

# **Shared protocol regulating the measures to contrast and contain the spread of the Covid-19 virus in workplaces**

24 April 2020

Today, Friday, 24 April 2020, the “*Shared protocol regulating the measures to contrast and contain the spread of the Covid-19 virus in workplaces*”, enacted on 14 March 2020 was modified and supplemented. Such Protocol was enacted upon recommendation of the Italian Prime Minister, the Minister of Economy, the Minister of Labour and Social Policy, the Minister of Economic Development and the Minister of Health, who had promoted an agreement between the social parties to implement the measures set out in article 1, paragraph 1, number 9), of the Prime Minister’s Decree of 11 March 2020, which - in relation to professional and manufacturing activities - recommends agreements on safety rules between employers’ organizations and unions.

The Government favours, and will put in place all endeavours from its side to ensure, the full implementation of the Protocol.

## Introduction

In consideration of the **several regulations issued by the Government and, lastly, the Prime Minister's Decree of 10 April 2020** as well as all the rules issued by the Minister of Health, this document contains shared guidelines between the Parties to facilitate businesses in adopting anti-contagion safety protocols, in particular a Protocol to contrast and contain the spread of COVID-19 virus in the workplace.

Production activities can indeed only be continued under conditions that ensure adequate protection levels for workers. **Failure to implement the Protocol not ensuring adequate levels of protection causes the suspension of the activity until the safety conditions are restored.**

Therefore, the Parties agree to the possible use of the so-called “social shock absorbers”, which result in a reduction or suspension of work, to allow businesses of all sectors to implement these measures and ensure safety at the workplace.

Coupled with the possibility to apply, as extraordinary organizational solutions, remote working and use of social shock absorbers, the Parties intend to facilitate the stop and restriction of the spread of the virus.

The primary goal is to reconcile the need to continue production activities and ensure health and safety in the workplace and in working practices. This goal can also be pursued through a temporary reduction or suspension of the activities.

In this context, the urgent measures that the Government intends to adopt, in particular the recourse to social shock absorbers extended to the entire national territory, may be useful to reduce the presence of persons in the workplace.

Without prejudice to the need to urgently adopt a Protocol to contrast and contain the spread of the virus through specific procedures and rules of conduct, it is recommended to preventively discuss these measures with the works council, or, for small business, with the relevant territorial representatives, as foreseen in the interconfederal collective agreements, to ensure that any measures adopted are shared and made more effective through the contribution of the workers' experience, in particular of the local workers' safety representative (*rappresentante dei lavoratori per la sicurezza/RLS*) and territorial workers' safety representative (*rappresentante dei lavoratori per la sicurezza territoriale/RLST*), taking into account the specific characteristics of each production activity and relevant territory.

## SHARED PROTOCOL SETTING OUT REGULATIONS TO CONTAIN THE SPREAD OF THE COVID-19 VIRUS

The purpose of this shared protocol is to provide operational guidance aimed at increasing, in workplaces other than the healthcare sector, the effectiveness of precautionary containment measures adopted to stop the COVID-19 outbreak.

COVID-19 represents a generic biological risk, which calls for the adoption of equal measures for the entire population. Therefore, this protocol contains measures that favour a precautionary approach, and complies with and implements the rules issued by the government and the relevant indications of healthcare authorities.

Without prejudice to all obligations set out in the regulations issued to contain the COVID-19 virus and having regard to:

the Prime Minister's Decree of 11 March 2020 which sets out restrictive measures for the entire country specifically to contain COVID - 19 which are applicable until 25 March 2020 and which provide, in relation to production activities, that:

- remote working must be promoted, to the maximum possible extent, for any activities that can be done from home or remotely;
- employees must be incentivized to take accrued holidays and paid leave as well as any other instruments provided under applicable bargaining agreements;
- all activities that are not essential to the production process must be suspended;
- anti-contagion and safety protocols must be adopted and, to the extent it is not possible to keep the one meter personal distance as key containment measure, personal protective equipment must be provided (*i.e.* gloves, masks, sanitizers etc.);
- the workplace must be sanitized, also through recourse to social shock absorbers;
- movements within the manufacturing site must be restricted and access to common spaces must be quota-based;
- it is recommended that employers' associations and unions of the manufacturing sectors agree how to implement the above rules;
- for all non-suspended activities, remote working is recommended to the maximum extent possible,

it is agreed that

businesses must adopt this protocol in their workplaces and must, besides the provisions of the abovementioned decree, apply the additional precautionary measures set out below, which shall be integrated with other equivalent or more incisive measures in light of the specific characteristics of their organization, after consultation with the works council, to safeguard the health of the persons within the company and ensure a healthy workplace.

## 1-INFORMATION DUTIES

- The relevant business must inform, through the most suitable and effective means, all employees and persons entering its premises about any rules issued by the Authorities, by delivering and/or posting at the entrance and in the most visible places of the premises, specific information leaflets.
- In particular, the information must include:
  - the obligation to stay at home in case of fever (exceeding 37.5 Celsius degrees) or other flu symptoms and call their medical practitioner and health authority;
  - the duty to acknowledge and accept that it is forbidden to enter or stay in the premises - and the duty to promptly declare - when, even after entering the premises, dangerous conditions arise (*i.e.*, flu symptoms, high temperature, travel from a risk area or contacts with persons who tested positive for the COVID 19 virus in the last 14 days, etc.) in relation to which the Authorities require persons to inform their medical practitioner and health authority and stay in self-quarantine;
  - the duty to comply with all the rules issued by the Authorities and the relevant employer when entering the premises (in particular, to maintain the personal safety distance, observe the rules of hands hygiene and maintain a correct hygienic behaviour);
  - the duty to promptly and responsibly inform the employer of any flu symptoms during the working activity, and stay at an adequate distance from other persons present in the premises.

The relevant business must provide adequate information based on the duties and working environment, with particular reference to all measures adopted, which have to be complied with by the employees, in particular on the proper use of the personal protective equipment in order to contribute to avoid any possible form of spread of contagion.

## 2-ACCESS TO THE COMPANY PREMISES

- Personnel may be submitted to body temperature monitoring<sup>1</sup> before entering

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<sup>1</sup> The real-time measuring of body temperature constitutes a processing of personal data and, therefore, must be implemented in compliance with the applicable privacy law. For this purpose, it is recommended to: 1) measure the

the workplace. If their temperature exceeds 37.5° (Celsius degrees), access to the workplace shall be forbidden. Persons in this condition – in compliance with the indications set out in footnote 1 - must be temporarily isolated and provided with masks, and must not go to the Emergency Unit and/or to the site doctor or medical personnel, but promptly contact their medical practitioner and follow his/her instructions.

- The employer must inform its personnel and any persons entering the premises of the access ban for those who, in the last 14 days, have had contacts with persons who have tested positive for COVID-19 or come from areas at risk as defined by the WHO guidelines<sup>2</sup>.
- In these cases, reference is made to Art. 1, letters h) and i) of the Decree Law n. 6 of 23 February 2020.
- The access to the company premises by employees already tested positive for COVID-19 virus, must be preceded by a prior communication concerning the medical certification confirming the “occurred negativization” of COVID-19 virus, according to the modalities provided and issued by the competent local prevention department.
- Whether, in order to prevent the occurrence of outbreaks, in the areas more

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temperature and not record the relevant data. It is permitted to identify the person concerned and record the excess of temperature only if it is necessary to prove the reasons for preventing access to the premises; and 2) provide an information notice on personal data processing. Please note that the information notice may omit information already in possession regarding the person concerned and may also be provided orally. With regard to the content of the information notice: with reference to the purpose of the processing, prevention from COVID-19 contagion may be indicated; with reference to the legal ground, the implementation of the anti-contagion security protocols pursuant to Art. 1, no. 7, letter d) of the Prime Minister Decree of 11 March 2020 may be indicated; and, with reference to the duration of any data storage, reference may be made to the end of the state of emergency; 3) define the adequate safe and organisational measures to protect the data. In particular, from an organisational standpoint, it is necessary to identify the persons responsible for the data processing and provide them with the necessary instructions. To this end, please note that the data may be processed exclusively for purposes of prevention from infection by COVID-19 and must not be disclosed or communicated to third parties outside the specific regulatory provisions (e.g. in case of request by the Health Authority for the reconstruction of the chain of any “close contacts” of an employee who has tested positive to COVID-19); 4) in case of temporary isolation due to exceeding the temperature threshold, ensure procedures to guarantee the confidentiality and the dignity of the employee. These guarantees must be ensured also in the event that the employee informs the HR office that he or she has had, outside the company context, contact with people who have tested positive for COVID-19 and in the case of removal of the employee who has developed during work fever and symptoms of respiratory infection and his or her colleagues (see below).

<sup>2</sup> If a declaration is requested to be issued attesting that the relevant person does not come from epidemiological risk areas and that there has been no contact in the last 14 days with subjects who have tested positive for COVID-19, please pay attention to the applicable provisions on personal data processing, as the acquisition of this declaration constitutes data processing. To this end, the indications referred to in footnote 1 above apply and, specifically, it is recommended that only data necessary, adequate and relevant to the prevention of COVID-19 infection should be collected. For example, if a statement on contacts with persons tested positive for COVID-19 is requested, additional information about the infected person should not be requested. Or, if a statement on origin from epidemiological risk areas is requested, additional information on the specifics of the location should not be required.

affected from the virus, the competent health authority adopts specific additional measures, such as by way of example, testing employees, the employer shall offer full cooperation.

### **3-ACCESS BY EXTERNAL SUPPLIERS**

- Entry, transit and exit procedures must be implemented to regulate access of external suppliers, through predefined methods, paths and timing to reduce any risk of contact with the personnel working in the departments/offices involved.
- If possible, drivers of the vehicles must remain on board of their own vehicles: access to the offices is not allowed for any reason. In carrying out any loading and unloading activities, the transporter must keep an interpersonal distance of one meter.
- For suppliers/transporters and/or other external personnel, dedicated toilets must be identified or installed, the use of employees toilets must be prohibited and an adequate daily cleaning of the toilets must be ensured.
- Access by visitors should be reduced to the maximum possible extent; if external visitors (for cleaning, maintenance, etc.) are required to access the premises, they must comply with all the adopted rules, including the rules for access to company premises set out in paragraph 2 above.
- If the company has its own transport service, the safety of the workers must be guaranteed and safeguarded during each journey.
- The rules of this Protocol also apply to contractors who establish permanent and temporary offices and worksites and sites within the production areas.
- If workers employed by third companies operating in the same productive unit (maintenance workers, suppliers, cleaners or security guards) test positive to the COVID-19 virus, the contractor shall inform immediately the principal and both of them shall cooperate with the health authority providing useful information for the identification of any close contact.
- The principal company must provide the contractor with full disclosure of the content of the company's protocol and must ensure that the employees of the contractor or of third companies operating for any reason in the company's perimeter fully comply with the rules issued by such company.

### **4-CLEANING AND SANITATION OF COMPANY PREMISES**

- The company must ensure adequate cleaning and periodical sanitation of its premises, working environment, workstations and all common and leisure areas.
- If a person infected with COVID-19 is present in the company premises, the premises must be cleaned, sanitised and ventilated in accordance with the provisions of Circular no. 5443 of 22 February 2020 of the Ministry of Health.
- The cleaning at the end of the shift of keyboards, touch screens, mouse etc. with adequate cleaning products, as well as their periodical sanitation, must be guaranteed, both in the offices and in the production departments.
- If the company deems it necessary, and in accordance with the procedures it deems most appropriate, it may organize extraordinary cleaning operations (also on a regular basis) through the use of social shock absorbers (including the available exceptional social shock absorbers).
- In the most endemic geographic areas or in companies where suspected cases of COVID-19 have been reported, in addition to normal cleaning activities, it is necessary to foresee, upon resumption, an extraordinary sanitization of the rooms, workstations and common areas, pursuant to Circular no. 5443 of 22 February 2020.

## 5- PERSONAL HYGIENE PRECAUTIONS

- It is mandatory that all persons present in the workplace adopt hygiene precautions, in particular with respect to the hand washing.
- The company provides suitable hand cleaning products.
- Frequent hand cleaning with soap and water is recommended.
- The above hand cleaning products must be accessible to all employees also through the specific dispensers located in visible places.

## 6-PERSONAL PROTECTIVE EQUIPMENT

- The adoption of the hygiene measures and personal protective equipment indicated in this Protocol is fundamental and, given the current emergency situation, is clearly depending on the availability on the market. For these reasons:
  - a masks should be used in accordance with the World Health Organisation

guidelines;

- b. given the emergency situation, in the event of supply difficulties and for the sole purpose of preventing the spread of the virus, masks can be used which comply with the indications of the health authorities;
  - c. businesses are encouraged to prepare detergent liquids in accordance with the WHO guidelines ([https://www.who.int/gpsc/5may/Guide\\_to\\_Local\\_Production.pdf](https://www.who.int/gpsc/5may/Guide_to_Local_Production.pdf)).
- If the work must be performed at an interpersonal distance of less than one meter and other organizational solutions are not possible, it is in any event necessary to use masks and other protective equipment (gloves, goggles, suits, earmuffs, lab coats, etc.) in compliance with the provisions of the scientific and health authorities.
  - Suitable personal protective equipment will be adopted within the context of the implementation of the Protocol's measures in the workplaces based on all the assessed risks and taking into account the different activities of the company. The use of a surgical mask is required for all employees sharing common areas, as also set out in the Law Decree (*Decreto Legge*) no. 9 (art. 34) in combination with the Law Decree (*Decreto Legge*) n. 18 (art 16, paragraph 1).

## **7-MANAGEMENT OF COMMON AREAS (CANTEEN, CHANGING ROOMS, SMOKING AREAS, DRINKS AND/OR SNACK DISPENSERS...)**

- Access to common areas, including company canteens, smoking areas and changing rooms is quota-based, and further subject to continuous ventilation of the premises, reduction of the time spent inside these areas and maintenance of a safety distance of 1 meter between the persons present in these premises.
- Workspaces must be organized and changing rooms must be sanitised to make storage place for working gear available to the workers and ensure suitable hygienic and sanitary conditions.
- Periodic sanitization and daily cleaning must be ensured, with special detergent treatment for the canteen and for the touch boards of beverage and snack dispensers.

## **8-BUSINESS ORGANIZATION (SHIFT PLANS, BUSINESS TRAVEL AND REMOTE WORK, REORGANIZATION OF THE PRODUCTION LEVELS)**

With reference to the Prime Minister's Decree of 11 March 2020, paragraph 7, limited to the emergency period caused by COVID-19, businesses may, considering also the provisions of any applicable collective bargaining agreement and facilitating agreements with the works council:

- provide for the closure of any departments other than the productive ones or, in any case, of departments that can function with recourse to smart working or remote working;
- proceed with a reorganization of the production volumes;
- implement a rotation plan between the employees assigned to the production to reduce - as much as possible - any personal contacts and create autonomous, distinct and recognizable groups;
- use remote working for all activities that can be carried out at home or remotely.
- if recourse is made to social shock absorbers, businesses must always:
  - a. consider the possibility to extend these social shock absorbers to the entire personnel, also through suitable rotations/shift plans;
  - b. previously use any other alternative available under the relevant collective agreement (e.g. *par, rol, banca ore*) which allow employees not to lose their pay;
  - c. if recourse to the mechanisms referred to in point (b) above is insufficient, employees must take unused accrued holidays;
- all national and international business transfers and travel, even if already agreed or organized, are cancelled.

Also in the progressive stage of work resumption, remote working shall continue to be promoted as a useful and flexible prevention measure, without prejudice to the obligation for the employer to ensure adequate supporting conditions to the employee and to his working activity (assistance in the use of the equipment, organization of working shifts and rests).

Social distancing must be respected, also by means of a reorganization of workspaces, compatibly with the nature of production process and business areas. Employees who do not need particular tools and/or equipment and who can work alone, may be temporarily located during the resumption phase, in different areas such as unused offices, meeting areas.

For workspaces where several employees work simultaneously, may be find innovative solutions, such as repositioning of workstations at suitable distance or similar solutions.

Work organization may be planned with different schedules in order to favour social distancing, by reducing the number of employees simultaneously present in the same workplace and avoiding, through flexible schedules, gatherings at the entry and exit.

It is essential to avoid social gathering also in relation to travelling to reach the workplace and returning home (*commuting*), with particular reference to the use of public transport. For this reason, forms of transportation to workplaces with adequate distance between travelers should be incentivized, by promoting the use of private vehicle or shuttle.

## **9-ENTRY AND EXIT OF PERSONNEL**

- Staggered entry/exit times are encouraged to avoid to the maximum possible extent any personal contact in common areas (entrances, changing rooms, canteen).
- Where possible, it is necessary to dedicate a separate entry and exit to and from these premises and ensure the presence of detergents indicated by appropriate signs.

## **10-INTERNAL MOVEMENTS, MEETINGS, INTERNAL EVENTS AND TRAINING**

- Movements within the company premises must be limited to the minimum necessary and comply with the company's instructions.
- Meetings with physical attendance are not permitted. If meetings are necessary and urgent and it is not possible to connect persons remotely, the number of attendees must be reduced to the minimum, and, in any case, the inter-personal distance and adequate cleaning/ventilation of the premises must be guaranteed.
- All internal events and classroom training activities, even if mandatory, are suspended and cancelled, even if already organized. It is however possible, if the organization allows it, to carry out e-learning, also for remote workers.
- Any failure to perform professional updating activities and/or qualifying training within the deadlines set for all the company's health and safety roles/ functions due to the current emergency situation – and, therefore, due to

force majeure – does not prevent the persons concerned from performing their specific role/function (For example, the company’s fire-fighting or first aid operators may continue to intervene if necessary; the lift-truck operator may continue to work as a lift-truck operator).

## **11-TREATMENT OF SYMPTOMATIC PERSONS IN THE PREMISES**

- If a person in the premises develops fever and symptoms of respiratory infection such as cough, he or she must immediately report this to the HR office. The person concerned and any other persons present in the near location must be isolated in accordance with the rules of the health authority; the company must promptly notify the relevant health authorities and contact the COVID -19 emergency numbers provided by the Region or the Ministry of Health.
- the company cooperates with the health authorities to define any “close contacts” of a person present in the premises who has tested positive for the COVID-19 virus. This is to allow the authorities to apply the necessary and appropriate quarantine measures. During the investigation period, the company may ask any possible close contacts as a precaution to leave/stay away from the premises, in accordance with the indications of the Health Authority.
- The employee, once in isolation, must be immediately provided with a surgical mask, if he does not already have one.

## **12-HEALTH SURVEILLANCE/COMPANY DOCTOR/EMPLOYEE SAFETY REPRESENTATIVE (RLS)**

- Health surveillance must continue to comply with the hygienic measures set out in the indications of the Ministry of Health (so-called *decalogo*);
- during this emergency period, priority must be given to precautionary visits, on-demand visits and visits upon return from sickness;
- periodic health surveillance must not be interrupted, because it represents a further general precautionary measure: both because it can detect possible cases and suspicious symptoms of contagion, and because of the information and training that the company doctor can provide to employees to prevent the spread of contagion;

- in integrating and proposing all regulatory measures related to COVID-19, the company doctor cooperates with the employer and the relevant RLS and territorial RLST;
- the company doctor reports to the company any situation of particular exposure and any current or past pathologies of the employees and the company ensures their protection in compliance with their privacy.
- The company doctor will further apply the indications of the Health Authorities. Considering his role in the assessment of the risk and in the health surveillance, the company doctor may suggest to adopt any diagnostic measures deemed useful to reduce the spread of the virus and to the health of employees.
- Upon resumption of the activities, it is recommended that the company doctor is involved in the identification of persons with particular exposure and in the reinstatement in the working environment of persons who have been previously affected by COVID 19.

It is recommended that health surveillance pays particular attention to subjects particularly exposed to the virus due to their age..

For the progressive reinstatement of the employees who have been affected by COVID 19 infection, subject to the certification of the occurred negativization of COVID 19 virus according to the methods provided and issued by the local competent prevention department, the company doctor shall “visit the employee before work resumption following an absence lasting more than sixty continuative days, in order to verify the suitability of the employee to carry out his/her duty” (Legislative Decree 81/08 and as amended, art. 41, paragraph 2 lett. e-ter), also to assess specific risks and in any case regardless of the length of sickness absence.

### **13 -UPDATE OF THE PROTOCOL**

- The company will create a committee for the implementation and verification of compliance with the rules of this protocol, which will include the company’s works council and the RLS.
- Where, given the particular type of the business and the unions relationship system, the committee has not been set up, a Territorial Committee will be established, comprised of the so-called “*Organismi Paritetici*” for health and safety, if established, with the involvement of the RLSTs and unions representatives.

- The parties signing this Protocol may create committees at local or sectorial level, to achieve the purposes of the Protocol also with the involvement of local health authorities and other institutional entities involved in initiatives to fight the spread of COVID19 virus.