

THE SO-CALLED «PHASE 2»
THE GRADUAL RESUMPTION OF ACTIVITIES

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1. Premise: the «Covid-19» epidemiological emergency

The «Covid-19»¹ epidemiological emergency currently affecting our Country has important repercussions on employment relationships and on the business lifecycle.

From a regulatory point of view, the situation is particularly fluid and constantly evolving: it is therefore necessary to keep it continuously monitored, since the provisions that are valid today may no longer be in force tomorrow

The information provided hereunder is updated to 26 May 2020 and therefore takes into account, *inter alia*, the **Law Decree 19 May 2020 no. 34** (so -called «**Rilancio Decree**») as well as the **Prime Ministerial Decree 17 May 2020**, which contains “*implementing measures of Law Decree 25 March 2020 no. 19, providing for urgent measures aimed at facing the Covid-19 epidemiological emergency, as well as of Law Decree 16 May 2020 no. 33, providing for additional urgent measures aimed at dealing with the Covid-19 epidemiological emergency*”, the provisions of which shall apply until 14 June 2020, without prejudice to the different terms regarding the single measures provided herein.

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

2. The resumption of activity regime under Prime Ministerial Decree 17 May 2020

Given the high infectiousness of the SARS-CoV-2 virus, the emergency legislation aimed at tackling and restraining the pandemic has at first forbidden any movement into, out of and within the national territory and subsequently ordered, with certain exceptions, the suspension of industrial and commercial production activities and of catering and personal care services, providing specific recommendations for the sectors that are not subject to the suspension, including banking, financial and insurance services as well as professional activities.

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, orders no. 521, no. 522, no. 528, no. 537 and no. 538 dated 4, 6, 11 and 30 April 2020 as well as orders no. 539, 541 and 547 dated 3, 7 and 17 May 2020).

Ad hoc provisions have also been provided with regard to public administrations and to local public transport, interregional automotive, railway, air and maritime transport services, with the attribution in favour of the Ministry of infrastructures and transports, in conjunction with the Ministry of Health, as well as the Regions, of the power to limit, these services for matters of competence, ensuring, however, the minimum essential services.

With the Prime Ministerial Decree of 26 April 2020, the so-called “phase 2” has begun, a phase of progressive return at work. The following Law Decree 16 May 2020 no. 33 and the Prime Ministerial Decree 17 May 2020 have furtherly loosened the restrictive measures provided for by the emergency legislation, establishing the **rules for the resumption of economic, productive and social activities**.

In general terms, the Legislative Decree no. 33/2020 – the provisions of which shall apply until 31 July 2020, without prejudice to the different deadlines specified herein - has provided that all economic, productive and social activities must be carried out in compliance with the regulations contained in the **protocols** or the **guidelines** for the prevention or reduction of the risk of infection in the field concerned or in similar fields, adopted by the Regions or by the Conference of Regions and Autonomous Provinces, in compliance with the principles contained in the **national** protocols or guidelines, which apply, in any case, in the absence of **regional** ones.

By express provision of the law, the failure to apply the regional Protocols or guidelines or, absent the latter, the national ones, which does not guarantee adequate protection standards, implies the **suspension of the activity** until the safety conditions are restored.

In this regard, it is noted that, as specified by the Ministry of Internal Affairs with the circular letter no. 29415 of 2 May 2020, the violation of the measures referred to in the Protocols and aimed at containing and tackling the Covid-19 emergency – subject to specific inspections carried out by units of mixed composition, with the contribution of the personnel of the National Fire Brigade, of the National Labour Inspectorate, the Police (*Carabinieri*) Command for the protection of work as well as the local health authorities – entails the application of administrative fines and ancillary sanctions, unless the disputed fact constitutes a criminal offence, with the consequent possibility for the proceeding body to order, already at the time of the ascertaining, the temporary closure of the activity.

In order to guarantee the performance of the production activities under safety conditions, Law Decree no. 33/2020 has reiterated the provisions of the Prime Ministerial Decree of 26 April 2020 according to which the Regions must monitor, on a daily basis, the trend of the epidemiological situation and, in case such monitoring reveals an aggravation of the health risk, the President of the Region must promptly propose to the Ministry of Health the restrictive measures deemed necessary and urgent for the production activities of the areas of the regional territory specifically involved by such aggravation, for their immediate adoption.

As to the specific provisions of the new regime, also after the entry into force of the Prime Ministerial Decree of 17 May 2020, certain services and activities continue to be

suspended, some of which until date to be determined, others until the reopening dates set out therein, without prejudice, in any case, to the anticipations or postponements that might become possible or necessary, respectively, in relation to the progress of the epidemiological situation. The resumption of activities, allowed immediately or with future effect, is subject, in any case, to the compliance with the conditions set forth by the Prime Ministerial Decree of 17 May 2020.

In particular, the **suspension** continues to concern, *inter alia*:

- (a) the educational services for children and the educational activities in schools of all levels and grade, as well as the frequency of attendance of school and of higher education activities, including universities, of professional courses, masters, training courses and activities. No prejudice is made, in any case, to the possibility of carrying out distance learning activities as well as the continuation and/or resumption of specific learning activities (*e.g.* specific training courses in general medical practice);
- (b) the activities of wellness centres, spas (except for the performance of essential assistance services), cultural centres and social centres;
- (c) exhibitions and congresses, as well as activities which take place in dance halls and discos and similar places, outdoors or indoors.

Among others, the following activities are **allowed with future effect**:

- from **25 May 2020** (or from different date established by the Regions or by the Autonomous Provinces), the basic sport activity and the general physical activity in gyms, pools, sport centres and clubs, public and private, or in other structures in which activities are performed for the well-being of the individual through physical exercise, provided that this occurs in compliance with: (i) the social **distancing** rules and without any gathering; (ii) the **guidelines** of the Sport Office and the additional operational instructions issued by the Regions and by the Autonomous Provinces, the implementation of which implies that the sport companies, centres and clubs, however called, must adopt specific **implementation protocols** containing specific rules for the protection of athletes, facility managers and for all those who attend the premises in which the basic sport activities and the general physical activities are carried out;
- from **15 June 2020** (or from the different date established by the Regions or by the Autonomous Provinces), the shows open to public in theatres, concert halls, cinemas and other - also outdoor - spaces, on condition that they are carried out: (i) with **preassigned** seats; (ii) in compliance with the **interpersonal distance** of one-meter, both for the personnel and for the audience, with a **maximum** of 1.000 people for outdoor shows and 200 people for indoor shows, for each single room; (iii) in accordance with the organizational modalities set forth by the **guidelines** under «attachment 9»³ to the Prime Ministerial Decree 17 May 2020.

³ The **guidelines** concerning “*live shows and cinemas*” under «attachment 9», provide for the following measures: (1) the maintenance of the interpersonal distance, also between artists; (2) the measurement of the body temperature of the audience, artists, workforce and of any other worker in the place in

From 18 May 2020 the following activities, among others, are **allowed** or continue to be allowed in compliance with the measures provided for by the Prime Ministerial Decree of 17 May 2020:

- (a) commercial and industrial productive activities, for which the Prime Ministerial Decree of 17 May 2020 has confirmed the obligation for the companies, already provided by the previous Prime Ministerial Decree of 26 April 2020, to **comply with the content of the Protocol** governing the measures aimed at tackling and containing the spread of the virus in the workplaces, signed by the Social Parties on 24 April 2020, and, for the relevant areas of competence, of the safety protocols in construction sites, also signed on 24 April 2020, and of the safety Protocol in the transport and logistics sector of 20 March 2020, as per, respectively, «attachment 12», «attachment 13» and «attachment 14» to the Prime Ministerial Decree of 17 May 2020 (see below);
- (b) professional activities, for which the Prime Ministerial Decree of 17 May 2020 reiterated the recommendations to be followed for continuing the activity as per the previous decrees, such as the maximum use of smart working, the encouragement of the use of holidays and paid leaves for employees, the adoption of anti-contagion protocols as well as the performance of sanitization operations in the workplaces (see below);
- (c) banking, financial and insurance services which continue to be guaranteed in compliance with the hygiene and sanitary rules;
- (d) the activities of the agricultural, livestock and food processing sector, including the supply chains which provide the relevant goods and services, also allowed in compliance with the hygiene and sanitary rules;

which the show is held (prohibiting the access in case of temperature higher than 37,5°C); (3) the compulsory use of masks; also community-based, for the audience; (4) the use of adequate individual protection devices by workers operating in shared spaces and/or in contact with the public; (5) the guarantee of adequate periodic cleaning and sanitation of closed environments and of the restrooms involved in the event, also between the various shows performed in the same day; (6) an adequate natural ventilation and air exchange and the respect of the recommendations concerning the airing and conditioning systems; (7) wide availability and access to systems for hand disinfection (which must be available, in particular, next to keyboards, touch screens and payment systems); (8) the prohibition to consume food and drinks and the retail sale of beverages and food during the events and the performance of shows; (9) the use of signposting in order to guarantee compliance with the physical distance of at least one meter also at the ticket and information points, as well as outside the places in which the shows are held; (10) the regulation of the use of hygiene services in order to always guarantee the social distancing at the entrance; (11) the limitation of the use of cash payments, where possible; (12) the sale of tickets and the control of the entries, where possible, through online modalities, also with the aim of avoiding gatherings at the ticket offices and at the access spaces to the structures; (13) the communication in favour of users, also by means of videos, of the safety and risk prevention measures to be followed in the places where the show is held.

- (e) the retail commercial activities – for which the application of the **measures** set forth by «attachment 11»⁴ is recommended – on condition that: (i) the interpersonal **distance** of one meter is **guaranteed**; (ii) **entries** take place in a deferred manner; (iii) it is prohibited to stop inside the premises for more than time that is necessary for the purchase of goods; (iv) the activities are carried out in compliance with the **protocols** or **guidelines** adopted by the Regions or by the Conference of Regions and Autonomous Provinces, in compliance with the principles contained in the national protocols or guidelines and, in any case, coherently with the criteria under «attachment 10» of the Prime Ministerial Decree of 17 May 2020;
- (f) the catering services (including bars, pubs, restaurants, ice cream parlours, patisseries): (i) of **canteens** and **continuous catering** services carried out on a contractual basis, ensuring the interpersonal distance of one meter; (ii) with home **delivery**, ensuring compliance with hygiene and health standards, both for packaging and transport activities; (iii) with **takeaway services**, without prejudice to the obligation to ensure the interpersonal distance of one meter, the prohibition on consuming the products inside the premises and the prohibition of lingering in immediate proximity of the latter; (iv) in all other cases, on condition that the Regions and the Autonomous Provinces have previously ascertained their **compatibility** with the trend of the epidemiological situation of their own territories and in compliance with the protocols or guidelines adopted by the Regions or by the Conference of Regions and Autonomous Provinces, by respecting the principles contained in the national **protocols** or **guidelines** and, in any case, coherently with the criteria under «Attachment 10» to the Prime Ministerial Decree of 17 May 2020;
- (g) food and beverage administration shops located in hospitals and airports, with the obligation to ensure the interpersonal distance of at least one meter;
- (h) the personal care services (including hairdressers, barbers, beauticians): (i) in the cases already allowed by the Prime Ministerial Decree of 26 April 2020»⁵; (ii) in all other cases, on condition that the Regions and the Autonomous Provinces

⁴ These are essentially the measures already provided for **commercial establishments** by «attachment 5» to the Prime Ministerial Decree of 26 April 2020 (which, in turn, reiterated the content of the specific attachment to the Prime Ministerial Decree of 10 April 2020), and therefore: (1) ensuring the interpersonal distancing in all activities and each of their phases; (2) the cleaning and environmental sanitization at least two times a day; (3) an adequate natural airing and the air exchange; (4) availability of hand disinfection systems (in particular, next to keyboards, touch screens and payment systems); (5) the use of masks in closed places and, in any case, in each of the working phases in case it is not possible to guarantee the interpersonal distancing; (6) the use of disposable gloves in purchasing activities; (7) the regulation of accesses, which must be staggered through extensions of the time slots, ensuring the access only to one person at a time (other than a maximum of two operators) in case of spaces up to forty square meters, by diversifying, where possible, the entrance and exit paths; (8) the information in favour of clients waiting to enter in order to guarantee the interpersonal distancing.

⁵ These are the activities already allowed by the previous decrees – (i) laundry and cleaning of textile and fur items; (ii) activities of industrial laundries; (iii) other laundries and dry cleaners; (iv) funeral home services and relevant activities – in addition to the (v) “grooming services of pet animals”.

have previously ascertained the **compatibility** of the performance of such activities with the trend of the epidemiological situation of their own territories and in compliance with the **protocols** and the **guidelines** adopted by the Regions or the Conference of the Regions and Autonomous Provinces, by respecting the principles contained in the national protocols or guidelines and, in any case, coherently with the criteria set forth by the «attachment 10» to the Prime Ministerial Decree of 17 May 2020;

- (i) the activities of accommodation facilities, on condition that: (i) **the social distancing** is guaranteed, ensuring, in any case, the interpersonal distance of one meter in common spaces; (ii) the **protocols** and **guidelines** adopted by the Regions and by the Conference of Regions and Autonomous Provinces, aimed at preventing or reducing the risk of contagion (concerning, *inter alia*, the modalities of access, reception and assistance of guests, the modalities of use of common spaces, hygiene and health measures for rooms and spaces, the access of external suppliers, the performance of recreational and sport activities, the performance of shuttle services, the information modalities as to the safety and prevention measures) and, in any case, coherently with the criteria set forth by the «attachment 10» to the Prime Ministerial Decree of 17 May 2020, taking into account the different types of accommodation facilities.

In the event of suspension of activities, social welfare schemes apply (see the Focus «SOCIAL WELFARE SCHEMES»).

3. The measures to be adopted for the resumption (or continuation) of the activity

3.1. Smart working

Also following the enactment of the Prime Ministerial Decree of 17 May 2020, the primary precautionary measure for the activities and services that can be carried out at home or remotely is represented by the so-called **smart working**.⁶

In fact, for such activities, smart working – together with the social welfare schemes (see the Focus «SOCIAL WELFARE SCHEMES») – represents an “extraordinary” solution, which must be adopted in order to enable the safety of the work environments (as well as the implementation of particular or periodic cleaning and sanitization interventions), and, more in general, the “rarefaction” of presences at the work place, with the aim of reducing possibilities of contagion. Furthermore, with respect to professional activities,

⁶ As known, smart working has been introduced by Articles 18 *et seq.* Law 81/2017 as “*modality of execution of the employment relationship*”, to be established through an agreement between the employer and the employee, also through forms of organization in phases, cycles and objectives, and without specific constraints in terms of time and place of work, with the possible use of technological equipment for the performance of the working activity. The working activity is carried out partly inside the company premises and partly outside the latter, without a fixed workstation, within the sole limits of maximum duration of the daily and weekly working hours, provided for by the law and by the national collective agreement.

the Prime Ministerial Decree of 17 May 2020 – similarly to the previous emergency decrees – the maximum use of smart working has been expressly recommended.

In general terms, in order to facilitate the implementation of smart working, besides having temporarily assigned to the employer – as recently provided for by the Rilancio Decree, until the termination of the state of epidemiological emergency linked to Covid-19 and, in any case, until 31 December 2020 - the **right to decide it unilaterally**, in the absence of an individual agreement with the employee, the Prime Ministerial Decree provided for the possibility of electronically fulfilling the obligation to provide written information in the field of health and safety,⁷ also using the documentation made available on the INAIL website and enabling the use of IT tools available to the employee if not provided by the employer.

For the entire period mentioned above, the employer must electronically communicate to the Ministry of Labour the names of the employees and the date of termination of the performance of their activities through smart working, using the documentation made available by the same Ministry on its own website.

Furthermore, until 30 April 2020, the Law Decree 18/2020 (so-called “Cura Italia Decree”) had:

- (a) provided that, on condition of compatibility 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).
- (b) granted **priority** to the requests of smart working made by employees of the private sector suffering from serious and proven pathologies with reduced working capacity (while Law 81/2017 only grants priority to 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).

Upon conversion, **Law 27/2020** confirmed the provisions contained in the Cura Italia Decree, extending them, in terms of time, also beyond 30 April 2020, until the termination of the state epidemiological emergency linked to Covid-19, and, under a subjective profile, including among the beneficiaries also immunosuppressed employees and family members living with immunosuppressed people.

As a result of the entry into force of the following **Rilancio Decree**, also parents employed in the private sector who have at least one child under the age of 14, are **entitled** to carry out, still until the end of the state of emergency, their activities through smart

⁷ As per Law 81/2017, the employer is responsible for the safety and correct functioning of the technological equipment used for the performance of the working activity and must provide to the worker and to the RLS, at least once a year, a written information sheet which identifies the specific and general risks linked to the particular kind of execution of the employment relationship.

working, even in the absence of individual agreements and without prejudice to the compliance with information obligations, provided that such working modality is compatible with the characteristics of the performance and provided that there is no other non-working parent or beneficiary of income support measures within the family in the event of suspension or termination of the employment.

3.2. Paid holidays and leaves

An alternative precautionary measure to smart working is represented by the use of **paid holidays and leaves**.

The Prime Ministerial Decree of 11 March 2020 had recommended companies to incentivize paid holidays and leave as well as the other solutions envisaged by collective bargaining agreements, and the Prime Ministerial Decree of 26 April 2020 – just as the previous Prime Ministerial Decree of 10 April 2020 – had reiterated such recommendation.

Considering the ongoing emergency context, many interpreters believed that the employer could unilaterally decide the use of holidays and leave, at least of the remaining holidays, accrued as of 31 December 2019; this despite the fact that this measure had only been “recommended” and “encouraged” by the law (without prejudice to the fact that, where possible, the employer had to give priority to smart working and, in any case, take into account the provisions contained in the applicable collective bargaining agreements).

Following the entry into force of the **Prime Ministerial Decree of 17 May 2020**, the express recommendation to encourage paid holidays and leaves as well as other measures provided for by collective bargaining agreements remains only for the continuation of professional activities (see above), except for the general reference to paid holidays contained in the Protocol of Social Partners of 14 March 2020 and in the following update of 24 April 2020.

In this regard the Social Partners – under an unclear wording – indicated in the **Protocol** that companies may “*use as a priority the social welfare schemes available in 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*” to the case in which “*the use of the institutions under letter c)*” is not sufficient. Indeed, the reference made by the Protocol to the necessary “*compliance with the contractual institutions*” when using social welfare schemes is not fully clear. The reference to “*institutions under letter c)*” is also not clear since the same Protocol does not contain a bullet list with letters. By means of interpretation, this last reference seems to concern contractual institutions (and, therefore, the “par”, the “rol” and the “bank hours”) and not 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 accrued and not enjoyed holidays, this has been required only with regard to the “*redundancy fund in derogation*” under Legislative Decree 54/2013⁸ and nothing, on the point, has been laid down by the current emergency legislation.

In the silence of the *Cura Italia* Decree, with circular letter no. 47/2020, 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*”.

Conflicting indications have come, instead, from the union agreements signed by the Regions in relation to the “redundancy fund in derogation” provided by Law Decree 9/2020 and by the following *Cura Italia* Decree (see below): for example, if the union agreement signed by the Lazio Region has provided that “*for accessing to the redundancy fund in derogation, the prior use of holidays and permits is not required*”,⁹ the agreement stipulated by the Veneto Region has stated, on the contrary, that “*the company must have previously used the ordinary flexibility measures (ordinary leave and 2019 holidays)*” and this also concerns the handicraft sector¹⁰

Moreover, as to the “ordinary redundancy fund”, by means of the abovementioned circular letter, INPS has also clarified, recalling its previous indications contained in the message no. 3777 of 18 October 2019, 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’*”.

3.3. Work «at the premise»: the employer’s obligation to protect the physical and moral integrity of employees and the anti-contagion safety Protocols

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 employees from exposure to biohazard”, as it is certainly the case of the SARS-CoV-2 virus. Therefore, the employer must **combine** the **continuation** of the activities with the guarantee of health and **safety** of the workplaces and of the working modalities.

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,

⁸ The Decree of 1 August 2014 adopted by the Minister of Labour 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”.

⁹ A similar provision is also contained in the agreements signed by the Abruzzo Region.

¹⁰ See also the agreement signed by the Autonomous Province of Bolzano.

has recommended agreements between employers' associations and trade unions organizations – have signed a “*shared Protocol regulating the measures aimed at containing the spread of Covid-19 in the workplace*”.¹¹ Following the enactment of the Prime Ministerial Decree of 22 March 2020, the Protocol has become mandatory for all companies whose activities have not been suspended and not only for those registered with the employers' organizations having executed the same Protocol.

The obligation for companies to comply with the Protocol has then been recalled– in the version updated by the Social Partners on 24 April 2020 – by the following decrees, including the Prime Ministerial Decree of 17 May 2020 currently in force, which, as anticipated (see above) has also confirmed, for the respective area of competence, the obligation to implement the Protocol for safety in construction sites, also signed on 24 April 2020, and the Protocol for safety in the transport and logistics sector of 20 March 2020.¹²

Therefore, each company,¹³ after having consulted the union' representatives in the workplaces and, as to small companies, the territorial representatives, must adopt a **company protocol** in line with the precautionary measures agreed by the Social Partners at a national level, integrating it with equal measures or with more incisive measures where required due to the peculiarities of its own organization, taking into account the specific features of each single production unit and of the territorial situations.

The employer must also set up a “**Company Committee**” for the application and verification of the actual implementation of the protocol, with the participation of the company unions' representatives and of the workers' representative for safety (“RLS”). If, due to the particular type of company and the unions' relations system, the Company Committee is not set up, it will be necessary to establish a “Territorial Committee”, composed of the joint committees for health and safety, if present, with the involvement of the territorial workers' representative for safety (so-called “RLST”) and of the Social Partners' representatives.

The measures described hereunder have been taken from the Protocol signed by the Social Partners on 24 April 2020. Therefore, the various provisions regarding the specific sectors provided for by the relevant safety protocols and by the regional guidelines, if applicable, remain unaffected.

¹¹ Additional protocols have been adopted for specific sectors (e.g. cooperative credit).

¹² Furthermore, Law Decree of 16 May 2020 no. 33 has provided, in general terms, that all economic, productive and social activities must be carried out in compliance with regional protocols and guidelines or, in the absence of the latter, with the national ones, with the aim of preventing or reducing the risk of infection in the relevant sector (see above).

¹³ The different and/or additional obligations specifically provided for certain types of activities and services, such as those provided for the commercial business, remain unaffected (see above).

3.3.1. Organizational measures aimed at guaranteeing social distancing

The Social Partners have firstly recalled the need to ensure the respect of social distancing in order to prevent contagion at the workplace.

In such regard, the central importance of **smart working** as organizational measure (see above) has been confirmed, as it enables the “rarefaction” of the contemporary presence at the company premises,. Remote work continues therefore to be preferred, also in the phase of progressive reactivation of work as a useful and flexible preventive measure, without prejudice to the need that the employer guarantee adequate support conditions to the employee and to his activity (such as the assistance in the use of equipment and the adjustment of working hours and of pauses).

Companies can therefore decide for the physical closure of all the various production departments or, in any case, of the departments that can operate through the use of smart working, measure that should be implemented, in general, with respect to all the activities that can be carried out remotely.

Social distancing must also be guaranteed through the **reorganization of work spaces**, compatibly with the nature of the production processes and of the company spaces. In particular, with respect to workers who do not need particular instruments and/or work equipment and who can work alone, the Protocol suggests their temporary repositioning (for example, in spaces obtained from unused offices or meeting rooms). Instead, with respect to the places in which workers operate simultaneously, the Protocol suggests the adoption of innovative solutions such as, for example, the repositioning of the workstations at an adequate distance from one another. Moreover, where possible, the company must dedicate an entrance and exit door from the common areas and guarantee the presence of duly signposted cleaning products.

Moreover, social distancing has to be guaranteed through the adoption of measures that affect the working activity **in terms of time**: it is in fact suggested to apply different timetables, in order to reduce the number of simultaneous presences at the workplace (guaranteeing, in particular, a shift plan for those employees dedicated to production, with the aim of reducing contacts to the maximum and creating distinct and recognizable autonomous groups), as well as the granting of flexible timetables, with the aim of preventing the formation of mass-gatherings in entering and exiting the company’s premise.

Moreover, the Social Partners acknowledged the need to avoid social gatherings also with respect to **displacements** aimed at reaching the place of work and getting back home, with particular reference to the use of public transport. For such reason, the encouragement of transport means towards workplaces has been suggested with adequate social distancing between travellers, by fostering the use of private means or shuttle buses. In the same perspective, the Rilancio Decree, under article 229, paragraph 4, provided in relation to companies “*with single local units with more than 100 employees located in a regional capital, in a metropolitan city, in a provincial capital or in a municipality with more than 50.000 inhabitants*”, the obligation to adopt, by 31 December

of each year, a **home-work mobility plan** “*aimed at reducing the use of private means of transport*”, by appointing a “**Mobility Manager**” for these purposes.

Further solutions provided by the Protocol and aimed at ensuring social distancing are the reorganization of production standards, the use of holidays and of measures aimed at enabling abstention from work without loss of remuneration (such as the “par”, the “rol” and the “bank hours”), as well as the implementation of social welfare schemes (see above).

3.3.2. Cleaning and sanitization of work places and equipment

The employer must guarantee the **daily cleaning and the 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.

Moreover, the Social Partners expressly agreed that the company may organize particular/periodic cleaning interventions using social welfare schemes, also “in derogation” (see the Focus «SOCIAL WELFARE SCHEMES»).

In addition to the periodic cleaning and sanitization activities, the Protocol provides for the performance of an **extraordinary sanitization** of the company premises (of environments, workstations and common areas), in accordance with the indications provided by the Ministry of Health in the circular letter no. 5443 of 22 February 2020, to which the instructions given by the Superior Health Institute have to be added: (a) in case of presence of a person affected by Covid-19; (b) upon restart of the activity, in companies in which suspect cases have been registered or in the geographical areas with major endemic.

The emergency legislation has also implemented a **tax credit** with respect to expenses for sanitization of work environments and equipment.

3.3.3. Individual protection devices and health and hygiene measures

In order to adopt the most adequate **individual protection devices** in light of the specific features of each company, the Social Partners have above all stated the need to proceed with the mapping of the various activities of the company.

The Protocol has, in any case, provided: (a) the adoption of masks and other protection devices (such as gloves, glasses, overalls, caps, scrubs) in accordance with the instructions of the scientific and health authorities, each time it is impossible to respect the one meter **interpersonal distance**; (b) the use of a surgery mask for all workers who share **common spaces**, also where it is not possible to respect the interpersonal distancing,

In this regard, the Cura Italia Decree has provided that, until the end of the state of emergency referred to in the Council of Ministers’ deliberation of 31 January 2020, for the workers that in the performance of their activity are unable to keep the one meter

interpersonal distance, the surgery masks available on the market are considered personal protection devices. Until such date, the use of filter masks not bearing the CE marking and produced in derogation to the legal rules on the placement of the market is authorized. On the point, with circular letter no. 3572 of 18 March 2020, the Health Ministry clarified that the masks referred to in the above mentioned legal provisions *“cannot be used by health workers or by workers for whom the use of specific safety devices is required”*

Moreover, in order to support a safe continuation of the production processes of companies, the Cura Italia Decree provided the transmission from INAIL to Invitalia¹⁴ of specific funds **to be granted to companies** for the purchase of devices and individual protection equipment, through the publication of specific notices. It is also noted that the Liquidity Decree has extended the **tax credit** concerning expenses for sanitization of work environments and equipment (see above), also to expenses incurred ifor the purchase of individual protection devices and other safety devices aimed at protecting employees from the accidental exposure to biological agents and guaranteeing the interpersonal distance. Additional support measures for companies, also in the form of tax credit, have been established by the Rilancio Decree, in particular, in favour of companies that have carried out adequate interventions for guaranteeing the reduction of the risk of contagion, through the purchase of: *“a) facilities and equipment for the isolation or distancing of employees, including the relevant costs for installation; (b) electronic and sensor devices for the distancing of employees; c) equipment for the isolation or distancing of employees with respect to external users as well as workers of external companies supplying goods and services; d) devices for the sanitization of work environments; systems and equipment for controlling entries in the workplaces, useful for detecting the signs of a possible state of contagion; e) individual protection devices and other equipment”*.

Regardless of the use of individual protection devices and in accordance with the indications given by the Ministry of Health, the Employer must invite his own employees to implement the **common preventive measures** against the spread of diseases transmitted by breathing, that is to say the common preventive systems, such as washing our hands frequently and accurately, paying attention to the hygiene of surfaces, avoiding close contact with people who present symptoms.

In such regard, the Prime Ministerial Decree of 17 April 2020 (just like the previous decrees) has expressly recommended the application of the hygiene and health preventive measures referred to in the «attachment 16», which include, in fact, washing our hands frequently, avoiding handshaking, not touching our eyes, nose and mouth with the hands.

¹⁴ Invitalia is the national Agency for attraction of investments, joint stock company fully owned by the Ministry of Economy and Finance.

3.3.4. The modalities of access to the company by employees

The Social Partners have provided specific rules regarding the access to the workplace, with the aim of avoiding the access to the company of employees who are positive to Covid.19. In particular, without prejudice to the organizational measures aimed at reducing any possibility of contact between employees (see above):

- before entering the place of work, the employees may undergo **body temperature checks**.¹⁵ In case the temperature is **higher than 37,5° C**, the employees will not be allowed to access the company and the employer will have to proceed with their temporary isolation, providing them with masks and inviting them to contact their own health physician (in order to follow his instructions and avoiding going to the Emergency Room). In this regard, the Prime Ministerial Decree of 26 April 2020, by strengthening the “recommendation” already contained in the previous Prime Ministerial Decree of 10 April 2020, has provided for the obligation of the people with respiratory infection symptoms and a body temperature higher than 37,5° C , to stay at home and limit to the maximum social contacts, contacting their own health physician;
- the employer will have to previously inform the personnel of the access foreclosure to those who, in the last 14 days, have had **contacts** with people resulted positive or coming from **areas at risk** on the basis of the indications given by OMS.¹⁶ To this

¹⁵ As acknowledged in the Protocol, the real-time detection of the body constitutes processing of personal data and, therefore, must be carried out in accordance with the privacy provisions currently in force. To this end, the Social Partners have suggested to: (i) detect the temperature without recording the data obtained (recommending to identify the person involved and recording the crossing of the temperature threshold only when it is necessary for documenting the reasons that prevented the access to the company premises); (ii) provide the policy concerning the processing of personal data, even orally and, when necessary, omitting information that the person involved is already aware of, indicating, with respect to the aim of the processing, the prevention of the contagion from Covid-19, with respect to the legal basis, the implementation of safety protocols aimed at preventing contagion in accordance with the emergency legislation, with respect to the duration of any data storage, the end of the state of emergency; (iii) define the appropriate safety and organizational measures for protecting data, identifying the subjects in charge of the processing and providing them with the necessary instructions (without prejudice the fact that data can be processed only for the aim of preventing contagion and must not be disclosed or communicated to third parties outside the specific legal provisions, as in case of request of the health authority for recreating the series of all possible “close contacts” of a worker who has been tested positive); (iv) ensure modalities that guarantee the privacy and dignity of the employee, in case of temporary isolation due to the crossing of the temperature threshold, in case the employee informs that, outside of the company context, he has had contacts with subjects who have resulted positive to Covid-19 as well as in case of withdrawal of the worker who, during his working activity, has developed temperature and respiratory infection symptoms as well as of his/her colleagues (see above).

¹⁶ Since the issuance of a declaration stating that a given person is not coming from an area subject to epidemiological risk as well as the absence of contacts, in the last 14 days, with people who have resulted positive to Covid-19 constitutes data processing, the Protocol suggests to collect only the data that is necessary, adequate and relevant with respect to the prevention of the contagion (avoiding, for example, asking additional information as to the person who has resulted positive or as to the peculiarities of the environments).

purpose, it is reminded that, following the entering into force of the Cura Italia Decree, the quarantine measure with active surveillance regarding individuals who have had contact with confirmed Covid-19 cases does not apply to employees of companies operating in the field of production and dispensation of drugs and of medical and diagnostic devices, as well as in relevant research activities and in the integrated supply chain. Such workers suspend their activity only in case of respiratory symptoms or positive result to Covid-19;

- in case of workers **already tested positive** to Covid-19, the access to the company will have to be preceded by the submission of a **medical certificate** stating the actual negative outcome of the swab;

Furthermore, the Protocol provides that the employer will have to provide the maximum collaboration if, in order to prevent the development of epidemic outbreaks, in the areas majorly affected by the virus, the competent health authority has issued additional and specific measures (for example, the implementation of swaps for workers).

3.3.5. The access of subjects external to the company personnel

The access of subjects external to the company personnel is also subject to specific provisions as it represents a possible infection carrier.

First of all, it is recommended to **limit**, as much as possible, the access of external subjects (such as visitors, users, suppliers, etc.), who, if their access is deemed necessary, will in any case have to comply with the company rules, including those concerning the access to the premises by the employees (see above).

In any case, the identification of access, transit and exit procedures through **predefined modalities, paths and times**, with the aim of reducing possibilities of contact with the personnel working in the departments and offices involved, is recommended. To this end, dedicated **sanitary facilities** will have to be identified or, where appropriate, installed, by guaranteeing an adequate daily cleaning and prohibiting the use of those of the employees.

Specific provisions are provided with respect to drivers of means of transport who, where possible, will have to remain on board of their own vehicles, without prejudice to the prohibition of access to offices. Moreover, with respect to loading and unloading activities, the carriers will always have to respect the one-meter interpersonal distancing.

With specific reference to the assignment of works, services or supplies to **contractors or self-employed workers** within the production site (*e.g.* maintainers, suppliers, cleaners, security guards), the Social Partners have expressly provided that:

- (a) the principal must provide full information on the content of the company Protocol that has been adopted and supervise in order to make sure that all those that are

operating, under whatever title, within the enterprise perimeter fully comply with its relevant provisions;¹⁷

- (b) the contractor must immediately inform the principal in case there are workers who result positive to the Covid-19 swab and they must both cooperate with the health authority, providing relevant items for identifying any close contacts. Although this is not provided by the Protocol, it is deemed that the principal, on condition that privacy regulations are complied with, has a similar information duty towards the contractor with respect to any positive cases in order to jointly handle the latter, especially in order to identify close contacts.

3.3.6. The information obligation

The Social Partners have entrusted the company with a both general and specific information obligation in favour of workers, in order to help prevent any possible form of access of the virus in the company as well as a widespread outbreak.

First of all, the company must prepare adequate information sheets concerning the precautions aimed at preventing the contagion, the behaviours to be kept at the workplace as well the emergency numbers to contact, by handing in and/or affixing at the entrance and in the most visible places of the company premises **specific information leaflets** containing, among the rest:

- the obligation to remain at home in case of temperature (higher than 37,5°) or other flu-like symptoms and to promptly declare the appearance of such symptoms even after the entrance in the company, making sure that adequate distance is kept from the people present;
- the prohibition to access the company premises if coming from areas at risk or in case of contact with positive people in the previous 14 days;
- the obligation to comply with all provisions of the authorities and of the employer when accessing the company (and, in particular, maintaining the safety distance, respecting the hygiene rules).

Furthermore, in addition to such general information duty, the company must provide **specific information**, adjusted on the basis of the **tasks** and **working contexts**, with specific reference to all the measures adopted and which the personnel must comply with, also in relation to the correct use of the individual protection devices (variable, in fact, on the basis of the tasks and working contexts of each worker).

¹⁷ It appears to be opportune that the principal and the contractor cooperate in managing the possible interferences with the aim of limiting the risk of contagion.

3.3.7. The management of common spaces

Specific provisions are contained in the Protocol with respect to the management of common spaces with the aim of limiting as much as possible the possibility of contagion within the company premises.

In particular, the Social Partners have established – in addition to the maintenance of the one-meter safety distance between the people occupying the company premises as well as the use of masks – (see above) that:

- the access to common spaces (including company canteens, smoking areas and changing rooms) must be **limited**;
- the premises must be continuously **ventilated**;
- a **limited period** of break within such spaces must be provided;
- it is necessary to take care of the organization of spaces and the sanitization of **changing rooms** in order to provide workers with areas for work wear deposit and guarantee them adequate hygiene and health conditions;
- a periodic sanitization and daily cleaning of the **canteen** areas, of keyboards and dispensing machines for drinks and snacks must be guaranteed with suitable detergents.

3.3.8. Internal movements, meetings and training activity

In order to reduce, as far as possible, the interpersonal contact between the personnel working within a same department as well as between personnel working in different company departments, the Protocol has provided that:

- **movements** within the company site must be limited to the minimum required;
- physical **meetings** are not allowed, exception made for those that are necessary and urgent, for which, in the impossibility of remote connection, the participation will have to be reduced to a minimum (without prejudice, in any case, to the guarantee of interpersonal distancing and of an adequate cleaning/aeration of spaces). On the point, Law Decree 16 May 2020 no. 33 expressly provided that “*meetings must be carried out in compliance with the interpersonal distance of at least one meter*”.
- all internal events and all **training** activities with “in class” modalities, even obligatory, are suspended or cancelled, without prejudice to the possibility to implement distance training. ¹⁸To this purpose, the Protocol has specified that the failure to complete the update of professional and/or enabling training within the terms set

¹⁸ As specified by the Ministry of Labour in the clarifications given with the respect to the “frequently asked questions”, distance training must be carried out with “synchronous mode” and in a way that enables “the verification of the presence of the subjects to be trained and the full interaction between the latter and the teachers”.

forth for all the company roles/functions in the field of health and safety at the workplace, which is due to the ongoing emergency and therefore to a case of force majeure, does not imply the impossibility to continue the performance of the specific role/function (so, for example, the person in charge of the first aid and fire-fighting emergency may continue to take action in case of need, and the forklift may continue to operate in such task, without prejudice to the obligation of completing the training update once the emergency phase is concluded).

3.3.9. Travelling to and from the workplace. Business trips

Starting from 18 May 2020, with the entry into force of the Law Decree of 16 May 2020 no. 33 and of the Prime Ministerial Decree of 17 May 2020, the prohibition of travels within the regional territory no longer exists, while the prohibition of **interregional travels**, with public or private means of transport, continues to be in force, at least **until 2 June 2020**, with the exception of the cases of proven work needs, extreme urgency or health reasons (in any case, the return to one's own domicile, home or residence, as well as the travels from the Vatican City State or the Republic of San Marino and the confining regions continue to be allowed: see Focus «THE TRANSNATIONAL MOVEMENT OF EMPLOYEES»). Starting from 3 June 2020, interregional travels may be limited with respect to specific areas of the national territory, accordingly with the principles of adequacy and proportionality of the epidemiological risk actually present in such areas).

When **traveling from and to the place of work outside the region**, 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.¹⁹ The form provides, among other things, that the interested party should indicate the starting place and declare that she or he is not a condition of absolute ban on mobility from his or her own home or dwelling, which is applicable to individuals subjected to the quarantine measure or resulted positive to Covid-19. As clarified by the Ministry of Interior with the circular letter no. 29415 of 2 May 2020, the justification of the working reason can be proved by showing documentation provided by the employer (e.g. badges) which can demonstrate the declared condition.

With the Protocol of 14 March 2020, the Social Partners have agreed that all business **trips** and travels, even if already agreed or organized, have to be suspended or cancelled. Such provision has been kept also in the updated version of 24 April 2020. To this purpose, it is noted that, in an explanatory note, Confindustria employer's association has called for an interpretation of the Protocol as mere recommendation to reduce displacements that are not actually necessary for the company activity, inviting companies to make an individual evaluation, taking into account the peculiarities of each production area and the specific needs of each case. A different interpretation of the Protocol would imply clear limitations of the performance of the company activity.

¹⁹ At the following link: https://www.interno.gov.it/sites/default/files/allegati/nuovo_modello_auto-dichiarazione_editabile_18_maggio_2020.pdf.

It should be noted that the Prime Ministerial Decree of 17 May 2020 (in accordance with the previous decrees) contains specific provisions applicable to **transnational travels** and, in particular, to travels involving the entry into Italy for proven working reasons (see the Focus «TRANSNATIONAL CIRCULATION OF WORKERS»).

3.3.10. The Occupational physician and the health surveillance

In updating the Protocol of 24 April 2020, the Social Partners have strengthened the role of the **occupational physician** as a support role for the company in the management of the emergency. As indicated by the Ministry of health in the circular letter no. 14915 of 29 April 2020, the role of the occupational physician, which is prominent in the protection of health and safety at work within the day-to-day performance of working activities, is furtherly widened in the current moment of emergency, during which the occupational physician fully carries out his tasks of “**global consultant**” of the employer.

Within the context of the so called “phase 2”, a phase of restart of the working activities, it is opportune that the occupational physician support the employer in the implementation of the prevention and protection measures set forth by the Protocol. As indicated by the Ministry of health, it is therefore essential that the different types of measures of risk containment be contextualized as much as possible to the different kinds of production activities and to each single company reality that is involved, also through the **active and integrated cooperation** of the occupational physician with the employer and with the other people in charge of safety matters, *e.g.* the workers’ representative for safety (RLS), also if external (RLST).

In particular, the occupational physician is required to support the employer in the risk assessment in a peculiar context such as the return at work in a pandemic period. It will therefore be necessary to adopt a series of actions that will be integrated to the **Risk Assessment Document** (so-called “DVR”), aimed at updating the evaluation in light of any organizational changes occurred as well as at preventing the risk of infection from SARS-CoV-2 in the working environments, also contributing to the prevention of the spread of the epidemic.²⁰

As to the duties of the occupational physician concerning **health surveillance**, the Protocol has recommended that such duties be continued – as an additional general prevention measure – in compliance with the hygiene measures contained in the guidelines of the Ministry of Health (so-called “*decatalogue*”) and giving priority to preventive examinations, requested visits and medical examinations upon return from illness. As to the medical examinations to be carried out when changing a task, the Ministry of Health has specified that the occupational physician must evaluate the urgency of such examinations, taking into account both the health conditions of the employee during his last

²⁰ Please note that European Agency for health and safety at the workplace (EU-OSHA) in its own document “Covid-19: Back to the workplace – Adapting workplaces and protecting workers” (available at the following link: <https://osha.europa.eu/en/publications/covid-19-back-workplace-adapting-workplaces-and-protecting-workers/view>) containing “non-binding guidelines”, suggests to proceed with an update of the risk assessment document and with the drafting/update of the emergency plans.

examination as well as the importance and kind of risks arising from the future task. In general terms, after an evaluation of the occupational physician and in a period following 31 July 2020, the periodic medical examination as well as the medical examination upon termination of the employment relationship can be postponed in the cases envisaged by the laws in force.

For the progressive reinstatement of employees **already positive to the Covid-19 infection**, the occupational physician, after having submitted a certification of occurred exhibit negative of the swab, must carry out a medical examination under Article 41, paragraph 2, letter *e-ter* of Legislative Decree 81/2008 (*i.e.* the examination preceding the return to work, following an absence for health reasons of a duration exceeding sixty continuative days), in order to verify the task suitability – also with the aim of assessing specific risk profiles – regardless of the duration of the absence for illness.

As specified by the Protocol, when restarting activities, it is opportune that the occupational physician be involved for the identification of the subjects with particular **situations of fragility** and it is recommendable that the health surveillance pay particular attention to fragile subjects, also in relation to their age. In this regard, the Ministry of Health has stated that employees have to be made aware, through adequate information, of the need to bring to the attention of the occupational physician the existence of any pathologies (cardiovascular/respiratory illnesses), through a request of medical examination under Article 41, paragraph 1, letter c, of Legislative Decree 81/2008 (*i.e.* examination requested by the employee) and, more in general, to communicate any variation of their health condition linked to the infection.

On the point, the Rilancio Decree expressly provided that, with effect from 19 May 2020, without prejudice to the implementation of the health surveillance as governed by the Health and Safety Code, in order to guarantee the safe performance of the productive and commercial activities with respect to the risk of contagion, until the date of termination of the state of emergency, employers must ensure the **exceptional health surveillance** of the employees majorly exposed to the risk of contagion, due to the age or the risk condition arising from immunosuppression, also in relation to the Covid-19 disease, or due to results of oncological diseases or the performance of life-saving therapies or, in any case, co-morbidities that may entail a higher level of risk.

For the performance of such exceptional health surveillance, employers who are not obliged to appoint a health physician may: (i) appoint one for the emergency period; (ii) contact the local INAIL services, which will take care of it through their own labour-physicians (in compliance with the fees established by a specific ministerial decree).

By express provision of the Rilancio Decree, the **unsuitability** to the task ascertained during the exceptional health surveillance **cannot**, in any case, justify a **dismissal**.

Finally, the Protocol provides that the occupational physician, given his role in the risk assessment and in the health surveillance, may suggest the adoption of **diagnostic tools** if deemed useful for containing the spread of the virus and for the employees' health.

3.3.11. The management of a symptomatic person in the company

If the employer notices the presence of a subject who responds to the definition of “**suspected case**”, he must proceed with his immediate isolation, based on the provisions of the health authority, as well as with that of the other subjects present in the company premises, avoiding close contacts with the person who could have contracted the disease and paying attention to the surfaces with which such subject has had contact, providing him with a mask, if not already available. It is also necessary that the subject in question directly remove any used tissues, throwing them in a waterproof bag that will be disposed of with the materials produced during the health activities of the emergency personnel. The company will then have to immediately contact the health services at the emergency numbers provided for by the Region or by the Ministry of Health.

In case of confirmed **positivity**, a sanitization and extraordinary cleaning of the working environments will have to be carried out (see above), also paying attention to any other order that may be issued by the competent authority. In particular, the company will have to cooperate with the health authorities for defining any “close contacts”, in order to allow the authorities to apply the necessary and opportune quarantine measures. During the investigation period, the company may ask any possible close contacts to cautiously leave the building, in accordance with the instructions of the health authority.

As anticipated, following the entry into force of the Cura Italia Decree, the quarantine measure with active surveillance for those who have had contacts with confirmed Covid-19 cases does not apply to employees of companies operating in the field of production and dispensation of drugs and of medical and diagnostic equipment, as well as in relevant research activities and in the integrated supply chain. Such workers suspend their activity only in case of respiratory symptoms or positive result to Covid-19.

3.3.12. Safety at work and refusal to work

If the employer has duly implemented the emergency legislation and, in particular has adopted all hygienic-sanitary precautions aimed at protecting his employees, including a company protocol in line with the Protocol of 24 March 2020, any **refusal of the worker** to perform her/his working activity would not be justified. The employee would therefore be disciplinary accountable, being his/her refusal legitimate only in the event that the fulfilment of the working activity would jeopardize his/her physical and psychological integrity.

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