

Employment Law Newsletter

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COVID19 Emergency Update: an updated protocol on safety measures at the workplace has been signed

On Friday 24, 2020, the Italian Government and the National Trade Unions signed a new Protocol (document in Italian [here](#)) that updates the previous protocol dated March 14, 2020 (you can read more in our previous newsletter [here](#)) and calls for new Covid-19 related safety measures to be adopted at the workplace.

Here is a summary of the main measures employers will now have to comply with (these measures are in addition to those already in place under the protocol dated March 14, 2020):

- **Temperature checks upon entering the workplace**
Employers can continue to check employees' temperature when arriving at work. These checks, however, must be carried out in compliance with privacy laws and in compliance with instructions given by the company doctor. Additional measures (like swabbing) may be imposed by local health authorities in areas with a high number of Covid-19 cases; employers will have to fully cooperate in adopting these measures.
- **Return to work of employees who tested positive to COVID-19**
An employee who tested positive to Covid-19 can be re-admitted to work only after providing a medical certificate, issued by the local health authorities office, confirming that he/she is no longer positive to Covid-19. In addition, the company doctor will carry out a medical examination to ensure that the employee can go back to work.
- **Information to workforce**
Employers must inform employees on the health and safety measures implemented at the workplace, with particular focus on personal protective equipment.
- **Access of suppliers to the workplace**
If a supplier's employee tests positive to Covid-19, it must immediately inform its customers. Both the supplier and the customer will cooperate with local health authorities to identify any individuals who were in close contact with that employee.
In addition to the above, customers will inform suppliers and their employees about safety measures adopted at the workplace, ensuring that supplier's workers fully comply with them.
- **Workforce management (shift work, change in production line, clock-in clock-out)**
Smart working / working from home will continue to be used to the maximum extent possible.
Work spaces must be organized to ensure that social distancing measures are complied with.
Different working schedules can also be adopted to ensure social distancing.
Employees should avoid gatherings when commuting by using public transport in order to get to the workplace. The use of private means of transportation and company shuttle services are encouraged.
Clock-in and clock-out times should also be spread out so as to avoid crowds.
- **Sanitizing the workplace**
Employers located in areas with a high number of Covid-19 cases or who had employees that tested positive to Covid-19 will have to sanitize the workplace, including workstations and common areas, in accordance with instructions issued by the Ministry of Health.
- **Individual protective equipment and hygiene**
Companies will be required to use appropriate personal protective equipment. All employees sharing common areas will have to wear a mask. Hand sanitizer gels will also be made available at the workplace.
- **Collaboration between employers and works councils / workers' representative for health and safety aspects**
A committee between employer, internal works councils members and the workers' representative for safety aspects is set up in each company, to monitor the application of the rules contained in the Protocol. If a company does not have a works council, a Territorial Committee, composed of local unions, employers' representatives and workers' representatives for safety aspects, will be in charge of supervising compliance.

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