

15 MARCH 2020

NEWSFLASH: BREAKING NEWS - RULES CHANGE FOR THOSE WHO CONTINUE TO WORK AFTER 14 MARCH 2020

The Italian government and the unions have signed a shared protocol providing for measures designed to fight and contain COVID-19 in the workplace.

The document contains shared guidelines for the adoption of safety protocols.

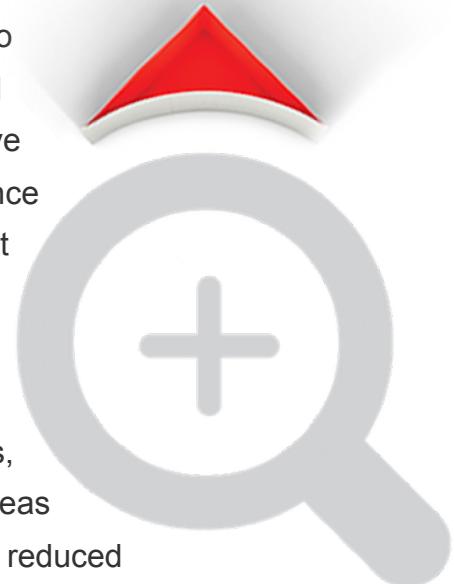
RULES ON CONDUCT AND PREVENTION

- a. **Information obligations:** employers must inform and update their workforces on orders issued by the Authorities concerning the ban on employees going into work with a temperature exceeding 37.5° Celsius or with flu symptoms, the possibility of employees being refused access to the workplace if hazardous conditions should exist, and on the duty of employees to comply with the rules and promptly inform their employers of any flu symptoms.
- b. **Rules for accessing the workplace:** employees may be subject to temperature checks before accessing the workplace and those with a temperature over 37.5° Celsius will not be allowed in; a ban on accessing the workplace for those who, in the previous 14 days, have been in contact with positive cases or been in designated risk areas. In order to do this, a specific notice concerning personal data processing must be given to the company's workforce, which can also be done by posting it at workplace entrances or in the company infirmary.
- c. **Management of the workforce in the workplace:** if an employee shows fever and/or flu symptoms and/or signs of a respiratory infection, he or she must immediately report to HR and the employer must isolate the employee and any colleagues present within the same office/department, in accordance with the orders of the health authority. The employer must inform the competent health authorities and use the emergency phone numbers; the employer must collaborate with the health authorities to identify who has been in close contact with the positive cases. During the investigation, the employer can ask anyone who has been in close contact with the employee to leave the workplace as a precaution.

- d. **Restricting external supplier access:** identification of specific procedures for transit and exit, ensuring minimum distances between individuals are respected; installation of separate bathrooms for external personnel; a restriction on visitor access; monitoring the company transport service. This protocol (and, in particular, the rules for accessing the workplace) may be extended to apply to visitors and contractors involved in work within the company site. In order to do this, a specific notice concerning personal data processing must be given to them, which can also be done by posting it at workplace entrances or in the company infirmary.

EMPLOYER OBLIGATION

- a. **Cleaning and sanitising the workplace:** daily cleaning and periodic sanitisation; specific sanitisation and ventilation in cases of COVID-positive individuals according to ministerial orders; cleaning and sanitisation of computer keyboards, mice, touch pads, etc. at the end of each work shift; exceptional cleaning also during the suspension of work due to the use of “social shock absorbers” (state-funded resources providing financial assistance to companies in the event of a shutdown).
- b. **Personal hygiene precautionary measures:** the provision of appropriate soaps for frequent hand washing is mandatory.
- c. **Personal individual protective tools:** if it is not possible to maintain a distance of one meter between one person and another, the employer must supply masks and other protective gear (gloves, coveralls, protective headgear, etc.) in accordance with the orders of scientific and health authorities; masks must be used in compliance with the WHO indications; the specific types of masks prescribed by the health authority must be used and the provision of cleaning liquid by the company is preferred.
- d. **Management of shared spaces** (canteens, changing rooms, smoking areas, vending machines, etc.): access to these areas must be limited to small groups, with continuous ventilation and reduced maximum time limits on how long employees can remain, provided that sanitary hygiene conditions and periodic sanitisation of all surfaces can be guaranteed.



- e. **Company organisation:** companies may decide (even through an agreement with unions) to close departments and offices, to rearrange production levels, to ensure employees work in shifts and organise autonomous and specified groups of employees, to use flexible/remote working wherever possible and to use “social shock absorbers” for the entire company; to use contractual tools (such as paid leave), “shock absorbers” and, as a last option, holiday already accrued. All business assignments/trips must be suspended.
- f. **Management of workplace entrances/exits:** facilitate staggered start and end times for employees, as well as the use of separate entrances.
- g. **Movement within the company, meetings, internal events and training:** limitation of movement between offices and sites, prohibition of face-to-face meetings, cancellation of classroom training activities, etc.
- h. **Health surveillance, Medico Competente, RLS:** health surveillance continues and visits must be facilitated, in collaboration with the company doctor (“Medico Competente”) and the employee representative for health & safety in the workplace (“RLS”). The company doctor must report any situations of risk and disease, while respecting privacy rules.
- i. **Updating the Regulatory Protocol:** companies must set up a committee for the implementation and verification of the protocol, with the involvement of union representatives and RLS.

FIND OUT MORE

For queries relating specifically to the employment law issues posed by the coronavirus, please contact our dedicated task force, coordinated by our partners Aldo Bottini and Lea Rossi (sab@toffolettodeluca.it).