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## FAQs for employers and employees during the COVID-19 alert

### How the Italian labour organisation has changed in light of the epidemiological emergency?

Since the very beginning of the epidemiological emergency (end of February approximately), the Italian Government has acknowledged the need for countering the spread of Covid-19 by introducing limitations to the movement of persons, but decided to lock down the non-essential sectors on 22 March only (for which please refer to Decree of the President of the Ministers' Council (hereinafter "**PMCD**") of 22 March 2020.). As a result, the measures adopted have produced material effects on the employment relationships.

Smart working (regulated under the Law No. 81 of 22 May 2017) and the use of days-off represent the "core" of the strategy adopted by the Government in Labour Law matters together with the wide implementation of the unemployment insurance benefits, and namely access to both the so-called Ordinary Income Supporting Fund (*Cassa Integrazione Guadagni Ordinaria*), hereinafter "**OISF**", and Derogating Income Support Fund (*Cassa Integrazione Guadagni in Deroga*), hereinafter, "**DISF**").

In order to facilitate the smart working implementation, the Government has abolished for the duration of emergency the mandatory execution of the agreement to be entered into for such purpose between the employer and the employee (for which please refer to the PMCDs dated 1 and 4 March 2020).

On the other hand, the use of the days-off accrued by the employees has been recommended since the beginning of the crisis as a tool to reduce the financial burdens on the National Social Security Institute, in charge of managing the social security nets (hereinafter, the "**NSSI**").

### Have the Trade Unions played a role in the implementation of the measures adopted by the Government?

Firstly, on 14 March 2020, the Government and the Trade Unions have executed an agreement headed "*Shared protocol for regulating the measures aimed at countering and limiting the spread of Covid-19 in the workplaces*".

Secondly, according to Law Decree No. 18/2020 and the special provisions of Law Decree dated 17 March 2020, No. 18, the Trade Unions shall be informed during the first phase of the procedure aimed at the grant of the unemployment insurance benefits (OISF and DISF).

Thirdly, it should also be stressed that the association representing Italian banks (ABI) has executed on 31 March 2020 a convention for anticipating the unemployment insurance benefits in order to ensure an allowance to the employees until completion of the procedures pertaining to the NSSI.

**In case of non-application of smart working, which are the conditions required by the Government for the safe deployment of labour relationships?**

Article 16 of the Law Decree No. 18/2020 provides some compulsory measures. The employers shall ensure: (i) on one hand, the sanitation of the workplaces, tools and devices (i.e. PC, mouse and so forth); and (ii) on the other hand, the supply of products for hand-washing, in order to allow employees take adequate precautions during the work activities.

A maximum time to stand in common areas (i.e. smoking area and so forth) and the obligation for each employee to comply with the minimum distance of one meter are also provided.

Should it be impossible to comply with the minimum distance, the employee must wear masks and any other useful safety device (glasses, gloves and overalls).

**Has the Government envisaged any special provision concerning individual and collective dismissal?**

Article 46 of the Law Decree No. 18/2020 sets forth the temporary suspension of the procedures for the collective and individual dismissal. Therefore, employers are not allowed to promote the procedures under Articles 4, 5 and 24 of the Law No. 223/1991 until 16 May 2020.

Until the aforesaid expiry date, any employer can terminate any labour relationship due to justified objective reasons pursuant to article 3 of the Law No. 604/1996.

**Has the Government set forth any measure for the self-employed workers?**

The large part of the measures adopted by the Italian Government has been addressed to employees, although a special indemnity of € 600.00 in favour of the self-employed workers (freelancers, collaborators, craftsmen, seasonal workers in tourist industry) has been granted for March 2020. Access to the indemnity is conditional upon the non-allowance of any pension for the beneficiary.

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