



THE PRESIDENT OF THE COUNCIL OF MINISTERS

Annex 12

The shared Protocol between the Government and its social partners regulating the measures taken to counteract and contain the spread of the COVID-19 virus in the workplace

24 April 2020

The “*Shared Protocol for regulating measures taken to counteract and control the spread of the COVID-19 virus in the workplace,*” signed on 14 March 2020, has been enacted today, Friday, 24 April 2020, upon the initiative of the President of the Council of Ministers, the Minister of Economic Affairs, the Minister of Labour and Social Policy, the Minister of Economic Development and the Minister of Health. These actors have encouraged collaboration with social partners in implementing the measures contained in Article 1, paragraph 1, subparagraph 9), of the Decree by the President of the Council of Ministers of 11 March 2020. This Article addresses professional and productive activities and recommends reaching agreements between employers and trade union organizations.

In accordance with its responsibilities, the Government encourages the full implementation of the Protocol.

Premise

The document takes into consideration the various Government measures which have been undertaken, including the most recent Prime Minister’s Decree (DPCM) of 10 April 2020. It also integrates the provisions issued by the Ministry of Health and shared guidelines of the Parties involved in facilitating the adoption of anti-infection, safety and regulatory protocols for counteracting and limiting the spread of the COVID-19 virus in the workplace.

The continuation of productive activities can only occur if conditions ensuring adequate levels of worker protection are met. Failure to implement the Protocol or guarantee adequate levels of protection will result in the suspension of any activity until such safety conditions are fulfilled.

To this end, the Parties agree henceforward on the potential use of social safety measures. As a result, work activity may be reduced or suspended in order to allow companies of all types to implement such measures and consequently provide a safe workplace.

By resorting to teleworking whenever possible and implementing social safety measures, both of which are considered organizational measures of an extraordinary nature, the parties aim to bolster efforts to counteract and contain the spread of the virus.



THE PRESIDENT OF THE COUNCIL OF MINISTERS

Combining ongoing production activity with guaranteed health and safety conditions in workplaces and modalities is a priority. In this context, reductions or the temporary suspension of activities may potentially be envisaged.

As a result, it may be useful to consider the urgent measures the Government intends to adopt, particularly with regard to countrywide social safety measures, with a view to reducing the number of people physically present in workplaces.

The rapid adoption of a regulatory protocol for counteracting and containing the spread of the virus, which includes procedural measures or rules of conduct, remains a necessity. To this end, conferring with workplace trade union representatives is encouraged. In the case of small businesses, working with local representatives is similarly encouraged, as provided for in inter-confederation agreements. This kind of dialogue will allow for greater uptake and effectiveness of the resulting measures, which will draw on the experiences of seasoned workers themselves, in particular on-site work safety representatives (RLS by their Italian acronym) and worker representatives for territorial safety (RLST by their Italian acronym). The specific characteristics of each productive entity and local conditions must also be factored in.

THE SHARED REGULATORY PROTOCOL FOR COUNTERACTING THE SPREAD OF COVID-19

This shared regulatory protocol aims to provide operational guidance for increasing the effectiveness of precautionary containment measures taken to counteract the COVID-19 epidemic in non-healthcare work settings.

COVID-19 represents a general biological hazard. As a result, the same measures must be adopted by the entire population. This protocol therefore contains measures which follow a precautionary approach, while implementing legislative and Health Authority provisions and requirements.

All the obligations stipulated by measures already adopted to counteract COVID-19 remain in effect.

The DPCM of 11 March 2020 provides for restrictive measures to remain in force across the country until 25 March 2020. With regard to manufacturing activities and specific measures to contain COVID – 19 in this sector, the following recommendations are made:



THE PRESIDENT OF THE COUNCIL OF MINISTERS

- businesses should use teleworking wherever possible for those activities which can be carried out at home or in distance working mode;
- employees should be encouraged to take vacation days or paid leave and the use of other related instruments provided for under collective bargaining agreements is also encouraged;
- the activities of company departments which are not essential to production activities should be suspended;
- anti-infection safety protocols and personal protective equipment should be adopted in situations where it is not possible to comply with the primary containment measure of maintaining a physical distance of one meter;
- workplace sanitization is encouraged, including through the use of social-spatial barriers;
- for productive activities only, movement within sites should be kept to a minimum and the number of people in common areas should be restricted;
- agreements between employers and trade unions should be encouraged, as applies to productive activities only;
- for those activities which have not been suspended, teleworking is encouraged whenever possible.

In addition to the provisions of the aforementioned decree, it is further noted that companies adopting this regulatory protocol within their workplace should apply the further precautionary measures listed below. These measures should be integrated with equivalent or more decisive steps, depending on individual companies' organizational features and after consulting with their trade union representatives. The aim is to protect worker health and provide a healthy working environment.

1-INFORMATION

- Companies shall use the most suitable and effective methods to inform all workers, and anyone entering the company premises, about the measures established by the Authorities. This will include distributing and/or posting these measures in the form of information leaflets at the entrance and in the most highly visible places throughout the company premises.
- In particular, this information should cover:



THE PRESIDENT OF THE COUNCIL OF MINISTERS

- the obligation to stay at home for anyone with a fever (over 37.5°), or who is exhibiting other flu-like symptoms, and contact their general practitioner and the health authority
- the awareness and acceptance of the fact that if risk conditions exist in line with provisions issued by the relevant authorities (flu-like symptoms or a temperature, coming from a high-risk zone or having come into contact with anyone who has tested positive for the virus in the last 14 days, etc.), entry into company premises is not allowed or, if symptoms occur while at work, the person exhibiting symptoms cannot remain on the company premises. Furthermore, they are under obligation to inform their general practitioner and Health Authority and to stay home
- the commitment to comply with all the provisions made by the relevant authorities or employers pertaining to entering company premises (more specifically, maintaining social distancing, observing hand-washing rules and other hygiene measures)
- the commitment to promptly and responsibly inform employers of any flu-like symptoms which might arise while working and to ensure that an adequate distance from others is observed.

The company shall provide appropriate information based on job type and context, specifically relating to all measures staff members need to follow, especially as regards the proper use of PPE with a view to contributing to preventing any possible spread of the virus.

2-ENTERING COMPANY PREMISES

- Before entering the workplace, staff may be subject to having their temperature taken.¹ Anyone whose temperature is higher than 37.5° C will be denied entry

¹

The real-time measurement of body temperature constitutes a type of personal data processing and therefore, must take place in accordance with the current data privacy policy. The following is recommended: 1) to take body temperature and record it only if it exceeds the set limit. Thus, a person will only be identified and have their temperature recorded and documented if it exceeds the set limit needed for entry onto the premises; 2) to provide information on personal data processing. Any information the person in question has already been informed of or already has in their possession, even if given orally, should be



THE PRESIDENT OF THE COUNCIL OF MINISTERS

In compliance with the indications given in Footnote 1, anyone with a temperature will be temporarily isolated and given a mask. They should not go to an Emergency Room and/or the on-site nurse's station, but rather contact their doctor as soon as possible and follow the doctor's instructions

- Employers will inform in advance any staff, or others intending to enter the premises, that access is not allowed for those who have come into contact with a positive COVID-19 case in the last 14 days or who have been in a high-risk zone according to WHO indications²
- In such cases, Decree No. 6 of 23 February 2020, Article 1, paras h) and i) apply
- Workers who have tested positive for COVID-19 can only enter the premises after providing a medical certificate indicating that they have had a “negative” swab test which was carried out in accordance with the procedures indicated by the competent local prevention department.
- In order to prevent further outbreaks in the areas worst affected by the virus, the competent health authority may provide for specific additional measures,

noted and can be omitted. The information given regarding personal data processing should refer to its role in preventing COVID-19 contagion. The legal reference in this context is the implementation of anti-infection protocols pursuant to Article 1, No. 7, para d) of the DPCM issued on 11 March 2020. Reference should also be made to the fact that data will be stored until the end the state of emergency; 3) to define the appropriate data protection safety and organizational measures. From an organizational point of view, it is particularly necessary to identify the individuals who will be responsible for data processing and provide them with the necessary instructions. To this end, it is important to emphasize to them that data is to be processed exclusively for infection prevention purposes and should not be disseminated or communicated to third parties other than those specifically indicated in the regulatory provisions (for example, communication in the event of a request by a Health Authority who is tracing or reconstructing a chain of close contacts of a worker who has tested positive for COVID-19); 4) in the event of temporary isolation due to having a high temperature, measures should be taken to guarantee the confidentiality and dignity of the worker. Such guarantees must extend to any worker who notifies the competent staff office of any contact with a COVID-19 case outside company premises, or any worker who is self-isolating after developing a fever and/or respiratory infection symptoms while at work (see *below*).

² Where a declaration regarding the lack of exposure to an epidemiological risk zone or positive case over the last 14 days is requested, personal data processing issues must also be considered. Collecting such a declaration should be considered as part of data processing. To this end, the contents of Footnote 1 above also apply. It is specifically suggested that data only be collected when necessary, appropriate and relevant to preventing COVID-19 infection. For example, if one requests a statement on any contacts with a COVID-19 case, one should refrain from requesting any additional information about this case. Or, if a declaration regarding exposure to an epidemiological risk zone is needed, one should refrain from requesting additional specific information about this zone.



THE PRESIDENT OF THE COUNCIL OF MINISTERS

such as swab-testing for workers. Employers shall do their utmost to fully cooperate with these efforts.

3-ACCESS FOR EXTERNAL VENDORS

- Pre-established methods for entry, transit and exit should be identified for external vendors, as should dedicated routes and time limits on the premises. The aim is to minimize contact with any staff working in the departments/offices involved
- Drivers should remain in their vehicles, if possible; access to the premises should not be allowed for any reason. Deliverymen should at all times maintain a distance of one meter from others during loading and unloading
- Dedicated toilets should be assigned/installed for suppliers/transporters and/or other external personnel. Use of employee toilets should be prohibited. Facilities should be adequately cleaned on a daily basis
- Access by visitors should be kept to a bare minimum. Should external visitors need to enter (e.g. cleaning or maintenance personnel), they must comply with all company rules, including those regarding entry referred to in paragraph 2 above
- If there is a company-run transport service, the safety of its workers must be ensured and respected throughout
- The provisions of this Protocol shall extend to any third-party contractors who establish permanent or temporary areas or building sites within company premises and production areas
- In the event of a worker employed by a third-party contractor operating on the same production site (e.g. maintenance workers, vendors, cleaners or security staff) testing positive for COVID-19, the contractor must immediately inform the employer and cooperate with the health authorities, providing information which can be useful toward identifying any potential close contacts



THE PRESIDENT OF THE COUNCIL OF MINISTERS

- Employers are obliged to provide any third-party contractor with comprehensive information on their company Protocol. They must also ensure that contract workers operating in any capacity on their premises fully comply with this Protocol.

4- CLEANING AND SANITIZATION OF COMPANY PREMISES

- Companies should ensure that premises, work environments, workstations and any common or break areas are cleaned on a daily basis and sanitized regularly
- In the event of a positive COVID-19 case having been on the premises, all areas must be cleaned, sanitized and ventilated according to the provisions found in Circular No. 5443 of 22 February 2020 issued by the Ministry of Health
- At the end of every work shift keyboards, touch screens and computer mouse devices must be cleaned; they must also be sanitized on a regular basis. Both procedures should be carried out using appropriate detergents and apply to both offices and production areas
- Companies may organize extraordinary services/periodic cleaning and social safety measures (including those which may be exceptional in nature) in line with instructions provided by the Ministry of Health. This may be done in the way deemed most appropriate
- In highly endemic geographical areas, or in companies where suspected cases of COVID-19 have occurred, targeted sanitization of work environments, workstations and common areas must be undertaken before they are reopened, pursuant to Circular 5443 of 22 February 2020. This type of special intervention must be carried out above and beyond any ordinary cleaning.

5-PERSONAL HYGIENE PRECAUTIONS

- It is mandatory for everyone on company premises to undertake all necessary hygiene precautions, especially with regard to their hands
- Companies shall provide suitable hand cleaning agents
- It is recommended that hands be washed frequently using soap and water



THE PRESIDENT OF THE COUNCIL OF MINISTERS

- Hand cleaning agents (see above) must be made accessible to all workers through, among others, dedicated dispensers located in easily identifiable locations.

6-PERSONAL PROTECTIVE EQUIPMENT

- The adoption of the hygiene measures and personal protective equipment (PPE) referred to in this Regulatory Protocol are fundamental. However, given the current emergency situation, the use of PPE may obviously be linked to its commercial availability. Therefore:
 - a. masks should be used in accordance with World Health Organization (WHO) guidelines
 - b. given the emergency situation and in the event of supply constraints, other types of masks listed by the health authority may also be used, solely for the purpose of avoiding the spread of the virus
 - c. companies are encouraged to follow liquid sanitizer preparation instructions provided by WHO
(https://www.who.int/gpsc/5may/Guide_to_Local_Production.pdf)
- The use of masks and other protective equipment (gloves, glasses, suits, caps, lab coats, etc.), in accordance with scientific and health authority provisions, is required for tasks that involve a physical distance of under one meter and for those to which no other organizational solutions apply
- Appropriate PPE may be adopted as part of the set of internal Protocol measures implemented in the workplace. These measures should, in turn, be based on a complete risk assessment and breakdown of company activities. The use of surgical masks is foreseen for all workers sharing a common area and as provided for by Legislative Decree No. 9 (Article 34) in conjunction with Legislative Decree No. 18 (Article 16, para 1).



THE PRESIDENT OF THE COUNCIL OF MINISTERS

7- MANAGEMENT OF COMMON AREAS (CANTEENS, CHANGING ROOMS, SMOKING AREAS, DRINK AND/OR SNACK VENDING MACHINE AREAS ...)

- Access to common areas, including company canteens, smoking areas and changing rooms shall be staggered. These areas should be constantly ventilated, the time spent in them should be limited, and a minimum physical distance of one meter should be observed within them
- The layout for these spaces and the cleaning of changing rooms must be thought out so as to enable workers to be provided with areas for storing their work clothes, all the while ensuring that appropriate hygiene conditions are met
- Canteens and vending machine keypads should be cleaned daily and regularly sanitized with the appropriate cleaning products.

8- COMPANY ORGANIZATION (SHIFTS, COMMUTING, TELEWORKING, ADJUSTMENT OF PRODUCTION LEVELS)

Companies will be able to undertake the below measures pursuant to the DPCM of 11 March 2020, para 7, during the COVID-19 emergency period only. These measures also integrate the provisions of national collective bargaining agreements (CCNL by their Italian acronym), thus fostering agreements with trade union representatives. These measures include:

- arranging for the closure of all departments other than production-related ones which can be run using teleworking modalities or remotely
- adjusting production levels
- ensuring a shift schedule for employees involved in production-based activities with the aim of minimizing contact and creating independent, standalone and recognizable work groups
- using teleworking for all activities that can be carried out at home or remotely. Should social safety measures, including those of an exceptional nature, be employed, the entire company premises should be covered, using shift rotation when necessary
- social safety measures should be prioritized and comply with contractual mechanisms that generally aim to eliminate pay loss during work stoppages (for instance, the use of paid leave, reduced shift permits and working hour accounts)



THE PRESIDENT OF THE COUNCIL OF MINISTERS

- should the mechanisms referred to above prove insufficient, any unused leave should be taken
- all national and international business travel is suspended or canceled, even if it has already been agreed upon or booked.

Distance working continues to be encouraged even as work activities gradually resume, since it remains a useful and flexible preventive tool. In this regard, the need for employers to guarantee workers adequate support (e.g. assistance in equipment use or modified work schedules and breaks) persists.

Social distancing rules should be adhered to and this may include changes to workspaces. This should be done in a way that is compatible with the nature of the company's production processes and the size of its facilities. Those workers who do not need special tools and/or work equipment, and who can work alone, might be placed in specially converted areas, such as unused offices or meeting rooms, during the transition period.

Innovative solutions can be found in environments where several workers operate at the same time. This may involve repositioning workstations so there is adequate space between them or similar options.

Work schedules can be overhauled, with staggered shifts that promote social distancing by reducing the number of workers present in the workplace at any given time, and by preventing bottlenecks when entering or leaving the premises. More flexible hours may be required to this end.

It is also essential to avoid any social gatherings while traveling to the workplace and returning home (commuting). This is particularly the case where public transport is concerned. For this reason, means of transportation that maintain adequate distancing between travelers should be encouraged, namely the use of private transport or shuttles.



THE PRESIDENT OF THE COUNCIL OF MINISTERS

9-MANAGING THE ENTRY AND EXIT OF EMPLOYEES

- Staggered entry/exit times should be promoted to minimize contact in common areas (entrances, changing rooms, canteens)
- A separate entrance and exit door to and from the premises can be designated when possible and hand sanitizer provided, along with instructions for its use.

10- INTERNAL MOVEMENTS, MEETINGS, INTERNAL EVENTS AND TRAINING

- Movements within the company premises should be kept to a bare minimum and all movements should comply with company guidelines
- Face-to-face meetings are not allowed. Should these be required for urgent reasons, and as a result of remote technology not being a viable alternative, the number of persons participating must be reduced to a minimum. Physical distancing and adequate cleaning/ventilation of the area used should be observed at all times
- All internal events and all training activities with a classroom setup are suspended or cancelled, including those which have already been organized. Companies may carry out distance training, including for those who are teleworking
- Due to the ongoing emergency and force majeure, it may not be possible to complete or update vocational and/or required training linked to workplace health and safety within the time limits set by a company. This should not prevent persons from carrying out their roles/functions (for instance, workers appointed to deal with emergencies, such as fires or first aid, can continue to intervene as needed, and forklift operators can continue to exercise their role).



THE PRESIDENT OF THE COUNCIL OF MINISTERS

11 - MANAGEMENT OF A SYMPTOMATIC PERSON WITHIN THE COMPANY

- If a person in the company develops a fever and respiratory infection symptoms, such as a cough, they must immediately report their symptoms to the HR department. Procedures established by health authorities, as well as those which apply to company premises, should then be followed. The company should also immediately notify the responsible health authorities using the COVID-19 emergency numbers provided by the Region or the Ministry of Health
- The company will cooperate with the Health Authorities to identify any “close contacts” of staff members who have positive for COVID-19. This will allow the authorities to implement the necessary appropriate quarantine measures. During the investigation period, the company may, on a precautionary basis, ask any potential close contacts to leave the premises. This is to be done in accordance with Health Authority indications
- When placed under self-isolation, the worker in question must immediately be provided with a surgical mask if they are not already wearing one.

12 - HEALTH MONITORING /ATTENDING DOCTOR/ WORKER SAFETY REPS

- Health monitoring must be carried out in accordance with the hygiene measures indicated by the Ministry of Health (in the guidelines known as the "Decalogo")
- Preventative health visits, health visits upon request and re-entry health visits after sick leave should be given priority during this period
- Periodic health monitoring should not be interrupted given that it represents another general preventive measure. It can allow for positive cases and potential symptoms to be caught early, while also providing an opportunity for the attending doctor to convey useful information and training to workers on reducing the spread of infection
- The attending doctor shall work with the employer and worker safety representatives when implementing and proposing any COVID-19-related regulatory measures
- The attending doctor will report to the company about any patient with particular vulnerabilities or current and past illnesses, and the company shall endeavor to ensure the protection and respect of worker privacy
- The attending doctor will apply the indications of the Health Authorities. Given their role in



THE PRESIDENT OF THE COUNCIL OF MINISTERS

terms of risk assessment and health monitoring, the attending doctor may suggest adopting any diagnostic means deemed useful for containing the spread of the virus and protecting worker health

- When a worker resumes their role at the company, it is appropriate that the attending doctor be involved in cases that involve particularly vulnerable individuals or the reinstatement of workers who have had a COVID-19 infection.

It is recommended that health monitoring activities grant a special focus to those in fragile health, including as a result of their age.

The gradual resumption of duties for a worker after becoming infected with COVID-19 requires that they submit to their attending doctor a certificate indicating a negative swab test, which has been carried out according to the procedures described by the competent local prevention department, which is also responsible for issuing said certificate. The attending doctor will then carry out a medical checkup before the worker goes back to work. A checkup may also be required following any absence for health reasons which lasts more than sixty days in order to verify conditions for resuming work duties (Legislative Decree 81/08 and subsequent amendments, Article 41, section 2, paras c and e-ter). A checkup can also be conducted to assess specific risk profiles regardless of the duration of an illness-related work absence.

13- UPDATES TO THE REGULATORY PROTOCOL

- An internal Committee for monitoring the implementation and verification of the rules of the regulatory protocols should be set up by companies. This Committee should involve trade union representatives and the on-site worker-safety representative
- Should company characteristics or the type of union relationships prevent the establishment of an internal committee, a local Committee shall be established instead. This Committee shall include, where possible, health and safety bodies, as well as the worker representative for territorial safety and social partner representatives
- Committees may be set up at the local or sectoral level upon the initiative of the Protocol's signatory parties. Local health authorities and other institutional stakeholders undertaking initiatives to counteract the spread of COVID-19 should also be involved.



THE PRESIDENT OF THE COUNCIL OF MINISTERS

Annex 13

The shared regulatory Protocol for containing the spread of COVID-19 on construction sites

On 14 March 2020, the “*Shared Protocol for regulating measures taken to counteract and control the spread of the COVID-19 virus in the workplace,*” (hereinafter referred to as “the Protocol”) was adopted. The Protocol was enacted on 24 April 2020 and covers all production sectors; its provisions are comprehensively referenced in this protocol. Furthermore, the provisions laid out in this protocol provide sector-specific guidance in addition to the general guidance contained in the 14 March 2020 Protocol, which was subsequently enacted on 24 April 2020.

Without prejudice to the provisions set out in the above-mentioned Protocol, which provides broad guidelines applicable to all sectors, it was deemed necessary to define further measures specific to the public works and construction sectors.

This shared regulatory protocol aims to provide operational guidance with a view to enhancing the efficacy of precautionary containment measures to combat the COVID-19 epidemic on building sites. Given that COVID-19 represents a general biological hazard, the same measures must be adopted by the entire population.

This protocol therefore contains measures which follow a precautionary approach, while implementing legislative and Health Authority provisions and requirements. These measures also apply to all construction site proprietors, subcontractors and subcontracted vendors with an on-site presence.

In reference to the DPCM of 11 March 2020, part 7, employers may adopt the following measures exclusively for the duration of the COVID-19 emergency, with due consideration given to national collective bargaining agreements, thus favoring agreements with trade union representatives:

- Use teleworking modalities whenever possible to conduct any activities aimed at supporting building work which can be carried out at home or remotely;
- Suspend any activities which can be conducted by reshuffling the remaining phases at an unspecified time in the future, without jeopardizing the work that has already been carried out.