PAVIA e ANSALDO
STUDIO LEGALE

Via del Lauro, 7 . I - 20121 Milano . Tel. +39.02 8558.1 . Fax +39.02 89011995 . info.milano@pavia-ansaldo.it
Via Bocca di Leone, 78 . I - 00187 Roma . Tel. +39.06 69516.1 . Fax +39.06 6793236/7 . info.roma@pavia-ansaldo.it
www.pavia-ansaldo.it

THE «COVID-19» EPIDEMIOLOGICAL EMERGENCY

The «COVID-19»[1] epidemiological emergency currently affecting our Country has important repercussions on employment relationships.

From a regulatory point of view, the situation is particularly fluid and constantly changing: it is therefore necessary to keep it continuously monitored, since what is valid today, may no longer be valid tomorrow.

The information below is updated to 18 April 2020 and therefore takes into account, *inter alia*, the Law Decree no. 23 of 8 April 2020, the so-called "**Liquidity Decree**", which contains "*urgent measures regarding access to credit and tax fulfilments for businesses, special powers in strategic sectors, health and safety at work interventions, extension of administrative and procedural terms*", as well as the **Prime Ministerial Decree of 10 April 2020**, which "*contains provisions of implementation of Law Decree no. 19 of 25 March 2020, including urgent measures regarding the management of the COVID-19 epidemiological emergency, applicable on the entire national territory*", the provisions of which are intended to produce effects **until 3 May 2020**.

Please note that, in addition to the measures adopted at a national level – which are addressed in this document – it is necessary to pay attention to the provisions of the Regions, Prefects and Municipalities, the relevance of which is limited to their respective territories and which cannot be taken into consideration here below.[2]

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[1] This is the acronym that identifies the respiratory disease caused by the new coronavirus, representing the synthesis of "COrona", "VIrus", "Disease" and "2019" as year of identification. The virus was instead called "Respiratory syndrome acute severe coronavirus 2" or "SARS-CoV-2". More information can be found on the website of the Ministry of health: http://www.salute.gov.it/

[2] For example, specific restrictive measures for dealing with the emergency have been issued by the Lombardy Region (see orders no. 514, no. 515 and no. 517 dated 21, 22 and 23 March 2020, which have been enacted pending the entry into force of Law Decree no. 19 of 25 March 2020, containing *inter alia* provisions regarding the adoption of national and local measures, as well as orders no. 521, no. 522 and no. 528 dated 4, 6 and 11 April 2020).

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1. The employer's obligation to protect the employees' psychophysical integrity

In general terms, the employer is legally obliged to adopt all the safety measures necessary to guarantee the physical integrity and the moral personality of its employees and, according to Legislative Decree no. 81/2008, has the specific "*responsibility to protect workers from exposure to biohazard*", as it is certainly the case of the SARS-CoV-2 virus.

In order to facilitate companies in the adoption of anti-contagion safety protocols, on 14 March 2020 the Social Partners – in application of Article 1, paragraph 1, no. 9), of the Prime Ministerial Decree of 11 March 2020, which, in relation to production activities, has recommended agreements between employers' associations and trade unions organizations – have signed a "*shared protocol regulating the measures aimed at containing the spreading of COVID-19 in the workplace*".[3] Following the enactment of the Prime Ministerial Decree of 22 March 2020, the Protocol has become mandatory for all companies the activities of which have not been suspended and not only for those registered with the employers' organizations having executed the same Protocol.[4]

Also in implementation of the Protocol, it is above all opportune that, after consultation with the Head of the prevention and protection service (RSPP), the Occupational physician (*Medico Competente*) and the Workers' representative for safety (RLS), also if external (RLST), the employer:

- perform a new risk assessment, including biohazard, consequently updating the **Risk Assessment Document** (DVR), taking into account the precautionary measures taken for the protection of the employee from the risk of contagion;
- prepare **specific anti-contagion protocols** – in line with the indications agreed by the Social Partners, at a national level, in the Protocol of 14 March 2020 – updating the emergency procedures and plans (which must be promptly brought to the attention of the employees) taking into account the specificities of each production unit and the territorial situations;
- prepare the information documents concerning the anti-contagion precautions and on the conduct to be kept in the workplace and on the emergency numbers to be contacted, by delivering and/or posting at the entrance and in the most visible places of the company premises **specific information brochures** (which should make reference, among other things, to the obligation to remain at home in case of fever or other flu symptoms and to call the family doctor and the health authority, and to the obligation to promptly declare the occurrence of these symptoms even after accessing the company premises, etc.);

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[3] **Additional protocols** have been adopted for **specific sectors** (e.g. construction sites, transport and logistics, cooperative credit).

[4] The obligation for companies whose activities have not been suspended to comply with the Protocol has been confirmed by the Prime Ministerial Decree of 10 April 2020 and, therefore, continues to apply even after 14 April 2020, the date from which the provisions of the Prime Ministerial Decrees of 8, 9, 11 and 22 March 2020 and of 1 April 2020 ceased to produce effects.

- use as much as possible forms of **smart working** for activities that can be carried out at home or remotely (see below);
- if not already suspended by the emergency legislation, **suspend activities** in the departments which are not essential for production (see below) and, in any case, limit the access to and the movement within the company premises (e.g. canteen or bathrooms);
- take all necessary measures to ensure the sanitation of the workplace, ensuring **daily cleaning and periodic sanitization** of the premises, environments, workstations and common areas (as well as, in particular, at the end of the shift, keyboards, touch screens, mouse, etc.), with appropriate detergents, both in the offices and in the production departments, with the possibility of organizing special/periodic cleaning interventions using social welfare schemes, also "in derogation" (see below);
- update the **Document for the assessment of interferential risks** (DUVRI) drafted in relation to contract for services or works and the information documentation to be made available to any third parties who may access the company premises and/or get in touch with employees, updating the procedures for accessing the company premises;
- make available to the employees **personal protective equipment**, such as protective masks and disposable gloves should their use be required, as it is in the case where the working activity cannot be performed at an interpersonal distance of less than one meter and other organizational measures are not feasible (see below);
- evaluate with the Occupational physicians any necessary intervention and/or appropriate modification of the procedures to fulfil the **health surveillance** obligations, which must continue to be implemented in compliance with the hygiene measures contained in the indications of the Ministry of health and favouring preventive visits, visits on request and visits following recovery from illness;
- suspend or cancel all internal events and any classroom **training activities**, even if mandatory, without prejudice to the possibility of carrying out distance training.

The employer is also required to take into consideration **employees with particular health conditions** (for example, pregnant workers) and to adopt specific measures suitable to protect their health at the workplace, such as carrying out the working activity from home. The Protocol of 14 March 2020 expressly provides that the Occupational physician must report to the employer situations of particular fragility and current or previous pathologies of the employees, without prejudice to the employer's obligation to ensure the protection of such information in compliance with data protection regulations (see below).

If it becomes aware of the presence of a subject who responds to the definition of "**suspected case of contagion**", the employer has the duty to immediately place her or him in isolation, in accordance with the indications of the health authority, together with all other subjects present in the company premises, avoiding close contact with the person who may have contracted the virus and paying attention to the surfaces with which she or he has come into contact. It is also necessary to have the person concerned dispose the used tissues, by throwing them in a waterproof bag which will be disposed of with the materials produced during the health activities of the rescue personnel.

Moreover, the employer should immediately inform the Occupational physician and contact the public health services at the emergency numbers provided by the Region or by the Ministry of health.

Following the entry into force of the Law Decree no. 18 of 17 March 2020, the so-called "*Cura Italia* Decree", the quarantine measure with active surveillance for individuals who have had contact with confirmed cases of COVID-19 does not apply to employees of companies operating within the production and dispensing of drugs and of medical and diagnostic devices, as well as in the relevant research and integrated supply chain activities concerning subcontractors. These workers are suspended from work only in the case of respiratory symptoms or positive results for COVID-19.

In the event that an employee has **tested positive** to COVID-19, extraordinary sanitation and cleaning of the workplace must be carried out, also complying with any other requirements that may be imposed by the competent authority.

2. The measures to be taken for employee management

Given the high contagiousness of SARS-CoV-2 virus, the emergency legislation aimed at contrasting and containing the pandemic first banned any movement into, out of and within the national territory – and, at present, even towards a different municipality, unless motivated by proven work needs, reasons of absolute urgency or health reasons (see below) – and subsequently ordered, with some exceptions, the suspension of commercial and industrial production activities, restaurant services and personal care services, providing for specific recommendations for other sectors, which are not subject to suspension, including banking, financial, insurance services as well as professional activities.

Ad hoc provisions were also set forth with regard to public administrations and local public transport services, interregional automotive services, rail, air and maritime transport services, empowering the Ministry of infrastructures and transposals, in consultation with the Ministry of health, as well as the Regions, with the authority to limit such services, while ensuring the minimum essential services.

2.1. The suspension of the activity

The suspension of activity regime applicable as from 14 April 2020 is that outlined by the Prime Ministerial Decree of 10 April 2020 (see below), which has superseded and replaced the previous regime, which was the result of the interaction of the provisions of the earlier emergency measures.

2.1.1. The Prime Ministerial Decree of 11 March 2020

Effective from 12 March 2020, the Prime Ministerial Decree of 11 March 2020 has **ordered** the **suspension** of retail commercial activities and of catering and personal care services, with the exception of the activities and of the businesses identified in the relevant annexes (e.g. sale of food and basic necessities, pharmacies, newsagents, tobacconists, etc.), and without prejudice, in relation to all non-suspended activities, for the obligation to guarantee the interpersonal safety distance of one meter.

It is noted that canteens and continuous catering services carried out on a contractual basis that guarantee such safety distance have been expressly excluded from the suspension order. Therefore, in compliance with such prescription and with the relevant health protocols, company canteens have been allowed to remain active in favour of the employees. The suspension of personal care services introduced by the Decree is, however, generalized (with the exception, as mentioned, for the activities indicated in the relevant annex, e.g. laundries and dry cleaners) and, therefore, also concerned those services that are carried out at company premises in favour of the employee entitled to a similar benefit.

The same Prime Ministerial Decree of 11 March 2020 also **recommended** that companies **suspend** the activities of company departments which are not essential for production.

2.1.2. The Protocol of 14 March 2020

With the Protocol of 14 March 2020, the Social Partners have rendered the continuation of production activities conditional upon the presence of conditions ensuring adequate levels of protection for workers, inviting in any case companies to order the physical closure of all departments other than production ones or, in any case, of those being able to operate through smart working measures (see below).

2.1.3. The Prime Ministerial Decree of 22 March 2020

In light of the need to adopt additional containment and management measures for the COVID-19 epidemiological emergency, the subsequent Prime Ministerial Decree of 22 March 2020 has, on the one hand, ordered the **suspension** of all commercial and industrial production activities – with specific exceptions (see below) – and, on the other hand, identified the activities which are in any case allowed to proceed.

In particular, the following activities **remained active** even following the enactment of the Prime Ministerial Decree of 22 March 2020:

- the commercial and industrial production activities identified by a specific "Ateco code", indicated in the annex to the Prime Ministerial Decree of 22 March 2020, as amended by the Decree of the Minister of economic development of 25 March 2020[5];

[5] Reference is made to the following Ateco codes: **01** (Agricultural crops and production of animal products), **03** (Fishing and aquaculture), **05** (Coal mining), **06** (Crude oil and natural gas mining), **09.1** (Support services for oil and gas extraction services natural gas), **10** (Food industries), **11** (Beverage industry), **13.96.20** (Manufacture of other technical and industrial textile articles), **13.95** (Manufacture of non-woven fabrics and articles made of such materials, excluding articles of clothing), **14.12.00** (packs of overalls, uniforms and other work wear), **16.24** (manufacture of wooden packaging), **17** (manufacture of paper, except for 17.23 and 17.24), **18** (Printing and reproduction of recorded media), **19** (Manufacture of coke and products from oil refining), **20** (Manufacture of chemicals, except for 20.12, 20.51.01, 20.51.02, 20.59.50 and 20.59.60), **21** (Manufacture of basic pharmaceutical products and pharmaceutical preparations), **22.2** (Manufacture of plastic articles, except for 22.29.01 and 22.29.02), **23.13** (manufacture of hollow glass), **23.19.10** (Manufacture of laboratory glassware, for hygienic use, for pharmacies), **25.21** (manufacture of metal radiators and containers for central heating boilers), **25.92** (manufacture of light metal packaging), **26.6** (Manufacture of irradiation equipment, electro-medical and electro-therapeutic equipment), **27.1** (Manufacture of electric motors, generators and transformers and equipment for the distribution and control of electricity), **27.2** (manufacture of batteries and electric accumulators), **28.29.30** (manufacture of automatic machines for dosing, wrapping and packaging),, **28.95.00** (Manufacture of machinery for the paper and paper industry and carton including parts and accessories), **28.96** (Manufacture of machinery for the plastics and rubber industry, including parts and accessories), **32.50** (Manufacture of medical and dental instruments and supplies), **32.99.1** (Manufacture of safety protective clothing and equipment), **32.99.4** (Manufacture of funeral cases), **33** (Repair and maintenance installation of machines and equipment, except for 33.11.01, 33.11.02, 33.11.03, 33.11.04, 33.11.05, 33.11.07, 33.11.09, 33.12.92, 33.16 and 33.17), **35** (Supply of electricity, gas, steam and air conditioning), **36** (Collection, treatment and supply of water), **37** (Sewerage management), **38** (Collection, treatment and disposal of waste; recovery of materials), **39** (Remediation and other waste management services), **42** (Civil engineering), **43.2** (Installation of electrical, hydraulic systems and other construction and installation works), **45.2** (Maintenance and repair of motor vehicles), **45.3** (Trade of parts and accessories of motor vehicles), **45.4** (For the sole activity of maintenance and repair of motorcycles and trade of related parts and accessories), **46.2** (Wholesale of raw materials agricultural and live animals), **46.3** (Wholesale of food, beverages and tobacco products), **46.46** (Wholesale of pharmaceutical products), **46.49.2** (Wholesale of books, magazines and newspapers), **46.61** (Wholesale of machinery, equipment, machinery, accessories, agricultural supplies and agricultural tools, including tractors), **46.69.91** (Wholesale of scientific instruments and equipment), **46.69.94** (Wholesale of fire-fighting and accident prevention articles), **46.71** (Wholesale of petroleum products and automotive lubricants, heating fuels), **49** (Land transport and pipeline transport), **50** (Sea and water transport), **51** (Air transport), **52** (Storage and transportation support activities), **53** (Postal and courier services), **55.1** (Hotels and similar establishments), **J - 58/63** (Information and communication services), **K - 64/66** (Financial and insurance activities), **69** (Legal and accounting activities), **70** (Business management and management consulting), **71** (Architectural and engineering studies; technical testing and analysis), **72** (Scientific research and development), **74** (Professional, scientific and technical activities), **75** (Veterinary services), **78.2** (Temporary work agency), **80.1** (Private security), **80.2** (Services connected to surveillance systems), **81.2** (Cleaning and disinfestation activities), **82.20** (Call center activities), **82.92** (Packaging and packaging activities for third parties), **82.99.2** (Book distribution agencies, newspapers and magazines), **82.99.99** (other business support services), **84** (Public administration and defense; compulsory social insurance), **85** (Education), **86** (Healthcare), **87** (Residential social care services), **88** (Non-residential social assistance), **94** (Organization activities economic,

- commercial and industrial production activities which are identified by an Ateco code not included in the list contained in the annex, but are organized so as to be performed through smart working;

- the activities (with an Ateco code not included in the list contained in the annex) regarding the continuous production cycle plants the interruption of which could seriously damage the plant itself or give rise to the risk of accidents, upon communication to the Prefect of the Province in which the production activity is located (who could suspend these activities if it considered that the conditions for their continuation did not exist);

- the commercial activities already authorized by the Prime Ministerial Decree of 11 March 2020 – which, as mentioned, ordered the suspension of retail commercial activities and restaurant services, but allowed the continuation of specific activities, such as the sale of food and first need, etc. (see above) – within the limits set by the Order of the Ministry of health of 20 March 2020, which provided for the closure of the businesses serving food and drink located inside railway stations, as well as in refuelling and service areas, with the exception of those located along the motorways (authorized to sell only take-away products to be consumed outside the premises) and those located in hospitals and airports, with the obligation to ensure compliance with the interpersonal distance of at least one meter;

- professional activities, for which the recommendations of the Prime Ministerial Decree of 11 March 2020, including smart working and the adoption of anti-contagion protocols (see below), remained valid;

- activities that must continue to be performed in order to ensure the continuity of the supply chain related to the commercial and industrial production activities which are identified by an Ateco code included in the annex to the Prime Ministerial Decree of 22 March 2020, as well as to the public and essential services, upon communication to the Prefect of the Province where the production activity is located (who could suspend these activities if it considered that the conditions for their continuation did not exist);

- activities providing public or essential services (without prejudice to the suspension of the service for the opening to the public of museums and other cultural institutes and places, as well as of the services relating to education where not provided at a distance or remotely within the allowed limits);

- the activities of the aerospace and defense industry, as well as other activities of strategic importance for the national economy, subject to authorization by the Prefect of the Province where the production activities are located;

by employers and professionals), **95.11.00** (Repair and maintenance of computers and peripherals), **95.12.01** (Repair and maintenance of fixed, cordless and mobile phones), **95.12.09** (Repair and maintenance of other equipment for communications), **95.22.01** (Repair of household appliances and household items), **97** (Activities of families and partnerships as employers for domestic staff).

- the activity of production, transport, marketing and delivery of drugs, healthcare technology and medical-surgical devices as well as of agricultural and food products;

- any activity necessary to cope with the emergency.

For the cases of suspension set forth by the Prime Ministerial Decree of 22 March 2020, the latter has set **25 March 2020** as deadline for the **completion** of the activities necessary for the **suspension**, including the shipment of goods in stock. For activities that have been suspended only following the changes made by the Decree of the Ministry of economic development of 25 March 2020, such deadline was, instead, represented by **28 March 2020**.

As said, in case of suspension, social welfare schemes apply (see below).

2.1.4. The Prime Ministerial Decree of 10 April 2020: the rules applicable as from 14 April 2020

The Prime Ministerial Decree of 10 April 2020, in carrying out a reorganization of the emergency measures set forth by the previous emergency legislation – in particular by the Prime Ministerial Decrees of 8, 9, 11 and 22 March 2020 as well as of the Prime Ministerial Decree of 1 April 2020, which, as mentioned, ceased to produce effects from **14 April 2020** –, has merged the previous provisions on the suspension of the activity into a single regulatory text.

In outlining the new suspension regime, the Prime Ministerial Decree of 10 April 2020 (like the previous decrees) indicated, on the one hand, the activities subject to suspension and, on the other hand, those that are in any case allowed.

In particular, the Decree provided for the **suspension**:

(a) of the educational services for children and of the didactic activities in schools of all levels, as well as of the attendance of school and of higher education activities, including universities, of professional courses, masters, training courses and activities (without prejudice to the possibility of carrying out distance learning activities);

(b) of the activities of gyms, sports centers, swimming pools, swimming centers, wellness centers, spas (except for essential assistance services), cultural centers, social centers and leisure centers;

(c) of retail commercial activities, with the exception, in compliance with the interpersonal safety distance of one meter, for: (i) the food and basic necessities sales activities identified in Annex 1,[6] in the context of both neighborhood activities and

[6] The retail commercial activities permitted by the Prime Ministerial Decree of 10 April 2020 are all those already indicated in the relevant annex to the Prime Ministerial Decree of 11 March 2020, with the **addition** of the following activities: (i) trade in paper, cardboard and stationery items; (ii) retail sale of books; (iii) retail sale of clothing for children and babies.

medium and large-scale distribution, also if included in shopping centers, provided that access is permitted only to the aforementioned activities; (ii) activities aimed at selling only market foodstuffs; (iii) newsagents, tobacconists, pharmacies, para-pharmacies;

(d) of catering services (including bars, pubs, restaurants, ice cream parlors, patisseries), with the exception of: (i) canteens and continuous catering services carried out on a contractual basis, ensuring the interpersonal distance of one meter; (ii) home delivery catering, ensuring compliance with hygiene and health standards, both for packaging and transport activities;

(e) of the services of the food and beverage outlets, located inside railway and lake stations, as well as in service and refueling areas, with the exclusion of: (i) those located along motorways, which can sell only take-away products to be consumed outside the premises; (ii) those located in hospitals and airports, with the obligation to ensure in any case the interpersonal distance of one meter;

(f) of the personal care services (including hairdressers, barbers, beauticians), except for those identified in Annex 2[7] to the Prime Ministerial Decree of 10 April 2020;

(g) of the commercial and industrial production activities, with a series of exceptions based on the type of activity carried out and its relevance (see below).

As from 14 April 2020, the new regime **allowed**:

- the commercial and industrial production activities identified by a specific "Ateco code", indicated in annex 3 to the Prime Ministerial Decree of 10 April 2020 (subject to amendments to be implemented through decree of the Ministry of the economic development, heard the Ministry of economy and finance). This annex 3, in reiterating the Ateco codes listed in the specific annex to the Prime Ministerial Decree of 22 March 2020, as amended on 25 March 2020, both included additional Ateco codes and excluded exceptions to Ateco codes already included[8] (thus identifying activities prohibited until 14 April 2020, but permitted from that date). Moreover, as already provided by the Prime Ministerial Decree of 22 March 2020:
  a) the "*activities of the temporary work agencies*", identified through the "78.2" Ateco code, can be carried out on condition that they are implemented in connection with the activities that are allowed as they are included in the annexes 1, 2 and 3 to the Prime Ministerial Decrees of 10 April 2020;

[7] These are the activities already listed in Annex 2 to the Prime Ministerial Decree of 11 March 2020.

[8] Reference is made to the following Ateco codes: **02** (Forestry and use of forest areas); **16** (Industry of wood and of wood and cork products, excluding furniture; manufacture of articles of straw and plaiting materials), while, until 14 April 2020, only the activity of "manufacture of wooden packaging", identified by the "16.24", was allowed; **25.73.1** (Manufacture of hand-operated tools; interchangeable parts for machine tools); **26.1** (Manufacture of electronic components and electronic boards); **26.2** (manufacture of computers and peripherals); **33.16** and **33.17**; **42.91**; **46.49.1** (Wholesale of paper, cardboard and stationery items); **46.69.94** (Wholesale of fire and accident prevention articles); **46.75.01** (Wholesale of fertilizers and other agricultural chemicals); **81.3** (Landscape care and maintenance, excluding construction activities); **99** (Extra-territorial organizations and bodies).

b) the "*call centers activities*", identified through the "82.20.00" Ateco code, are allowed limitedly to the "*inbound call center activities answering users' calls through operators, through automatic call distribution, through computer-telephone integration, interactive voice answering systems or similar systems able of receiving orders, providing product information, dealing with customers for assistance or complaints*" and, in any case, on condition that they are carried out in connection with the activities that are allowed as they are included in the annexes to the Prime Ministerial Decrees of 10 April 2020;

c) the "*activities and other company support services*", identified through the "82.99.99" Ateco code, are allowed limitedly to the activity regarding home delivery of products;

- the commercial and industrial production activities which are identified by an Ateco code not included in the list contained in the annex, but are organized so as to be performed through smart working;
- the activities (with an Ateco code not included in the list contained in annex 3) regarding the continuous production cycle plants the interruption of which could seriously damage the plant itself or give rise to the risk of accidents, upon communication to the Prefect of the Province in which the production activity is located (who, heard the President of the Region, can suspend these activities if it considers that the conditions for their continuation do not exist), except for the activity of the plants aimed at ensuring the provision of an essential public service, the continuation of which is not subject to communication;
- the retail commercial activities, the restaurant services, the services of the food and beverage outlets as well as the personal care services, within the limits mentioned above (see above);
- the professional activities, for which the Prime Ministerial Decree of 10 April 2020 maintains the previous recommendations to be followed for continuing the activity, including smart working, the use of holidays and paid leave for employees, the adoption of anti-contagion protocols as well as the sanitation of the workplace (see below);
- banking, financial and insurance services, which continue to be performed in compliance with hygiene and health regulations;
- the activity of the agricultural, zoo technical and agri-food processing industry, including the supply chains of goods and services;
- the activities that must continue to be performed in order to ensure the continuity of the supply chain related to the commercial and industrial production activities which are identified by an Ateco code included in annex 3 to the Prime Ministerial Decree of 10 April 2020, to the aerospace, defense and other activities of strategic importance for the national economy, allowed to operate, as well as to the public and essential services, upon communication to the Prefect of the Province where the production activity is located (in which the companies and administrations benefiting from the products and services relating to the permitted activities must be specifically indicated), who, heard the President of the Region, may suspend these activities if it considers that the conditions for their continuation do not exist;

- the activities providing public or essential services (without prejudice to the suspension of the service for the opening to the public of museums and other cultural institutes and places, as well as of the services relating to education where not provided at a distance or remotely within the allowed limits);
- the activities of the aerospace and defense industry, including the processes, plants, materials, services and essential infrastructure to ensure national security and public aid, as well as other activities of strategic importance for the national economy, subject to authorization by the Prefect of the Province where the production activities are located;
- the activity of production, transport, marketing and delivery of drugs, healthcare technology and medical-surgical devices as well as of agricultural and food products;
- any activity necessary to cope with the emergency.

For the cases of suspension due to the changes made to the list included in annex 3 to the Prime Ministerial Decree of 10 April 2020, the latter has set that the activities necessary for the **suspension**, including the shipment of goods in stock, should be **completed** within 3 days following the enactment of the decree making the changes.

In relation to the suspended production activities, prior communication to the Prefect, it is in any case possible to:

a) have employees or third-parties specifically delegated **access the company premises** for the performance of: (i) surveillance activities; (ii) conservation and maintenance activities; (iii) payments; (iv) cleaning and sanitizing activities;

b) **ship** to third parties goods in stock in the warehouse;

c) **receive** goods and supplies in the warehouse.

In case of suspension, social welfare schemes apply (see below)

2.2. Smart working

Also following the enactment of the Prime Ministerial Decree of 10 April 2020, the primary precautionary measure for the activities and services which can be carried out at home or remotely – including, as said, the commercial and industrial production activities which have been suspended by the Decree to the extent they are identified by an Ateco code which is included in the list contained in the relevant annex (see above) – is represented, by the so-called **smart working**.[9]

[9] As known, smart work was introduced by articles 18 and following of Law no. 81 of 2017 as a "method of execution of the subordinate employment relationship", to be established by an agreement between employer and worker, also with forms of organization by phases, cycles and objectives, and without prior restrictions of time or place of work, with the possible use of technological tools to carry out the working activity. The working activity is performed in part inside the company premises and in part outside thereof, without a predetermined working position, within the maximum duration of the daily and weekly working hours, as set forth by the law and the applicable collective bargaining agreements.

In fact, for such activities, companies are recommended to make the maximum use of smart working, which, in the context of the current emergency, is allowed even in the absence of an individual agreement.

In order to facilitate its implementation, in addition to having temporarily given the employer the right to decide it unilaterally, the Prime Ministerial Decree provided for the possibility of electronically fulfilling the obligation to provide written information in the field of health and safety,[10] also using the documentation made available on the INAIL website.

The *Cura Italia* Decree also provided that, until 30 April 2020, provided this is compatible with the characteristics of the work performance, employees in the conditions of disability referred to in Article 3, paragraph 3, Law no. 104/1992 or who have a person with this disability in their family unit have the **right** to perform their working activity as "smart workers" (while, on the point, Law no. 81/2017 only provided that requests to perform the working activity as smart workers submitted by workers with children with disabilities under Law no. 104/1992 must be given priority).

Moreover, the requests made by employees of the private sector suffering from serious and proven pathologies with reduced working capacity were given a **priority**. This provision is without prejudice to the priority recognized directly by Law no. 81/2017 to the requests for the execution of the working activity on a smart working basis submitted by working mothers in the three years following the end of the maternity leave period.

2.3. Paid holidays and leaves

The precautionary measure identified by the emergency legislation as first alternative to smart working is represented by the use of paid **holidays and leaves** (and other measures provided for by collective bargaining agreements).

The Prime Ministerial Decree of 11 March 2020 has, in fact, recommended companies to incentivize paid holidays and leave for employees as well as the other instruments envisaged by collective bargaining agreements, and the Prime Ministerial Decree of 10 April 2020 reiterated such recommendation.

Taking into account the current emergency context, it is believed that the employer can unilaterally decide the use of holidays and leave; this despite the fact that this measure has only been "recommended" and "encouraged" by the law. Where possible, however, the employer should give priority to smart working and take into account the provisions contained in the applicable collective bargaining agreements.

With specific reference to the relationship between social welfare schemes and holidays, in the Protocol of 14 March 2020, the Social Partners – under an unclear wording – indicated that companies may "*use as a priority the social welfare schemes available in*

[10] Pursuant to Law 81/2017, the employer is responsible for the safety and the proper functioning of the technological tools to be used for the performance of the working activity, and must deliver to the worker and to the RLS, at least once a year, a written information notice that identifies the general risks and the specific risks associated with the particular method of execution of the working activity.

compliance with the contractual institutions (i.e. so-called 'par', 'rol', 'banking of work hours') generally aimed at allowing the abstention from work without any loss of salary", limiting the use of paid "*holidays accrued but not taken*" when "*the use of the institutions under letter c)*" is not sufficient. Indeed, not fully clear is the reference made by the Protocol to the necessary "*compliance with the contractual institutions*" in the use of social welfare schemes nor is, above all, the reference to "*institutions under letter c)*", since the same Protocol does not contain any bullet list with letters. Thorough interpretation, this last reference seems to be made as concerning the contractual institutions (and, therefore, the "par", the "rol" and the "bank hours") and not to the social welfare schemes.

In this situation of uncertainty, it can be observed that, although it is common practice, also in the context of union agreements, to apply to the social welfare schemes only after having made use of holidays and permits that have been accrued and not enjoyed, this has been required only with regard to the "redundancy fund in derogation" under Legislative Decree 54/2013[11] and nothing, on the point, was laid down by the current emergency legislation.

In the silence of the *Cura Italia* Decree, with circular letter no. 47 of 28 March 2020, the Italian pension authority (INPS) clarified that, "*considering that the rationale of the decree is ensuring homogeneous protections to the various sectors, albeit subject to separate procedures, also for the 'redundancy fund in derogation'... the presence of previous holidays accrued but not taken is not an obstacle to the acceptance of the application*".

Contrasting indications can be found in the union agreements signed by the Regions in relation to the "redundancy fund in derogation" provided by the Law Decree 9/2020 and the *Cura Italia* Decree (see below): for example, if the agreement signed by the Lazio Region provides that "*for accessing to the redundancy fund in derogation, the prior use of holidays and permits is not required*",[12] the agreement stipulated by the Liguria Veneto states, on the contrary, that "*the company must have previously used the ordinary flexibility measures (ordinary leave and holidays 2019)*" and this also for the handicraft sector[13]

As to the "ordinary redundancy fund" (see below), INPS, making reference to its previous indications given with message no. 3777 of 18 October 2019, clarified that "*the presence of previous holidays accrued but not taken is not an obstacle to the acceptance of the application for the 'ordinary redundancy fund' or the 'ordinary allowance'*".

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[11] The Decree of 1 August 2014 adopted by the Minister of labor has in fact stated that "in order to benefit from the salary integration treatments 'in derogation', the company must have previously used ordinary flexibility instruments, including residual holidays".

[12] A similar provision is also contained in the agreements signed by the Abruzzo Region.

[13] See also the agreement signed by the Autonomous Province of Bolzano.

2.4. Anti-contagion protocols and hygiene-sanitary measures at the workplace

2.4.1. The personal protection equipment and the hygiene-sanitary measures

In the case of non-suspended activities that require the **physical presence of the employees at the workplace**, the employer will have to adopt all the measures indicated by the experts which are able to improve the health of the work environment, also in light of the contents of the Protocol of 14 March 2020.

It is, therefore, a matter of installing antibacterial gel dispensers, sanitizing surfaces and work environments, suppling protective masks and gloves to be used in case of need, according to the indications of the competent authorities (see above).

With particular reference to **personal protective equipment**, the emergency legislation and the Protocol of 14 March 2020 recommended their adoption whenever the main containment measure of the interpersonal distance of one meter cannot be respected, favoring, in case of supply difficulties, the preparation of hand-rub by the company according to the indications of the World Health Organization and the use of masks in the type corresponding to the indications of the health authority.

In this regard, the *Cura Italia* Decree provided that, until the end of the state of emergency referred to in the resolution of the Council of Ministers of 31 January 2020, for workers who, in carrying out their working activities, are unable to keep the interpersonal distance of one meter, the surgical masks that are available on the market are considered as personal protective devices, the use of which is governed by Article 34, paragraph 3, Law Decree no. 9 of 2020. Until that date, the use of filter masks without the "CE" marking and produced in derogation of the current marketing standards is authorized.

On this point, with circular letter no. 3572 of 18 March 2020, the Ministry of health clarified that the masks taken into consideration by the aforementioned provisions "*cannot be used by healthcare professionals or other workers for whom the use of specific safety devices is prescribed*".

Moreover, the Liquidity Decree extended the scope of application of the tax credit introduced by the Cura Italia Decree – relating to the costs of sanitizing of the workplace and of work tools – in order to include the expenses incurred in 2020 for the purchase of personal protective equipment and other safety devices designed to protect workers from accidental exposure to biological agents and to guarantee the interpersonal safety distance.

The tax credit is granted to businesses and professionals for the 2020 tax period and is equal to 50% of the costs incurred for the abovementioned purposes and duly documented, up to a maximum of € 20,000 for each beneficiary, within the overall limits of fifty million euros. The criteria and methods of application and use of the tax credit will be established by decree of the Ministry of economic development, in agreement with the Ministry of economy and finance.

In addition, in accordance with the indications given by the Ministry of health, the employer must invite its employees to follow **common preventive measures** aimed at limiting the spreading of diseases which are transmitted by the respiratory system, such as washing their hands frequently and carefully, paying attention to surface hygiene, avoiding close contact with people who have symptoms.

In this regard, the Prime Ministerial Decree of 10 April 2020 has expressly recommended the application of the hygiene and health prevention measures referred to in Annex 4 to the same Decree, which include, precisely, washing your hands often, avoiding hugs and grasping hand, not touching your eyes, nose and mouth with your hands, etc.

For **commercial businesses** the activities of which have not been suspended (see above), the Prime Ministerial Decree of 10 April 2020 also provided that the same must ensure that the entrances take place in a deferred manner and that clients be prevented from stopping inside the premises more than the time needed to purchase the goods. Moreover, commercial businesses must adopt the specific measures listed in annex 5 to the Decree, which include inter alia: (i) ensuring an interpersonal distancing in all activities and phases thereof; (ii) cleaning and sanitizing at least twice a day; (iii) ensuring an adequate natural ventilation and air exchange; (iv) making available systems for hand disinfection (in particular alongside keyboards, touch screens and payment systems); (v) using disposable masks and gloves; (vi) regulating accesses, which must be staggered through the extension of the opening hours, ensuring access to one person at a time (in addition to a maximum of two operators) in the case of spaces up to forty square meters, also differentiating, where possible, the entry and exit routes.

2.4.2. Movements within the production sites. The common areas

For production activities, the Prime Ministerial Decree of 11 March 2020recommended to **limit travel within the sites** as much as possible and to **limit access to common areas**. These provisions pursue the clear purpose of limiting as much as possible the possibility of contagion of COVID-19 within plants, both among the staff employed in the individual departments and among the staff employed in the different departments of the same production unit. Possible implementing measures could be represented by the reorganization of work shifts and breaks, with a consequent reduction of the population simultaneously present in shared environments.

Although the Prime Ministerial Decree of 11 March 2020 ceased to have effect from 14 April 2020, the measures referred to above continue, in substance, to be mandatory. In fact, similar provisions are contained in the Protocol of 14 March 2020, the respect of which continues to be imposed by the emergency legislation even after 14 April 2020.

In the Protocol, the Social Partners provided that access to common spaces (including company canteens, smoking areas and changing rooms) must be limited through a quota-based system, ensuring a continuous ventilation of the premises, limiting the time spent in such places and keeping the safety distance of one meter. In addition, the companies were also urged to proceed with the re-modulation of production levels, to ensure a shift plan for employees engaged in production activities, to encourage staggered entry and exit times (dedicating, where possible, separate doors for the

entrance and the exit), to limit travel within the company site to the minimum and to avoid, where possible, meetings that require the physical presence of workers.

2.4.3. Travelling to and from the workplace. Business trips

Following the entry into force of the Prime Ministerial Decree of 9 March 2020 and also after the enactment of the Prime Ministerial Decree of 10 April 2020, when **traveling from home to work**, and vice versa, employees are allowed to prove the working reasons for which they travel by any means, including through a self-declaration under Articles 46 and 47 of Presidential Decree no. 445/2000, also using the form made available on the website of the Ministry of interior (currently updated to the Prime Ministerial Decree of 22 March 2020).[14] The form, in its newly updated version, provides that the interested party should indicate the starting place and declare, among other things, that she or he is not subject to the ban on mobility from one's home or dwelling, which is applicable to individuals subjected to the quarantine measure or positive results for COVID-19.

In consideration of the limitations to travel not only in and out of the Italian territory, but also within Italy itself, which were imposed by the emergency legislation, in the Protocol of 14 March 2020 the Social Partners have stated that all **business trips**, even if already agreed or organized, must be suspended or canceled.

The Prime Ministerial Decree of 10 April 2020 has introduced specific provisions applicable to travels entailing entry into the Italian territory for proven work needs (see below).

2.4.4. Health and safety and refusal to work

Where the employer has duly implemented the emergency legislation and, in particular, has adopted every hygienic-sanitary caution to protect its employees, including those set forth by the Protocol of 14 March 2020, any **refusal of the worker** to perform her or his working activity would not be justified. The worker would, therefore, be disciplinary accountable, being her or his refusal legitimate only in the event that carrying out the working activity would jeopardize her or his psychophysical integrity.

[14] Link: https://www.interno.gov.it/sites/default/files/allegati/nuovo_modello_autodichiarazione_26.03.2020_editabile.pdf

3. Social welfare schemes

Without prejudice to the applicability of the "common" social welfare schemes set forth by Legislative Decree no. 148/2015 where the relevant conditions are met, Law Decree 2 March 2020 no. 9 introduced a series of special measures to support companies located in the municipalities belonging to the now former "red areas" and, more generally, those located in the regions of Lombardy, Veneto and Emilia-Romagna, and their employees who reside or are domiciled there.

The *Cura Italia* Decree then provided for special rules on social welfare schemes (in particular, articles 19-22), applicable to the entire national territory.

In this regard, it is recalled that the Protocol of 14 March 2020 called for the use of social welfare schemes, also "in derogation": (i) recommending the use, as a priority, of the social welfare schemes available in compliance with the contractual institutions generally aimed at allowing the abstention from work without any loss of salary; (ii) specifying, with reference to smart working, that in case of use of redundancy funds, the company must evaluate the possibility of involving the entire company population, if necessary also on a shifting basis; and (iii) suggesting the use of these measures to organize particular/periodic cleaning interventions in the workplace.

3.1. The (now former) «red areas»

Due to the ongoing epidemiological emergency, Article 13 of Law Decree no 9/2020 provided for the possibility for employers of the areas in question to submit an application for **"ordinary redundancy fund**" (CIGO) **and** "**ordinary allowance**", following a simplified procedure, with the "COVID-19 Law Decree no. 9/2020" specific reason, for a maximum of three months.

The ordinary allowance is granted also to those employers who are registered with the "Wage Integration Fund" (FIS) and employ more than five employees.

Furthermore, pursuant to Article 15 of Law Decree no 9/2020, companies for which the common legislation on suspension and reduction of working hours does not apply (and, therefore, those provided for by the well-known Legislative Decree no. 148/2015) can apply to a "**Redundancy Fund in Derogation**", for the duration of the suspension of the employment relationship and, in any case, for a maximum period of three months from 23 February 2020.

It is noted that the measure at issue can be activated also following the entry into force of the *Cura Italia* Decree and of the social welfare schemes set out therein (see below).

Moreover, on 6 March 2020, Assolavoro and the trade union organizations in the **supply of work** sector signed an agreement aimed at introducing a simplified procedure for accessing the "wage integration fund" for supplied workers as well as at allowing the activation of a "treatment in derogation" for the case where the company hosting the supplied worker has not made use of any social welfare scheme.

3.2. The Regions of Lombardy, Veneto and Emiglia-Romagna

Apart from the cases of "Redundancy Fund in Derogation" applicable in the former "red areas", employers operating in the private sector, including the agricultural sector, which do not have access to common social welfare schemes, can apply – in case of ascertained prejudice, as a consequence of the orders issued by the Ministry of health, in agreement with the Regions, in the context of the measures set forth by the Law Decree no 6/2020, and following the execution of an agreement with the union organizations that are comparatively more representative – to a "**Redundancy Fund in Derogation**", for the duration of the suspension of the employment relationship and, in any case, for a maximum period of one month.

As for the "Redundancy Fund in Derogation" provided for by Law Decree no. 9/2020 with respect to the "red areas", also the measure at issue can be activated following the entry into force of the *Cura Italia* Decree (see below).

It should also be noted that the scope of application of the agreement of 6 March 2020 between Assolavoro and trade union organizations of the **supply of work** sector (see above) also includes the so-called "yellow areas" (and was then extended to the entire Italian territory: see below).

3.3. The entire Italian territory

On 10 March 2020, Assolavoro and the union organizations of the **supply of work** sector extended to the entire Italian territory the simplified procedure for applying to the "wage integration fund" and the "wage integration fund in derogation" set forth by the previous agreement of 6 May 2020 (see above).

The *Cura Italia* Decree then set forth special rules on social welfare schemes, applicable to the entire national territory, which are granted within maximum spending limits. The Italian pension authority (INPS) monitors the applications so that the spending limits are respected and keeps informed the Ministry of labour, the Regions and the autonomous Provinces, since, where the limits at issue are reached, no additional application can be granted.

INPS has provided indications on the social welfare schemes in question, also on how to submit the relevant applications, with inter alia messages no. 1287/2020 and no. 1321/2020 as well as with circular letter no. 47/2020.

3.3.1. Ordinary Redundancy Fund and ordinary allowance

Employers that in 2020 suspend or reduce the working activity for events related to the COVID-19 epidemiological emergency may apply to the "ordinary redundancy fund" and for the issuance of the "ordinary allowance", with the "COVID-19 emergency" **specific reason**, in relation to a period following 23 February 2020 and with a **maximum duration of 9 weeks**, not later than August 2020.

The ordinary allowance is granted also to those employers who are registered with the "Wage Integration Fund" (**FIS)** and employ **more than 5 employees**.

The *Cura Italia* Decree provided for a simplified procedure, in derogation to the legislation applicable to "common" social welfare schemes. Among other things, the employer is exempted from compliance with Article 14 and with the terms of procedure set forth by Article 15 of Legislative Decree no. 148/2015, without prejudice to the information, consultation and joint examination activities, which must be carried out electronically, within the 3 days following that of the communication.

The **application** must be submitted by the end of the fourth month following the one in which the period of suspension or reduction of the activity began, and is not subject to the verification of the reasons referred to in Article 11 of Legislative Decree no. 148/2015. The additional contribution set forth by Article 5 of Legislative Decree no. 148/2015 is not due. Furthermore, the measure at issue is not taken into consideration in order to verify compliance with the limits of duration provided for by the law (and is neutralized for the purposes of subsequent requests) and, as to the ordinary allowance, the maximum limit equal to ten times the amount of the ordinary contributions paid does not apply.

The **workers** must be already employed by the employers on 23 February 2020 or, thanks to the extension introduced by the Liquidity Decree, must be have been hired between 24 February and 17 March 2020. Moreover, Article 1, paragraph 2, of Legislative Decree no. 148/2020 – which requires the possession of a seniority of effective work of at least ninety days at the production unit for which the treatment is required – does not apply.

Articles 20 and 21 of the *Cura Italia* Decree provided that also companies that are **already benefiting** from an "Extraordinary Redundancy Fund" (**CIGS**) or "solidarity integrations" can apply to the "Ordinary Redundancy Fund", in which case the ordinary treatment suspends and replaces the extraordinary or solidarity one already granted. also in this case, the additional contribution set forth by Article 5 of Legislative Decree no. 148/2015 is not due.

3.3.2. Redundancy Fund in Derogation

Employers in the private sector, including agricultural, fisheries and third sector employers, for which the protections provided for by current provisions on suspension or reduction of working hours are not applicable, may apply for the granting, by the Regions and the autonomous Provinces – following the execution of an **agreement with the unions** that are comparatively more representative, which can also be concluded electronically – of access to the Redundancy Fund in Derogation, for the duration of the suspension of the employment relationship as a consequence of the COVID-19 emergency and, in any case, for a period **not exceeding 9 weeks**.

The agreement with the unions is not required for employers who employ up to 5 employees.

As to the s for the scope of application of this measure, with circular letter no. 47/2020, INPS clarified that is includes also companies that, being entitled only to the CIGS, cannot access the ordinary redundancy fund in relation to the COVID-19 emergency (including, for example, commercial companies and travel and tourism agencies with more than 50 employees).

For **workers** benefiting from this measure (i.e. also in this case, those already employed on 23 February 2020 and, thanks to the extension introduced by the Liquidity Decree, those who have been hired between 24 February and 17 March 2020), the figurative contribution and related accessory charges are recognized.

The treatment is granted by decree of the Regions and autonomous Provinces, which instruct the applications – which, as a result of the Liquidity Decree, are exempt from stamp duty – according to the chronological order of submission. Please note, however, that the Decree of the Ministry of labor of 24 March 2020 has specified inter alia that, where a crisis involves production units of the same employer located in five or more Regions or autonomous Provinces, in order to ensure coordinating between the relevant procedures, the measure is granted by the Ministry of labor on behalf of the same Regions or autonomous Provinces.

The specific implementation rules are affected by the provisions defined at a regional level in the framework agreements signed by the Regions with the union organizations and, therefore, vary from region to region.

The measure at issue is additional to the "redundancy fund in derogation" introduced by Law Decree 9/2020 for the Regions of Lombardy, Veneto and Emilia Romagna (see above), which can authorize such measure, through a single authorization act, for an overall period of maximum 13 weeks.

4. Working hours reduction and workers protection measures

The emergency legislation provided for further special rules, regarding the reduction of the working hours and workers protection measures.

4.1. Leave, time off and absence due to illness and occupational accident

The support measures introduced by the *Cura Italia* Decree regarding leave, time off and absence from work due to illness and occupational accident can be summarized as follows:

- ***Special paid leave for working parents***: as a result of the suspension of educational and childcare services and educational activities in schools of all levels, a special leave is granted, for a continuous or split period in any case not exceeding **15 days**, for **children up to 12 years of age** or, without age limit, for children with serious disabilities pursuant to Law no. 104/1992 enrolled in schools of all levels and degrees or hosted in day care centers, in favor of:

  a) parents **employed** in the private sector, with the right to an allowance equal to 50% of the remuneration calculated pursuant to Legislative Decree no. 151/2011, with coverage by figurative contributions (and conversion of any parental leave periods in progress);

  b) working parents registered to the "***Gestione Separata* INPS**" Special Fund , with the right to an indemnity equal, for each indemnifiable day, to 50% of 1/365 of the income identified according to the calculation basis for the determination of the maternity allowance;

  c) **self-employed** parents registered to INPS, with the right to an indemnity equal to 50% of the daily conventional remuneration established annually by law for each indemnifiable day (depending on the type of self-employed work).

  The leave is recognized alternately to both parents, for a total of 15 days, and is subject to the condition that there is no other parent in the family beneficiary of income support measures in the event of suspension or cessation of the activity or if the other parent is an unemployed or non-working parent.

  As an alternative to the special leave, the working parent above may opt for the payment of a **bonus** for the purchase of **baby-sitting** services within the maximum overall limit of € 600, provided through the so-called family booklet. The bonus is paid also to self-employed workers who are not registered with INPS and, for employees of the public, private and accredited health sector (doctors, nurses, laboratory technicians, medical radiologists and health workers) is recognized within the overall maximum limit of € 1,000.

  With respect to the special leave and the baby-sitting bonus at issue, as well as to the right to unpaid time off work and extension of the paid leave mentioned below, INPS has given indications and clarification, also in relation to its compatibility with other measures, with messages no. 1281/2020 and no. 1621/2020, and with circular letters no. 44/2020 and no. 45/2020.

Moreover, with messages no. 1516/2020 and no. 1648/2020, INPS has clarified that, in light of the extension of the period of suspension of educational services for children and educational activities in schools, established by the Prime Ministerial Decrees of 1 April 2020 and of 10 April 2020, the terms for the use of the parental leave in question must also be considered as extended until **3 May 2020**.

- ***Right to unpaid time off work***: employees of the private sector, with **children aged between 12 and 16**, subject to the conditions mentioned above, have the right to **abstain from work** for the period of suspension of educational services and teaching activities, without being entitled to the payment of any allowances or figurative contributions, being however entitled to **keep their job**.

- ***Extension of the duration of paid leave pursuant to Law no. 104 of 1992***: the number of days of paid leave covered by figurative contribution pursuant to Article 33, paragraph 3, Law no. 104/1992 is increased by **further 12 days in total**, which can be used in March and April 2020.

- ***Period of active surveillance***: the period spent in quarantine or in home isolation with active surveillance by workers in the private sector is treated as **sickness** for the purposes of the economic treatment provided for by the applicable legislation and cannot be counted for the purposes of the maximum period of time during which the employee is entitled to keep her or his job when sick.

  Until 30 April 2020, for public and private employees who have been recognized as seriously disabled pursuant to Law no. 104/1992 or as affected by immunosuppression or oncological pathologies or who are carrying out related life-saving therapies, the period of absence from work prescribed by the competent health authorities is equated to hospitalization.

  By way of derogation to the provisions currently in force, the costs for the employer and for the social security authorities are borne by the **State**.

- ***National Institute for Insurance against Accidents at Work (INAIL)***: in the verified cases of COVID-19 contracted on the occasion of work, the certifying doctor draws up the usual occupational accident certificate and sends it electronically to INAIL, which ensures to the injured person the relevant protection.

  INAIL services are also provided for the period of **quarantine** or fiduciary home isolation of the injured person with consequent abstention from work. The cost for the INAIL services are born by the same **INAIL**.

  With circular no. 13/2020, INAIL has specified that the beneficiaries of this protection are employees and individuals belonging to assimilated categories, in the presence of the subjective requirements provided for by the Presidential Decree no. 1124/1965 as well as the other subjects envisaged by Legislative Decree no. 38/2000 (i.e. para-subordinate workers, professional athletes with a subordinate employment relationship, employees belonging to the management category) and other special regulations regarding the and insurance protection.

4.2. Allowances and bonuses

The *Cura Italia* Decree also provided workers with the right to the payment of allowances and bonuses, as indicated below:

- ***Allowances for the month of March 2020***: the following workers are paid an allowance for the month of March 2020 in the measure of **€ 600**, which represents taxable income and is paid by INPS:

  a) **seasonal workers** in the **tourism sector** and thermal establishments who have involuntarily ended their employment relationship in the period between 1 January 2019 and 17 March 2020, provided that they are not benefiting from a pension treatment and are not employed;

  b) **fixed-term agricultural workers**, who, in 2019, carried out at least 50 actual days of agricultural work and are not benefiting from a pension treatment**;**

  c) **Vat-registered** self-employed workers active on 23 February 2020 and workers with a so-called "co.co.co." **cooperation relationship** on such date, registered with the "*Gestione Separata*" Fund, and who are not benefiting from a pension treatment and are not compulsorily registered with any other pension fund;

  d) self-employed workers registered with the "**AGO" Special Funds**, provided that they are not benefiting from a pension treatment and are not compulsorily registered with any other pension fund;

  e) workers registered with the **Entertainment** Pension Fund, with at least 30 daily contributions paid in 2019, with an income not exceeding € 50,000, who are not benefiting from a pension treatment and are not employed as of March 17, 2020.

  The above-mentioned allowances are paid within certain spending limits.The message no. 1288 of 20 March 2020 delivered by INPS contains some clarifications and operational instructions for the submission of the applications.

- ***The "last-resort income fund"***: in order to guarantee income support measures for employees and self-employed persons who, as a consequence of the COVID-19 epidemiological emergency, have ceased, reduced or suspended their activity or their employment relationship, a "*last-resort income fund*" having a residual application has been created with the aim of guaranteeing the recognition of an indemnity, whose entitlement criteria and calculation methods are to be set forth by a decree of the Ministry of labor to be adopted within 30 days from 17 March 2020.

  The ministerial decree of 28 March 2020 defined the entitlement criteria and calculation methods of the indemnity in favor of self-employed workers and professionals registered with the private compulsory social security funds who have been damaged by Covid-19. On this point, the Liquidity Decree has specified that, for the purposes of the recognition of the indemnity, the professionals registered with the funds referred to in Legislative Decrees no. 509/1994 and no. 103/1996:

  a) must be registered with such fund on an **exclusivity basis** (thereby denying access to this allowance to professionals who are also registered with other pension funds, such as those who also receive employment income);

  b) must **not** be receiving a **pension treatment**.

- ***Bonus for employees***: employee whose income did **not exceed € 40,000** in the previous year are entitled to a **bonus**, for the month of **March** 2020, which does not constitute taxable income, equal to **€ 100**, to be proportioned to the number of working days carried out at the company's premises in the aforementioned month.

  As clarified by the Revenue Agency (*Agenzia delle Entrate*) with circular letter no. 8/E of 3 April 2020 and subsequent resolution no. 18 of 9 April 2020, the bonus is not due for the days when the worker has not carried out his work at the workplace, having performed his working activity as a teleworker or through smart working modalities, or when he was absent due to any other reason (e.g. holidays, illness, paid or unpaid leave).

  The bonus is recognized automatically by the employer, who pays it, if possible, starting from the salary of April and, in any case, within the deadline for carrying out the year-end adjustments. The employer, as withholding agent, then sets off the bonus with the set off measures under Article 17 of Legislative Decree no. 241/1997.

4.3. Unemployment allowance applications and dismissals

The emergency legislation provided for the following measures regarding the presentation of unemployment allowance applications and dismissals:

- ***Extension of the deadlines for the application for the NASpI and DIS-COLL unemployment allowances***: for the events of involuntary cessation from work occurred from 1 January 2020 and until 31 December 2020, the deadlines pursuant to Articles 6, paragraph 1, and 15, paragraph 8, of Legislative Decree no. 22/2015 for the submission of the application for the NASpI and DIS-COLL unemployment allowances have been extended from 68 to 128 days.

  The unemployment allowances continue to be granted from the sixty-eighth day following the date of involuntary termination of the employment relationship.

  The message no. 1286/2020 and the circular letter no. 49/2020 contain the indications given by INPS with respect to the extension of the deadline at issue.

- ***Individual and collective dismissals***: for a 60-day period following 17 March 2020:

  a) **collective dismissals** procedures cannot be started;

  b) **pending collective dismissals** procedures which have been started following 23 February 2020 are suspended;

  c) the employer cannot dismiss any employee for **objective justified reasons** (*giustificato motivo oggettivo*) under Article 3 of Law no. 604 of 1966.

  With regard to dismissal for justified objective reasons, it should be considered that art. 103 of the Cura Italia Decree provided that for the purposes of calculating the procedural terms relating to the performance of administrative procedures at the request of a party or office, pending on 23 February 2020 or started after that date, the period between such date and 15 April 2020 is not taken into account. This provision also applies to the **mandatory preventive attempt at conciliation** pursuant to art. 7 of L. no. 604/1966 and, in particular, at the term of seven days of the convocation of the parties.

On this point, the National Labor Inspectorate, with note no. 2211/2020, specified that this deadline has been suspended from 23 February to 15 April 2020 and invited the offices to transmit the relevant convocations only following such date, according to a schedule that allows observing the chronological order of presentation as well as the precautionary measures prescribed with the previous note no. 2117/2020. As indicated in the subsequent note no. 2551/2020, also this deadline is covered by the extension of the suspension, from 15 April 2020 to **15 May 2020**, set forth by the Liquidity Decree.

No provision has been enacted in relation to the individual dismissal of managers (*dirigenti*) or on the consequences for the employer if a dismissal is issued in violation of the rules mentioned above.

Article 47 of the Decree provided that, until 30 April 2020, the absence from the workplace by one of the parents living with a disabled person **cannot** constitute **just cause** pursuant to Article 2119 of the Italian Civil Code, upon condition of giving a previous communication and motivation of the impossibility of taking care of the **disabled** person following the suspension of the activities of the semi-residential Centers, however described by the regional regulations, of a social-welfare, social-educational, multifunctional, social-occupational, health and social health care nature.

5. The movement of workers

5.1. The entry and the short term stay in Italy

The Prime Ministerial Decree of 10 April 2020 set forth specific provisions aimed at regulating entry and short-term stay in Italy through passenger transportation services or through a private vehicle.

5.1.1. Entry for work needs, situations of necessity or health reasons

Without prejudice to the provisions regarding short-term stays (see below), entry into the national territory for **proven work needs** – the only one allowed in addition to that motivated by situations of necessity or health reasons – is specifically governed by a new set of rules introduced by the emergency legislation. In particular, the entry is inter alia conditioned to the fulfillment of specific communication obligations and submission to health surveillance and fiduciary isolation.

Regardless of the means of transportation used (and, therefore, even in the case of the use of a private vehicle), the interested individual must:

- immediately **communicate** his entry to the prevention department of the competent healthcare agency;
- undergo **sanitary surveillance and fiduciary isolation** for a period of 14 days;
- promptly report any COVID-19 symptoms to the health authority.

Furthermore, in the case of entry by air, sea, lake, rail or land **passenger transportation services**:

a) the individual is required to deliver to the carrier, upon boarding, a **declaration** made pursuant to Articles 46 and 47 of Presidential Decree no. 445/2000 stating clearly and in detail: (i) the reasons of the trip; (ii) the complete address of the home or residence in Italy where the health surveillance and fiduciary isolation will be carried out, and the private means of transport that will be used to reach it; (iii) the telephone number for receiving communications during the period of health surveillance and fiduciary isolation;

b) carriers must: (i) measure the temperature of passengers, prohibiting boarding if they show a feverish state (or if they do not deliver the aforementioned declaration or deliver an incomplete declaration); (ii) ensure an interpersonal distance of at least one meter; (iii) provide individual protection devices, upon boarding, for passengers who are not equipped with them.

By express provision of the law, the above measures **do not apply**:

– to the crew of the means of transportation;

– to traveling personnel belonging to companies with **registered offices in Italy**;

– to incoming healthcare personnel for the exercise of healthcare qualifications;

– to cross-border workers entering and leaving the national territory for proven work reasons and for the consequent return to their residence or home domicile.

5.1.2. Short-term stay in Italy for work reasons

The Prime Ministerial Decree of 10 April 2020 introduced specific rules applicable to short-term stays in the Italian territory for work needs.

In particular, notwithstanding the rules governing, in general terms, the entry into the national territory for work needs (see above), those who travel to Italy for proven work needs for a period **not exceeding 72 hours** (extendible for additional 48 hours if specific needs exist):

- are **not** subject to the obligation to undergo health **surveillance and fiduciary isolation**;
- must immediately **communicate** their entry to the prevention department of the competent healthcare agency;
- must make a **declaration** pursuant to Articles 46 and 47 Presidential Decree no. 445/2000 sating clearly and in detail: (i) the proven working needs; (ii) the duration of their stay in Italy; (iii) the complete address of their home or place of stay in Italy; (iv) the telephone number for receiving communications while staying in Italy;
- must immediately **leave** the national territory at the end of the declared period of stay or, failing that, begin the period of **health surveillance and fiduciary isolation** for a period of fourteen days;
- promptly report any COVID-19 symptoms to the health authority.

In the case of entry not though private means of transportation, the abovementioned provisions regarding entry by air, sea, lake, rail or land passenger transportation services (see above) apply.

Finally, specific provisions are then set forth by the Prime Ministerial Decree of 10 April 2020 for the cases of transit through Italy to reach other states, both EU and non-EU, or for travel with final destinations to another location in the national territory.

By express provision of the law, also the above-described measures **do not apply**:

– to the crew of the means of transportation;
– to traveling personnel belonging to companies with **registered offices in Italy**;
– to incoming healthcare personnel for the exercise of healthcare qualifications;
– to cross-border workers entering and leaving the national territory for proven work reasons and for the consequent return to their residence or home domicile.

5.2. Indications regarding the coordination of social security systems

The emergency legislation has led to restrictions on the free movement of workers, which are likely to impact, among other things, on the coordination of social security systems in Countries belonging to the European Economic Area.

With message no. 1633 of 15 April 2020, INPS provided clarifications regarding the determination of the applicable legislation and the validity of the **"A1" certifications** issued pursuant to **Regulation (EC) no. 883/2004**.

According to the indications contained in such message:

- as to the A1 forms issued pursuant to Articles 11 and 12 of Regulation (EC) no. 883/2004 expiring in the period between 31 January and 31 July 2020, if the seconded workers have been forced to remain in the hosting Country, the validity of such forms must be considered as extended until the end of the state of emergency (i.e. 31 July 2020), and this even in the absence of the explicit request for derogation provided for by Article 18 of Regulation (EC) no. 987/2009 in application of Article16 of Regulation (EC) no. 883/2004;
- as to the A1 forms issued pursuant to Article 13 of Regulation (EC) no. 883/2004 – which are applicable, as is known, to workers who work in two or more States, for whom the applicable legislation is determined on the basis of the concept of "prevailing activity", which is significantly depended on the evaluation of the activity carried out in the State of residence, which must be at least equal to 25% of the overall activity carried out by such workers – the A1 forms at issue must be considered valid regardless of the changes in the percentage threshold of the overall activity that are due to the restrictions on cross-border mobility, and this in order to avoid that these workers be subjected, due to these restrictions, to a modification of the parameters of assessment of their work activity, which could lead to the application of the social security legislation of the foreign State.

6. Measures on social security contributions and compulsory insurance premiums

6.1. The suspension set forth by Law Decree no. 9/2020

Law Decree no. 9/2020, which entered into force on **2 March 2020**, provided for the suspension of the payment of social security contributions and related fulfilments in the territories of the municipalities at that time affected by the spread of COVID-19 as well as for the tourism-hotel sector throughout the Country.

In particular, the deadline regarding the fulfilments and payments of social security contributions and compulsory insurance premiums have been suspended: (i) in the municipalities belonging to the now former "**red areas**", from 23 February 2020 to 30 April 2020; (ii) for **tourism businesses**, travel and tourism agencies and tour operators, with tax domicile, registered office or operational headquarters in the territory of the State, from 2 March 2020 to 30April 2020.

The Decree also provided that the fulfilments and the payments which have been suspended must be made: (i) as to the suspension relating to the "red areas", starting from 1 May 2020, also by payment in installments, up to a maximum of five monthly installments of equal amount, without application of penalties and interests; (ii) as to the suspension relating to the tourism sector, in a single solution by 31 May 2020.

6.2. The suspension set forth by the Cura Italia Decree

The *Cura Italia* Decree has innovated the matter, effective from 17 March 2020, by introducing an extension of the term for payments due on 16 March 2020 and the suspension, valid throughout the national territory, for the **sectors and subjects most affected** by the COVID-19 emergency.

From the first point of view, the payments relating to social security contributions and compulsory insurance premiums expiring on 16 March 2020 have been extended to 20 March 2020, without the application of penalties and interests.

From the second point of view, the Decree intervened in favor of the most affected subjects, including the "small" Vat-registered subjects, identified on the basis of the revenues or fees of the previous tax period. In particular:

- the **suspension** of the deadline regarding the fulfillments and payments of social security contributions and compulsory insurance premiums set forth by Law Decree 9/2020 for tourism and hospitality businesses has been extended, until 30 April 2020 (or 31 May 2020, for the national sport federations, for the sport promotion bodies and for professional and amateur associations and clubs), to subjects operating, among others, in the sectors of sport, art and culture, transport, catering, education and assistance and the management of holidays and events;
- for subjects carrying out business, art or profession activities with tax domicile, registered office or operational headquarters in the territory of the State with revenues or fees not exceeding 2 million euros in the previous tax period, the payments expiring in the period between 8 March 2020 and 31 March 2020 relating,

among other things, to social security contributions and compulsory insurance premiums, have been **suspended**.

The fulfilments and the payments which have been suspended must be made, in both cases of suspension, in a single solution by 31 May 2020 or by installments, up to a maximum of 5 monthly installments of equal amount starting from the month of May 2020 (or by 30 June 2020 and from June 2020, for federations, associations and sport clubs). By express provision of the law, penalties and interests do not apply, and sums already paid cannot be refunded.

6.3. The suspension set forth by the Liquidity Decree

The Liquidity Decree, which entered into force on 9 April 2020, further innovated the matter, with the provision of a **generalized suspension** of the deadline for the payment of social security contributions and compulsory insurance premiums, which is independent from the type of activity carried out and the revenues or fees received.

In particular, the deadline for the payment of contributions and premiums is suspended for the months of **April** and **May 2020** in favor of:

- subjects carrying out business, art or profession activities with tax domicile, registered office or operational headquarters in the territory of the State, which have suffered a **decrease in turnover or fees** in the month of March and/or April 2020 compared to the same months of the previous tax period, by at least: (i) **33%,** if their revenues or compensation in the previous tax period do not exceed the threshold of fifty million euros; or (ii) **50%**, if their revenues or fees in the previous tax period exceed this threshold.
- subjects carrying out business, art or profession activities with tax domicile, registered office or operational headquarters in the territory of the State, which **started** such activity after 31 March 2019;
- for **non-commercial entities**, including third sector entities and civilly recognized religious entities, which carry out institutional activities of **general interest** not as a business organization.

The payments which have been suspended must be made in a single solution by 31 June 2020 or by installments, up to a maximum of 5 monthly installments of equal amount starting from the month of June 2020. Also in this case, penalties and interests do not apply, and sums already paid cannot be refunded.

By express provision of the law, where the conditions allowing access to the suspension introduced by the Liquidity Decree are not meet, the suspensions provided for by Article 61 of the *Cura Italia* Decree for the subjects most affected by the COVID-19 emergency continue to apply, in the sense that such subjects can continue to benefit from the suspension until 30 April 2020 introduced by the *Cura Italia* Decree (in which case, the payment must be made in a single solution by 31 May 2020 or in a maximum of five monthly installments starting from May). Similarly, national sports federations, sports promotion bodies, associations and sports clubs, continue to benefit from the suspension until 31 May 2020 (with resumption of payments by 30 June or by installments in five monthly installments of equal amount).

7. Labour law profiles of the measures on access to credit for businesses

The Liquidity Decree contains a series of measures aimed at safeguarding companies from a serious liquidity crisis as a consequence of the COVID-19 epidemiological emergency, including the concession by SACE S.p.A. [15] on a temporary basis until 31 December 2020 , of guarantees in favour of banks, national and international financial institutions and other entities authorized to exercise credit in Italy, for loans in any form granted to Italian companies affected by the aforementioned epidemiological emergency.

The guarantees granted by SACE S.p.A. cannot exceed the maximum total amount of two hundred billion euros, of which at least thirty billion in support of small and medium-sized enterprises, including self-employed workers and VAT registered professionals, who have already used the Central Guarantee Fund.

Article 1 of the Liquidity Decree introduced a series of conditions for the release of the guarantee, including, inter alia, those indicated below:

- the company benefiting from the guarantee must undertake the obligation to manage **employment levels** through **union agreements**;
- the loan covered by the guarantee must be used to support **personnel cost**s, investments or working capital employed in production plants and business activities located in Italy;
- the company must undertake the obligation, also on behalf of any of the same group which is based in Italy, not to approve the distribution of dividends or the repurchase of shares during 2020.

The rationale of the provisions in question appears clear: to ensure that the companies benefiting from the measures offered by the Liquidity Decree use the resources obtained in this way also to protect the workforce.

The rule appears, however, is extremely vague and susceptible to multiple interpretations. For example, it does not identify the union organizations who are entitled to be involved, since no reference is made to a given level of representativeness. Similarly, the matters to be interpreted as pertaining to "management of employment levels" are not clarified (for instance, it is not clear if the rule meant to make reference only to dismissals or if, more generally, an agreement with the union becomes necessary for any decision that may adversely affect "the employment levels" of the company that has benefited from the measures referred to in the Liquidity Decree, including, for example, the issue of the renewal of fixed-term contracts).

At first reading, the provision at issue seems to require not only a confrontation with the union organizations, but an actual agreement. In this last perspective, the use of guarantees granted by SACE S.p.A. could severely limit the power of the entrepreneur to manage the company freely.

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[15] SACE S.p.A. is a company controlled by Cassa Depositi e Prestiti, specialized in supporting Italian companies, in particular small and medium-sized enterprises.

8. Indications in the filed data protection

8.1. The indications from the data protection authority

The Italian data protection authority has recently issued a provision in relation to the collection of data, including those related to health conditions, in conjunction with the current health emergency.[16]

In particular, such provision focused on two aspects:

- the possibility for companies to collect, when registering **visitors and users**, information on the presence of symptoms due to Coronavirus and news on the latest movements, as a preventive measure from contagion;

  the possibility for the employer to obtain from **employees** a "self-declaration" attesting the absence of any signs of the symptoms, and other details relating to their private sphere.

8.1.1. Visitors and users

As to the issue of the access to the company premises by visitors, users and suppliers, the data controllers – and, therefore, the companies – are invited to scrupulously follow the indications provided for by the Ministry of health and by the competent institutions for the prevention of the spread of COVID-19, without undertaking autonomous initiatives aimed at the collection of data, also concerning the health of users and workers, where such initiatives are not regulated by the law or ordered by the competent bodies.

In particular, companies must **limit** as much as possible the **access** of external subjects (visitors, users, suppliers, etc.) and expressly communicate (through billboards placed at the entrances and specific official communications to suppliers, consultants and/or collaborators) the need:

(a) to limit, in terms of frequency of the visits and number of subjects, the access to the company premises to those that are strictly necessary;

(b) with specific reference to suppliers and collaborators, to promptly communicate any occurrence of symptoms among their employees, regardless of their actual access to the company premises, in order to be able to implement any prophylaxis measures or to inform the health authorities.

8.1.2. Employees

Employers must **refrain** from **collecting**, in advance and in a **systematic** and **generalised** manner information on the presence of any signs of COVID-19 symptoms

[16] It is the provision dated 2 March 2020 (doc. web 9282117).

on the employee and on her or his closest contacts, or anyhow regarding areas not related to the work environment.

The obligation on the employee to inform the employer of any danger to health and safety at the workplace is left unprejudiced. In this regard, the Minister for public administration recently provided for operational instructions concerning the obligation for every civil servant and for those who work, in various ways, in the public administration to report to the respective administration that they have travelled to a risk area. In this context, the employer may invite their employees to make, where necessary, such communications by facilitating the way they are routed, including through dedicated channels.

Where an employee performing duties that entail contact with the public (e.g. at a front office, at a service desk) encounters a suspected COVID-19 case in the course of her or his work, that employee must make sure that the competent health services are informed – also through the employer – and follow the preventive instructions provided for by the healthcare professionals consulted.

In addition, the competent authorities have already laid down the general preventive measures each controller will have to implement in order to enable access by visitors to all premises open to the public in accordance with the urgency provisions adopted.

Along with the other tasks related to health surveillance of workers through the Occupational physician, the employee continues to be allowed to have the most exposed workers undergo an extraordinary medical visit.

8.2. Privacy implications of the Protocol of 14 March 2020

8.2.1. Information

As anticipated, the company will have to inform all workers and anyone who enters the company about the provisions of the authorities, delivering and/or posting information brochures at the entrance and in the most visible places of the company premises. This information will concern, in particular, the obligation to stay at home in the presence of fever (over 37,5° C) or other flu symptoms or, in any case, to communicate any change in their health conditions that render their stay at the company's premises dangerous; the commitment to comply with all the provisions issued by the authorities and the employer in accessing the company (hygiene, safety distance, etc.); the impossibility to access the premises for those who, in the last 14 days, have had contacts with subjects who have been tested positive for COVID-19 or come from risk areas according to WHO indications.

If a declaration certifying the fact that they have not travelled in the epidemiological risk areas and the absence of contacts, in the last 14 days, with subjects tested positive for COVID-19 is requested, the employer should collect only the data which are necessary, adequate and relevant for the prevention of contagion from COVID-19, avoiding, for example, requesting additional information on the person tested positive or the places actually visited.

8.2.2. Accesses to the company's premises

Before entering the company's premises, the employees (and the visitors, if their entry is necessary) will have to undergo body temperature checks. If their temperature is higher than 37,5° C, the individual will not be allowed to access the company and will have to accept to be put into temporary isolation pending receipt of the indications of the physician.

Since this is a processing of data related to health, all the precautions required by the data protection legislation must be adopted: giving adequate information, which can also be provided orally, identifying the subjects in charge of the treatment, avoiding any kind of dissemination or communication to third parties, safe for the specific exceptions set forth by the law (e.g. in the event of a request by the health authority for identification of the "close contacts" of a worker tested positive for COVID-19).

It will be preferable to avoid recording the data collected; otherwise, it will be necessary to provide adequate security measures to protect such data.

8.3. Data security

This emergency situation represents a great challenge to the resilience of companies not only in terms of their ability to seize the opportunities of job evolution, but also in terms of adequacy with respect to the issue of **data security**.

In fact, a smart worker continually comes into contact, through his or her devices, with the company databases and processes a considerable amount of information, sometimes of sensitive nature. Furthermore, access does not take place within the company walls, but from the employee's home or – worse – from other external places, this way expanding the chances that the data be viewed or taken by others (please consider, by way of example, the critical issues raised by the free Wi-Fi networks which are found in many places that can be ideally used as co-working places).

The company, as controller or as the person responsible for the processing, is required to guarantee constant data security and to implement appropriate technical and organizational measures which are necessary to guarantee an adequate level of security pursuant to Articles 24 and 32 of the General Data Protection Regulation (GDPR), the violation of which can expose the same company to fines of up to 10 million euros or up to 2% of the total worldwide annual turnover.

How?

First of all, starting from the protection of the devices through the installation of adequate **antivirus software** and efficient **backup systems** as well as the development of **Mobile Device Management** (MDM) strategies which take into account password authentication, data encryption, remote wipe/lock technologies (to format devices remotely and erase all data in case of theft or loss).

Furthermore, by adopting adequate **policies** and **procedures**, which are not only brought to the attention of users but shared with them through a targeted training activity, which

can also be carried out with the help of the company Data Protection Officer, if present, specifically addressing precisely those issues that may present particular adherence to smart working, such as the numerous daily behaviors that can lead to potential risks, including the loss of devices or browsing through unsafe networks.

Having followed a good **training** in the company will be all the more fundamental today in consideration of the fact that, according to the experts, in conjunction with the current health crisis, Italy is targeted by cyber criminals, willing to take advantage of the lower alert status of the users by launching campaigns to infect computers to steal data or extort money. Each campaign includes multiple attacks targeting multiple parties, involving a large number of companies and targets within them.

Attacks often use social engineering techniques to convince victims to open attachments or links, perhaps on COVID-19, which are often documents containing macros that download and install malware.

The best technique to avoid these attacks is to give the indication to never – in whatever case – open attachments coming from sources that are not known and acknowledged and to communicate their reception to the company IT staff. Even seemingly well-made emails written in perfect Italian can conceal threats to corporate security. Therefore, it is always necessary to carefully evaluate what is being opened by checking the object, the sender, the email address of origin and so on. These are simple checks that take a little time, but which can already help skim the malicious emails; in any case it is good to always suspect and always ask the competent staff for help.