP Act**

• Limits liability for new products, such as types of PPE, if they meet certain FDA requirements.

• Clarifies liability protections based on methods of distribution of covered countermeasures.