

Coronavirus: new updates to the Health and Safety Protocol

On 24 April 2020 the protocol signed on 14 March for the contrast and containment of the spread of Covid-19 in the workplace was updated. The protocol adds several new measures that take into account the most recent decrees adopted by the Italian government. Companies authorized by government decrees to carry out their activities should in any case provide for working conditions that guarantee adequate levels of protection for all employees. Failure to comply will result in the suspension of the activity until the safety conditions are restored.

Following the COVID-19 virus diffusion, on March 14th, 2020, the main Italian employers' organizations together with the most representative Trade Unions have adopted - upon request by the Labor, Economy and Health Ministries - a protocol aimed at providing a set of [guidelines](#) and measures to safeguard employees' health and safety at the workplace.

The Protocol's intent was to implement the provisions laid down in the Presidential [Decree of March 11th, 2020](#), which recommended employers' and trade union organizations to enter into specific agreements.

Forty days later, on April 24th, 2020, the [Protocol](#) has been updated by means of the developments relating to the diffusion of the virus and the accurate prevention methods have been included in the document.

Information notice and mandatory communications

The Protocol includes all the provisions included in the first document and adds several new measures taking into account the most recent decrees adopted by the Italian Government.

As already mentioned in the previous document, the Protocol highlights that companies which are allowed by the governmental decrees to carry out their activities should in any case provide for working conditions that ensure adequate levels of protection for all employees. The updated Protocol adds the provision according to which failure to do so will result in the suspension of the activity until safety conditions are restored.

Moreover, with reference to information measures, the Protocol now underlines that all companies are required to provide adequate information to all its employees. Such information needs to be tailored on their duties and their working environment and needs to provide for adequate guidelines relating to the correct use of personal protective equipment (PPE).

Among the other main novelties, the new Protocol provides for specific regulations relating to employee's entrance at the workplace. All employees who have been affected by the virus will be required to deliver a medical certification stating they are not contagious anymore before entering any company premises. Moreover, also third parties (e.g. cleaning companies) entering the company premises will be required to make sure that their employees are not contagious and, if they are, they will be required to immediately notify the health authorities to help identify any possible contacts. In any case, companies are also required to deliver any third party all relevant information relating to the content of the implemented protocols to make sure that their compliance is met.

Hygiene provisions

The new protocol provides for additional hygiene measures to be adopted by all companies operating in the most affected Italian areas as well as by all companies which have registered confirmed or suspected cases of COVID-19. These additional measures include mandatory sanitization of all working environments, such as workstations and common areas. In any

case, all employees working or passing through common areas will be required to wear appropriate PPE, such as surgical masks.

Smart working and social distancing

The new Protocol makes it clear once again that distance working needs to be encouraged by all companies. If work from home is not possible, then social distancing at the workplace needs to be guaranteed by each employer by means of the implementation of adequate measures, such as rotation systems between employees to reduce the number of workers at the premises by alternating rest periods, breaks and flexible working hours. In order to facilitate social distancing, workplaces should also be restructured to minimize contacts between employees. Companies are also encouraged to avoid having their employees take public transport and, if possible, they should provide for private transport services.

The company doctor and health surveillance

Lastly, important novelties have been introduced with reference to the company doctors' powers and functions. In particular, the company doctor is now entitled to suggest the adoption of any diagnostic means he should deem appropriate for the containment of the spread of the virus at the workplace. Among these diagnostic means, the company doctor may suggest to take serological tests, swabs and/or to subject employees to temperature controls at the entrance.

Moreover, the company doctor will also be required to help identify any possible employee which should result more exposed or fragile in comparison with the others.