

COVID-19 HR ISSUES

Issue	Rules	Sources
Holidays and leave of absence	<p>If the employer is required (or considers it preferable) to suspend (in whole or in part) the relevant business, the employer may require its employees to take holidays and/or leave of absence without requiring consent from relevant employee(s).</p> <p>Parents employed in the private sector with children younger than 12 years old are entitled to specific leave for a maximum period of 15 days (which may be taken consecutively or at intervals). An allowance equal to 50% of the remuneration is recognized. Both parents may benefit from this leave alternately for an aggregate maximum period of fifteen days.</p> <p>As an alternative to the leave referred to above, the same beneficiaries may opt for a bonus (paid through the so called “<i>libretto famiglia</i>”) to purchase baby-sitting services for up to Euro 600 in aggregate.</p> <p>Parents employed in the private sector with children aged between 12 and 16, may remain absent from work for the entire period of in which schools are closed due to government restrictions related to <i>Covid-19</i>, without any remuneration/allowance. They have the right to maintain their employment (and not to be dismissed).</p>	<ul style="list-style-type: none"> • Article 2109 of the Italian Civil Code • National Collective Bargaining Agreement applied • Decrees of the Prime Minister of 9 and 11 March 2020 • Article 23 of Law Decree 17 March 2020, no. 18
<i>Employee travel</i>	<p>According to the Protocol (as defined in the “<i>Sources</i>” section), all national and international business trips, whether previously planned or not, are to be suspended and canceled. Please note that these are only guidelines without regulatory effect. In any case, and regardless of the content of the Protocol, movements of employees are to be reduced as much as possible.</p>	<ul style="list-style-type: none"> • Protocol regulating measures in order to contrast and contain the spread of the <i>Covid-19</i> virus in workplaces, dated 14 March 2020 (the “<i>Protocol</i>”)

<p><i>Smart Working</i></p>	<p>The fullest possible recourse to smart working is to be taken, including in the absence of individual agreements, and the information obligations set out in Article 22 of Law 81/2017 may be complied with by way of electronic transmission, including by using the documentation available on the website of National Institute for Insurance against Accidents at Work (“INAIL”).</p> <p>In any case, the usual agreements (which would be the preferred solution in the case the parties wish to provide for certain specific provisions safeguarding the employer) could be used.</p> <p>Employees in the private sector suffering from serious and proven medical conditions affecting their capacity to work are entitled to priority in requesting the Smart Working modality.</p>	<ul style="list-style-type: none"> • Law 81/2017 • Decrees of the Prime Minister of 8 and 11 March 2020 • Article 39 of Law Decree 17 March 2020, no. 18
<p><i>Privacy</i></p>	<p>Employers may not gather, in a systematic or generalised manner, whether by specific request to individual employees or unauthorised information in relation to symptoms of flu. The employee remains subject to the requirement (breach of which may have disciplinary consequences) to notify the employer of any circumstance resulting in a risk to health for the employee and/or co-workers.</p> <p>In addition, the Protocol provides that the personnel, before entering the workplace, may be subject to a body temperature test in compliance with privacy regulation currently in force (for further details, see Section 2, footnotes 1 and 2).</p> <p>Specific exceptions are provided for entities operating in the National Service for Civil Protection, the offices of the Minister for Health, public and private entities operating in the health care sector or where the transmission of personal data to public and private entities is indispensable to carry out the activities required in connection with the current emergency.</p>	<ul style="list-style-type: none"> • Regulation (EU) 2016/679 • Legislative Decree 30 June 2003, no. 196 • Privacy Authority press Release dated 2 March 2020 • Law Decree 9 March 2020, no. 14 • Protocol
<p>Fixed term contracts</p>	<p>No specific legislative initiatives have been taken. In any case, we cannot exclude that the unpredictable nature of the emergency, which is evolving rapidly, may be grounds for entering into/providing for an extension of the fixed term contracts (e.g. substitution of workers in quarantine or the need to deal with significant, short term peaks of activity which are not capable of being programmed in the short term).</p>	<ul style="list-style-type: none"> • Article 19 and ss. of Legislative Decree 81/2015

<p style="text-align: center;">Short-time social security allowances</p>	<p>1. Ordinary Wages Guarantee Fund (“CIGO”) or Ordinary Allowance (“Assegno ordinario”) may be activated in case of suspension of, or reduction in, working activities due to “<i>emergency COVID-19</i>”</p> <p>a. beneficiaries: "industrial" businesses, pursuant to Article 10 of Legislative Decree 148/2015 (it should be noted that the ordinary allowance may also be requested by employers registered with the Wage Integration Fund (“<i>Fondo di Integrazione Salariale</i> or <i>FIS</i>”), provided they employ, on average, more than five employees);</p> <p>b. recipients: all employees, regardless of their length of service;</p> <p>c. coverage: from 23 February 2020 to August 2020;</p> <p>d. maximum duration: nine weeks;</p> <p>e. trade union information and consultation procedure: very short (3 days) and simplified, available also online;</p> <p>f. the application must be submitted to the National Institute of Social Security (“<i>INPS</i>”): by the end of the fourth month following the month in which the suspension or reduction period begins;</p> <p>g. exclusion from the calculation of the maximum duration limits of the wage supplementation allowances provided for by Legislative Decree 148/2015.</p> <p>2. CIGO for companies currently benefiting from Extraordinary Wages Guarantee Fund (“CIGS”) or Solidarity Allowance (“Assegno di solidarietà”) Companies which currently benefit from an ongoing CIGS or Assegno di solidarietà can submit an application to grant the abovementioned CIGO due to “<i>COVID-19 emergency</i>”, for a period not exceeding nine weeks (the granting of ordinary wage supplementation suspends and replaces the ongoing extraordinary supplementation).</p> <p>3. Exceptional Wages Guarantee Fund (“Cassa Integrazione in deroga”):</p> <p>a. beneficiaries: all private sector employers excluded from the other wage supplements;</p> <p>b. recipients: all employees, regardless of company seniority;</p> <p>c. coverage: from 23 February 2020;</p> <p>d. maximum duration: nine weeks;</p>	<ul style="list-style-type: none"> • Legislative Decree 148/2015 • Law Decree 2 March 2020, no. 9 • Decrees of the Prime Minister of 9 and 11 March 2020 • Articles 19-22 of Law Decree 17 March 2020, no. 18
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	<p>e. prior agreement with the most representative trade union organizations, reachable also online;</p> <p>f. application to be presented to the Regions;</p> <p>g. direct payment of the allowance by INPS.</p>	
Individual and collective redundancies	<p>As from the 17 March 2020 and until May 16 2020 (60 days after the law decree has entered into force) collective dismissal procedures may not be initiated. During the same period, the procedures (and the related terms) already started after 23 February 2020 are to be suspended.</p> <p>Furthermore, individual dismissals motivated by an objective reason pursuant to Article 3, Law 604/1966 are also forbidden until the 16 May 2020 (meaning that the only dismissals which may be commenced are those based on (i) a subjective reason, (ii) for just cause (iii) for failure of the probationary period or (iv) for exceeding of the so-called “<i>periodo di comporta</i>”).</p> <p>Considering the express reference made to Law 604/1966, this provision should not affect the dismissal of executives.</p>	<ul style="list-style-type: none"> • Article 2118 of the Italian Civil Code • Law 604/1966 • Law 223/1991 • Article 46, Law Decree 17 March 2020, no. 18
Conciliation under Article 2113 of the Italian Civil Code and validation process of resignations and mutual resolutions	<p>No <i>ad hoc</i> intervention has been made to the relevant legislation.</p> <p>We note that certain University Certification Commissions organise “remote” conciliations. As far as we are aware, the procedures in the context of the Labour Inspectorate are significantly delayed, if not suspended.</p> <p>The request form for “remote” validation of resignations or mutual resolutions of employment relationships for employees who are parents of children up to three years old is available online.</p>	<ul style="list-style-type: none"> • Article 2113 of the Italian Civil Code • Article 55 of Legislative Decree 151/2001 • https://www.ispettorato.gov.it/it-it/notizie/pagine/convallida-di-dimissioni-risoluzioni-consensuali-di-lavoratrici-madri-e-lavoratori-padri12032020.aspx
Quarantine	<p>The period spent in quarantine (technically speaking) is treated as sick leave for the purposes of the economic treatment provided for by law, but may not be counted for the purposes of the so-called “<i>periodo di comporta</i>”.</p>	<ul style="list-style-type: none"> • Article 26 of Law Decree 17 March 2020, no. 18