

## LABOUR NEWSLETTER 07 - 2021

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### Regulatory changes:

#### 1. GREEN PASS AND EMPLOYEES

In the last few months, the laws governing green passes have been rapidly amended, basically to extend the instances in which such documentation is required. As you probably already know, a green pass proves you are vaccinated (it is issued 15 days after receiving the first dose), you have had a negative Covid-19 test recently (it is issued immediately after the negative test and it is valid for 48 hours), you have been certified to have recovered from Covid-19 (this lasts for 180 days from the infection) or you are not vaccinated for clinical reasons.

In terms of the implications for employment, the following measures have been adopted:

➤ Healthcare professionals

Such people are required to have the vaccine, so the measures for this category do not relate specifically to the green pass. Mandatory vaccination is only for healthcare professionals and not for people working in the healthcare sector (e.g. technical or administrative staff, cleaners, staff employed by external providers and so on.)

However, some hospitals have started to require that staff provided through external employers (e.g. those people who serve meals, porters, cleaners and maintenance staff) who work in their facilities have green passes, even though this is not required by law.



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- School staff  
All staff, regardless of the level and type of school they teach in, are required to have a green pass. This requirement extends to any administrative and technical staff who work in a school on a permanent basis.
- Access to company canteens  
The Decree Law passed on 23<sup>rd</sup> July 2021 made green passes mandatory, as of 6 August, for all employees who enter company canteens.
- Access to specific areas  
The same green pass requirement is in place for people entering restaurants (indoor sections), museums, gyms, pools, wellness centres, festival and fairs, conferences, conventions, spas, amusement and theme parks, places of culture, games rooms and public competitions (e.g. competitive exams). Importantly, this requirement also includes company canteens. At present, the requirement is only for people who access such facilities as customers or guests, not staff or suppliers. The government has announced it will be extending the green pass requirement to other roles, with this likely to include the people who work in such facilities with access to the public.
- Long-distance transport  
From 1 September, a green pass is required for: trains and buses travelling between regions, aeroplanes and ferries. Once again, only the customers are required to have a green pass, not the staff, although this might well change as the Government increases the number of categories to which the requirement applies.

In addition to those cases where a green pass is required by law, employers might require green passes by amending their Risk Assessment Document (RAD), in agreement with the Health & Safety Officer and the occupational physician. This is particularly likely to be the case where the use of personal protective devices and social distancing is problematic and may rise some issues with non-vaccinated employees.

The adoption of the aforementioned rules is clearly creating a number of doubts and questions for employers, workers in the relevant industries and general employees. Our offices are on hand to help on a case-by-case basis as needed.

## 2. QUARANTINE AND LEAVE: SOCIAL SECURITY FUNDS

In Message 2842 of 06/08/2021, the Italian Social Security Institute (INPS) communicated that the funding from the State to cover self-isolation and protect "fragile" workers has all been used. Notably, these are two different legal institutes:

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- Mandatory self-isolation (*quarantena fiduciaria*) is when someone who, despite not being Covid-19 positive, has had close contact with someone who is positive and cannot leave home. Where such people cannot work from home (i.e. smart working), the law requires such self-isolation to be treated as illness.
- The protection of "fragile" workers is equivalent to being admitted to hospital and it is for those workers who suffer from specific illnesses that place them at high risk of suffering serious consequences if they become infected and cannot work from home.

The INPS message simply indicates that funding for these two instances has finished, without providing any details as to how employers should manage such absences. The word in the press is that the Government is working on new funding, but for the moment, unfortunately, this is little more than unsubstantiated rumours.

Our recommendation if you have to deal with such cases is to look carefully at the provisions in the collective labour agreement. We are, of course, on hand to provide support on such matters.

Finally, remember that cases of people who test positive for Covid-19 are treated, administratively, as ordinary illnesses and no new measures have been introduced on this front.

In addition, there has been no extension to the leave granted to parents with children in quarantine who are unable to continue working from home (so-called smart working).

### **3. RETURN OF COLLECTION NOTICES**

On 31<sup>st</sup> August 2021, the suspension for collection notices from Italian tax agency and other tax collectors terminated. From 1<sup>st</sup> September 2021, there has been a resumption in sending notifications for new collection notices, deeds, enforcement procedures and assignments (new ones and those preceding 19<sup>th</sup> May 2020) on salaries, wages and allowances for employment, work, pensions or similar.

## **Collective Labour Agreements: deadlines, changes and renewals**

### **October**

#### **1. METALWORKING SMALL INDUSTRY**

##### **Category two**

From 1 October 2021, employees in category 1 who perform basic production tasks that do not require specific professional expertise, merely a minimum period of practice, must be placed in category 2.