

## Covid-19 contrast and containment protocol in the workplace



### Index

- The Prime Minister Decree
- Shared protocol to regulate measures to counter and contain the spread of the Covid-19 virus in the workplace
- Information
- Access modalities of employees
- Access modalities of external suppliers
- Cleaning and sanitation on the company
- Personal hygiene precautions
- Personal protective equipment
- Management of common areas (canteen, changing rooms, smoking areas, beverage dispensers)
- Company organization (changing shift staff, transfers, smart working and reshaping of production levels)
- Employee entry and exit management
- Internal transfers, meetings, internal events and training
- Symptomatic person management in the company
- Health surveillance/competent doctor/RLS
- Updating the regulatory protocol
- All Prime Minister Decrees

### The Prime Minister Decree

The health emergency caused by the spread of the coronavirus and the pathology caused by it, called COVID-19, required the adoption of a series of legislative measures by the Government.

With the latest Decree of the President of the Council of Ministers dated March 11, 2020, the Government applied restrictive measures for the entire country, valid until March 25, 2020, unless extended or amended.

The measures of the Prime Ministerial Decree fully replace those contained in the previous ones of 8 (extension of the "red zone" to Lombardy and 14 provinces) and 9 March (extension to the entire national territory), if incompatible.

The provisions relating to the possibility of movement for work, health or imperative needs shall remain in force. These provisions are valid for the whole Italian territory and also for regions with a special regime, compatibly with the statutory provisions and implementing regulations.

The main provisions relating to work activity are as follows.

Article 1, no. 7 letter a) provides for the maximum use by companies of smart working methods for



activities that can be carried out at home or at a distance.

The employer may automatically activate the smart working mode to its employees, even in the absence of an individual or trade union agreement.

Information obligations are fulfilled by telematic means (mandatory through the website [cliclavoro.gov.it](http://cliclavoro.gov.it)). In the "date of signing the agreement" field, the starting date of smart working must be entered, as indicated by the Ministry of Labour.

Article 1, no. 7, letter b) states that the using of paid holidays and paid leave for employees, as well as all other instruments provided for by collective bargaining, are encouraged, therefore the employer can order the disposal of holidays and leave for employees suspended from work who cannot implement smart working.

Article 1, no. 7, letter c) prescribes that the activities of company departments, that are not indispensable to production, must be suspended.

Article 1, no. 7, letter d) prescribes that companies must adopt anti-infection safety protocols and individual protection instruments if it is not possible to respect the interpersonal distance of one metre as the main containment measure; it is therefore mandatory to have anti-infection safety protocols involving the competent doctor and the person responsible of the protection and prevention service.

The company shall accordingly:

1. provide workers, in particular if they have contact with customers and suppliers, with suitable protective equipment to avoid contagion such as, for example, gloves and protective masks, antibacterial disinfectant dispensers;
2. ensure that workplaces are thoroughly cleaned with disinfectant products suitable for this purpose;
3. ensure that workers adhere to common preventive measures, such as care for personal hygiene and the working environment and care in keeping away from people with flu symptoms;
4. inform the competent doctor without delay if the worker presents suspicious symptoms.

### **Shared protocol to regulate measures to counter and contain the spread of the Covid-19 virus in the workplace**

If the employee is obliged by the Prevention Department of the health care company to stay at home, the employer must consider the employee absent due to illness. His absence must be treated equally to the absence due to illness from a legal and contractual point of view, unless otherwise specified by INPS.

If, on the other hand, the worker quarantined himself because he has had relations with people infected by the coronavirus, and he is waiting for the response from the Prevention Department of the health care company, the employer should consider the worker absent on holiday/leave, waiting for the response from the health care company and, if the response is positive, the absence should be remodeled in illness.

Due to the epidemiological risk, it seems appropriate to update the Risk Assessment Document (in Italy called DVR) and the Single Document for the Evaluation of Interference Risks (DUVRI) in case of contract and to provide personnel with personal protective equipment. These devices (e.g. antibacterial gel dispensers, gloves or protective masks in relation to the type of production activity) must be suitable to ensure workplace safety as far as possible.

Also pursuant to the Prime Ministerial Decree dated March 11, in order to prevent the spread of the virus within the company, it is mandatory to limit access by external parties (visitors, users, suppliers, etc.) in order to avoid groupings and to limit intra-company mobility.

In order to make this measure effective, it is necessary to seek guidance from the competent doctor and then inform the employees of the prescriptions indicated by him/her. For this information purpose, the most suitable communication tools (e-mail, company website, posting of notices at the entrance) must be used.

Article 1, no. 7, letter e) then provides for incentives for workplace sanitization operations, also using forms of social security cushions for this purpose.

Art.1, n. 8 recommends that only productive activities or movements within the sites must be limited and access to common areas must be



reduced.

Therefore, the limitation of movements within the production site must be guaranteed and the presence of the individual employee must be circumscribed in a space as limited as possible, not less than one meter away from another person.

Article 1, no. 9 encourages, with regard to the provisions of paragraphs 7 and 8, limited to production activities, union agreements.

Both parties must responsibly encourage an agreed management.

Article 1, no. 10 reiterates that non-suspended activities, where possible, must use smart working.

Today, March 14, 2020, precisely in implementation of the provisions of Article 1 no. 9, the government and the social partners signed the "*Shared Protocol for the regulation of measures to combat and contain the spread of the Covid-19 virus in the workplace*".

The agreement reviews various issues (from access to the company, to personal hygiene precautions, from the management of common areas to internal movements, up to the management of the symptomatic employee) and provides a set of rules that must be followed by the employer and employees to avoid contagion in a number of areas, illustrated in detail below.

### **Information**

The company must inform all workers and all people who enter in the company about the provisions of the Authorities, through the delivery and/or posting at the entrance and in the most visible places of the company premises, special information leaflets.

The information mainly concerns the obligation to stay at home in case of fever (over 37.5°) or in case of other flu symptoms and to call the family doctor and the health authority; moreover it is necessary to inform about the commitment to respect all the provisions of the Authorities and the employer during the access to the company (in particular, to keep a safe distance, to observe the rules of hand hygiene and to behave correctly in terms of hygiene).

### **Access modalities of employees**

Personnel, before the access to the workplace, may be subjected to body temperature control and if this temperature is higher than 37.5°, the employee will not be allowed to access to the company; moreover, the employer must inform in advance the staff and in general anyone wishing to access to the company, that it is not possible to access to the company if, in the last 14 days, they had contact with people who have been tested positive for COVID-19 or if they come from risk areas according to the WHO2 guidelines.

For these cases, reference is made to Decree Law no. 6 dated 23.2.2020 art. 1, letter h) and i): obligation to report to the Department of Prevention and Quarantine with surveillance.

### **Methods of access of external suppliers**

For access by external suppliers, it's necessary to identify entry, transit and exit procedures, using predefined methods, routes and timing, in order to reduce the opportunities for contact with the staff in the departments/offices involved and to reduce access to visitors as far as possible.

### **Cleaning and sanitization in the company**

The employer must ensure the daily cleaning and periodic sanitation of the premises, rooms, workplaces and common and leisure areas.

In case of presence of a person with COVID-19 inside the company premises, the cleaning and sanitation of the above mentioned premises shall be carried out according to the provisions of Circular no. 5443 dated February 22, 2020 of the Ministry of Health.

The employer, in accordance with the instructions of the Ministry of Health, through appropriate methods, may organize special interventions/ periods of cleaning using the social safety cushions (also as a derogation).

### **Personal hygiene precautions**

It is mandatory that the employees respect all hygiene precautions, in particular for the hands; the



company provides suitable cleaning equipment.

### **Personal protective equipment**

Compatibly to commercial availability, the use of masks is prescribed in accordance with World Health Organisation guidelines.

Considering the emergency situation, in the event of supply difficulties and for the sole purpose of preventing the spread of the virus, different types of masks may be used as long as they comply with the health authority's requirements.

If the working methods require to work at an interpersonal distance of less than one meter and other organizational solutions are not possible, masks and other protective devices (gloves, glasses, overalls, overalls, gowns, etc. ...) in accordance with the provisions of the scientific and health authorities are required.

### **Management of common areas (canteen, changing rooms, smoking areas and beverage dispensers)**

It's necessary a limited access to common areas, including company canteens, smoking areas and changing rooms with the provision of continuous ventilation of the premises, reduced time spent inside these areas and with the maintenance of a safety distance of 1 metre between the people occupying them.

Sanitization of the locker rooms in order to leave places for the workers to store their work clothes and to guarantee them suitable hygienic and sanitary conditions and periodic sanitization and daily cleaning, with special detergents, of the canteen rooms, the keyboards of the beverage and snack dispensers.

### **Company organization (changing shift staff, transfers, smart working, and remodulation of production levels)**

According to point 7 of the Prime Ministerial Decree dated March 11, 2020, limited to the period of the COVID-19 emergency, companies must encourage agreements with company trade union

representatives and therefore, in accordance with the provisions of the national collective labour agreements, companies may:

- order the closure of all departments other than production or, in any case, the departments where the use of smart working is possible;
- remodulate production levels;
- ensure a changing shift plan for employees dedicated to production with the aim of reducing contacts as much as possible and creating autonomous, distinct and recognizable groups;
- use smart working for all those activities that can be carried out at home or remotely in the event that social safety cushions are used, also by way of exception, and always evaluate the possibility of ensuring that they affect the entire company structure, if necessary also with appropriate rotations;
- to use, as a priority, the social safety cushions available in compliance with the contractual institutions (par, rol, hour) generally aimed at allowing abstention from work without loss of consideration;
- if the use of the instruments referred to in point (c) is not sufficient, the holiday periods in arrears and not yet taken shall be used
- all national and international travel/business trips are suspended and cancelled, even if already agreed or organised.

### **Employee entry and exit management**

It's necessary to promote staggered entry/exit times in order to avoid as much contact as possible in common areas (entrances, changing rooms, canteen) and, where possible, it is necessary to provide with detergents, indicated by special indications, near the enter/exit door.

### **Internal movements, meetings, internal events and training**

Limit movements within the company site as much as possible and in compliance with company instructions, cancellation of meetings in attendance. If the meetings are characterised by necessity and



urgency, if it is impossible to connect remotely, the necessary attendance must be reduced to a minimum and, in any case, inter-personal distance and adequate cleaning/action of the premises must be guaranteed.

All internal events and all training activities in classroom mode, even if already organized, are suspended and cancelled.

### **Management of symptomatic persons in the company**

In the case of a person with fever and symptoms of respiratory infection such as coughing, this person and the other people close to him/her must be isolated in accordance with the provisions of the health authority and the company must immediately notify the competent health authorities and the emergency numbers for COVID-19 provided by the Region or the Ministry of Health.

### **Health surveillance / competent doctor / supervisor of safety at work**

Health surveillance must continue in compliance with the hygienic measures contained in the indications of the Ministry of Health (so-called decalogue).

The competent doctor reports to the company situations of particular fragility and current or past pathologies of employees and the company provides for their protection in respect of privacy, the competent doctor will apply the indications of the Health Authorities.

### **Updating of the regulatory protocol**

A Committee is set up in the company for the application and verification of the rules of the regulatory protocol with the participation of the company trade union representatives and the supervisor of safety at work.

### **All the Government's Decrees (DPCM)**

All the legislative measures adopted by the Government, starting with the most recent, are listed below:

-Decree of the President of the Council of Ministers dated March 11, 2020, regarding further provisions implementing Decree Law No. 6 dated February 23, 2020. The latter contains urgent measures on the containment and management of the epidemiological emergency by COVID-19, applicable throughout the entire national territory; regarding Decrees dated March 8 and 9, 2020, only the provisions compatible with the latter remain in force.

-Decree-Law No 14 dated March 9, 2020 on urgent measures to strengthen the National Health Service in relation to the emergency COVID- 19;

-Decree of the President of the Council of Ministers dated March 9, 2020, regarding further provisions implementing Decree Law No. 6 dated February 23, 2020 on urgent measures for the containment and management of the epidemiological emergency by COVID-19, applicable throughout Italy. From March 10, 2020, the measures referred to in Articles 2 and 3 of the Prime Ministerial Decree dated March 8, 2020, where incompatible, shall cease to have effect.

-Decree-Law dated March 8, 2020, no. 11, on extraordinary and urgent measures to counter the epidemiological emergency from COVID-19 and contain the negative effects on the performance of judicial activity;

-Decree of the President of the Council of Ministers dated March 8, 2020, on further implementing provisions of Decree Law no. 6 dated February 23, 2020 on urgent measures for the containment and management of the epidemiological emergency by COVID-19. The measures provided for in article 1, initially effective only for the Lombardy region and 14 other provinces, were extended to the entire national territory, following the entry into force of the Decree of the President of the Council of Ministers dated March 9, 2020;

-Deliberation of the Council of Ministers dated March 5, 2020 on the further allocation for the implementation of interventions as a result of the health risk linked to the onset of diseases caused by transmissible viral agents (GU. No 57 of 6-3-2020).

-Decree of the President of the Council of Ministers dated March 4, 2020, on further implementing provisions of Decree Law no. 6 dated February 23, 2020 on urgent measures for the containment and management of the epidemiological emergency by



COVID-19; its effects ceased after the entry into force of the Decree of the President of the Council of Ministers dated March 8, 2020.

-Law Decree, March 2, 2020, n. 9, on urgent support measures for families, workers and businesses related to the epidemiological emergency by COVID-19;

-Decree of the President of the Council of Ministers dated March 01, 2020, on further provisions implementing Decree Law no. 6 dated February 23, 2020 on urgent measures for the containment and management of the epidemiological emergency from COVID-19 (GU no. 52 of 1-3-2020); it ceased after the entry into force of the aforementioned Decree of the President of the Council of Ministers dated March 8, 2020.

-Decree of the President of the Council of Ministers dated February 25, 2020 on further provisions implementing Decree Law no. 6 dated February 23, 2020 on urgent measures for the containment and management of the COVID-19 epidemiological emergency, the effects of which ceased with the entry into force of the Decree of the President of the Council of Ministers dated March 1, 2020.

-Decree of the President of the Council of Ministers dated February 23, 2020, concerning the implementing provisions of Decree-Law no. 6 dated February 23, 2020, containing urgent measures for the containment and management of the epidemiological emergency from COVID-19 (GU no. 45 of 23-2-2020), whose effects ceased following the entry into force of the Decree of the President of the Council of Ministers dated March 01, 2020.

-Decree-Law no. 6 dated February 23, 2020 on urgent measures for the containment and management of the epidemiological emergency by COVID-19, converted with amendments into Law no. 13 dated March 5, 2020.

-Resolution of the Council of Ministers dated January 31, 2020 on the declaration of a state of emergency as a result of the health risk associated with the onset of diseases caused by transmissible viral agents.

The professionals of Andersen Tax & Legal Italia are at your complete disposal to provide with any advice on the issues highlighted in this newsletter.

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