

COVID-19 and Labour Regulations

Italy – Studio Legale Marsaglia

1. Obligation to work

The worker is required to perform the work even in the general pandemic situation due to COVID-19, with the sole exceptions of: (A) measure of the national (or regional) government ordering general restrictions as happened in March-April 2020 (general lockdown throughout Italy) and in individual areas most affected (so-called "red zones"). (B) certified virus positive with consequent isolation, or mandatory quarantine for being in contact with a virus positive person.

2. Right to remote work

The use of remote work is mandatory only regarding the public work sector to the amount of 75 % of workforce. With reference to the private sector the option of remote work is strongly recommended to employers until 30 June 2021. Workers have not an automatic right to choose this way unless they suffer from a disability or have a child suffering from a disability (particularly when the reduction of immune defences is involved).

3. Health and safety

The employer is required to adopt specific anti-Covid safety protocols in the workplace to protect workers' health. The employer's failure to comply with safety obligations (provided that such failure is ascertained objectively and does not consist only of a subjective assessment of the worker) allows the worker to suspend work without losing the right to remuneration. Therefore, once the employer has fulfilled his obligations and put in place the conditions so that employees can carry out their work in complete safety according to the protocols in place, the worker's refusal to perform his performance cannot be considered legitimate.

4. Furlough benefits

To public and private employees a special leave is granted, continuous or fractioned, of a total duration not exceeding 30 days, for children not older than 12 years (or even older in the case of children with severe disabilities), with an allowance equal to 50 percent of pay. As an alternative (also provided for self-employed workers) vouchers are provided for the purchase of baby-sitting services up to a total maximum limit of EUR 1,200, raised to EUR 2,000 for employees in the healthcare sector (public and private).

5. Covid and headcount reduction

The health emergency due to COVID-19 is not considered grounds for termination of employment contracts. On the contrary, both individual dismissals for justified objective (i.e. economic) reasons and collective dismissals have been suspended from 17 March to 31 January 2021. Exceptions to this temporary rule are provided in case of dismissal for definitive cessation of the company's activity or bankruptcy.

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