Common regulatory protocol for measures to combat and contain the spread of the Covid-19 virus in the workplace

24 April 2020

Today, Friday, 24 April 2020, the "*Common regulatory protocol for measures to combat and contain the spread of the Covid-19 virus in the workplace*" signed on 14 March 2020 was supplemented upon proposal of the President of the Council of Ministers, the Minister of Economy, the Minister of Labour and Social Policy, the Minister of Economic Development and the Minister of Health, who had promoted the meeting between the social parties, in implementation of the measure, set forth in article 1, paragraph 1, number 9), of the Decree of the President of the Council of Ministers of 11 March 2020, which – in relation to professional and production activities – recommends agreements between employer and trade union organisations.

The Government favours, to the extent of its competence, the full implementation of the Protocol.

Foreword

The document, taking into account the different measures of the Government and, finally, the Decree of the President of the Council of Ministers of 10 April 2020, as well as all the measures issued by the Ministry of Health, contains guidelines shared between the Parties aimed at facilitating companies in the adoption of anti-contagion safety protocols, *i.e.* a Protocol for the combat and containment of the spread of the COVID-19 virus in the workplace.

In fact, the prosecution of production activities can only take place in the presence of conditions that ensure adequate levels of protection for the workers. Failure to implement the Protocol so as not to ensure adequate levels of protection shall result in the suspension of the activity until safety conditions are restored.

Therefore, the Parties already agree on the possible use of social shock absorbers, with the consequent reduction or suspension of work activities, in order to allow companies in all industries to apply these measures and the consequent safety of the workplace.

Together with the possibility for the company to have recourse to remote working and social shock absorbers, as extraordinary organisational solutions, the parties intend to encourage the combat and containment of the spread of the virus.

The main aim is to combine the continuation of production activities with the guarantee of healthy and safe working environments and working methods. As part of this purpose, the reduction or temporary suspension of activities may also be envisaged.

Under this standpoint, the urgent measures that the Government intends to adopt, in particular in terms of social shock absorbers for the whole national territory, could be useful for the rarefied attendance in the workplace.
Without prejudice to the need to rapidly adopt a regulatory protocol to combat and contain the spread of the virus that provides for procedures and rules of conduct, the preventive dialogue with trade union representatives attending the workplace should be encouraged, and, for small businesses, with the territorial representatives as provided for in the inter-confederal agreements, so that any measure adopted can be shared and made more effective

by the experience contribution of workers, in particular RLS (*Workers' Representative for Security*) and RLST (*Territorial Workers' Representative for Security*), taking into account the specificity of each individual production reality and territorial situations.

COMMON REGULATORY PROTOCOL FOR THE CONTAINMENT OF THE SPREAD OF COVID-19

The purpose of this common regulatory protocol is to provide operational guidance aimed at increasing the effectiveness of the precautionary containment measures taken to combat the COVID-19 epidemic in non-healthcare workplaces.
COVID-19 represents a generic biological risk, for which equal measures must be taken for the entire population. This Protocol therefore contains measures that follow the precautionary approach and apply and implement the prescriptions laid down by the legislator and the indications of the Health Authority.

Without prejudice to all obligations under the provisions enacted for the containment of COVID-19

and provided that

- the Decree of the President of the Council of Ministers of 11 March 2020 provides for the observance until 25 March 2020 of restrictive measures throughout the national territory, specific for the containment of the COVID-19 and that for production activities such measures recommend:
- the maximum use by companies of remote working arrangements for activities that can be carried out at home or at a distance;
- the encouragement of paid holidays and leaves for employees as well as of other instruments provided for by collective bargaining;
- the suspension of the activities of company departments that are not essential to production;
- the adoption of anti-contagion safety protocols and, where it is not possible to respect the interpersonal distance of one metre as the main containment measure, the adoption of individual protection equipment;

- the encouragement of sanitation operations in the workplace, also through the use of social shock absorbers for this purpose;
- for productive activities only, the maximum limitation of movements within the sites and the limitation of access to common areas;
- for productive activities only, the encouragement of agreements between employer and trade union organisations;
- for all non-suspended activities, the maximum use of remote working solutions;

it is hereby provided that

the companies shall adopt this regulatory protocol within their workplaces, in addition to the provisions of the aforementioned Decree, shall apply the additional precautionary measures listed below – to be integrated with other equivalent or more incisive ones according to the peculiarities of their organization, after consultation with the company's trade union representatives – in order to protect the health of the people within the company and to ensure a healthy working environment.

1-INFORMATION

- The company, through the most suitable and effective methods, shall inform all workers and anyone entering into the company's premises about the provisions of the Authorities, delivering and/or posting at the entrance and in the most visible places of the company's premises, special information leaflets.
- In particular, the information shall concern:
    - the obligation to stay at home in case of fever (over 37.5°C) or other flu symptoms and to call the relevant family doctor and the Health Authority;
    - the awareness and acceptance of the fact of not being able to enter or remain in the company and of having to declare it promptly if, even after the entry, dangerous conditions exist (flu symptoms, temperature, coming from areas at risk of contact with people positive for the virus in the previous 14 days, etc.) in which the measures of the Authority require to inform the family doctor and the Health Authority and to stay at home;
    - the commitment to comply with all the provisions of the Authorities and the employer when entering the company (in particular, to maintain a safe

distance, to observe the rules of hand hygiene and to behave correctly in terms of hygiene);

- the commitment to promptly and responsibly inform the employer of the presence of any flu symptoms during the performance of the work, taking care to remain at an adequate distance from other people.

The company provides adequate information depending on the duties and work contexts, with particular reference to the set of measures adopted, to be complied with by personnel, in particular on the correct use of PPE, with the aim of contributing to the prevention of all possible forms of spread of the contagion.

2-MODALITY OF ENTRY INTO THE COMPANY'S PREMISES

- Before entering the workplace, staff may be required to undergo a body temperature check[1]. If this temperature exceeds 37.5°C, access to the workplace shall not be permitted. Persons in this condition – in compliance with the indications given in the note – shall be temporarily isolated and provided with masks and shall not have to go to the Emergency Room and/or to the infirmaries, but shall contact their family doctor as soon as possible and follow his/her instructions.

[1] The real time detection of body temperature constitutes a processing of personal data and, therefore, must take place in compliance with the privacy regulations in force. For this purpose, it is suggested to: 1) detect at temperature and not record the relevant data. It is possible to identify the person concerned and record the exceeding of the temperature threshold only if it is necessary to document the reasons that prevented access to company premises; 2) provide information on the processing of personal data. Please note that the information notice may omit information already in the possession of the data subject and may also be provided orally. With regard to the contents of the information notice, with reference to the purpose of the processing, prevention from COVID-19 contagion may be indicated and with reference to the legal basis, the implementation of the anti-contagion security protocols pursuant to article 1, no. 7, letter d) of the Decree of the President of the Council of Ministers 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 appropriate security and organisational measures to protect the data. In particular, from an organisational standpoint, it is necessary to identify the entities responsible for 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 beyond the specific regulatory provisions (e.g. in case of request by the Health Authority for the reconstruction of the supply chain of any "*close contacts of a worker who tested positive to COVID-19*"); 4) in case of temporary isolation due to the exceeding of the temperature threshold, ensure procedures to guarantee the confidentiality and dignity of the worker. These safeguards must also be ensured in the event that the worker informs the office responsible for personnel 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 worker who develops fever and symptoms of respiratory infection and his or her colleagues during work (see below).

- The employer informs the staff in advance, and those who intend to enter the company, of the foreclosure of access to those who, in the last 14 days, have had contact with individuals tested positive for COVID-19 or coming from risk areas according to the WHO guidelines[2].
- For the cases above, reference is made to article 1, letters h) and i) of Decree-Law No. 6 of 23 February 2020.
- The entry into the company of workers who have already tested positive for COVID-19 infection must be accompanied by a prior notification of medical certification that the swab has been tested "negative" in accordance with the procedures laid down and issued by the relevant territorial prevention department.
- If, in order to prevent outbreaks, in the most virus affected areas, the competent Health Authority provides for specific additional measures, such as swabbing of workers, the employer will provide maximum cooperation.

3-ACCESS MODALITIES OF EXTERNAL SUPPLIERS

- For the access of external suppliers, identify entry, transit and exit procedures, using predefined methods, pathways and timing, in order to reduce the opportunities for contact with the personnel in force in the departments/offices involved.
- If possible, the drivers of the means of transport must remain on board their own vehicles: access to the offices is not allowed for any reason. For the necessary preparation of loading and unloading activities, the haulier must keep a strict distance of one metre.
- For suppliers/transporters and/or other external personnel, identify/install dedicated toilets, prohibit the use of employee toilets and ensure adequate daily cleaning.

[2] If a declaration is required to be issued attesting the not coming from epidemiological risk areas and the absence of contact, in the last 14 days, with subjects tested positive for COVID-19, please note to the discipline on the processing of personal data, since the acquisition of the declaration constitutes data processing. To this end, the indications referred to in footnote 1 above shall apply and, specifically, it is suggested 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 found to be COVID-19 positive is required, additional information about the positive person should not be requested. Or, if a statement is required on origin from epidemiological risk areas, additional information on the specifics of the location should not be required.

- Access to visitors should be reduced as far as possible; if external visitors (cleaning, maintenance, etc.) are required, they should be subject to all company rules, including those for access to company premises referred to in paragraph 2 above.
- Where there is a transport service organised by the company, the safety of workers must be guaranteed and respected along each trip.
- The provisions set forth in this Protocol extend to companies under contract that can organize permanent and temporary sites and worksites within the production sites and areas.
- In the case of workers employed by third party companies operating at the same production site (e.g. maintenance workers, suppliers, cleaners or security staff) who have tested positive for the COVID-19 swab, the contractor must immediately inform the principal and both must cooperate with the Health Authority providing useful information to identify any close contacts.
- The principal is required to provide the contractor with full information on the contents of the Company Protocol and to ensure that the workers of the same or of third party companies operating in any capacity within the company perimeter fully comply therewith.

4-CLEANING AND SANITATION ON THE COMPANY'S PREMISES

- The company shall ensure the daily cleaning and periodic sanitization of premises, environments, workstations and common and leisure areas.
- In the case of the presence of a person tested positive for COVID-19 inside the company's premises, the cleaning, the sanitation and the ventilation of the above-mentioned premises is carried out in accordance with the provisions of Circular no. 5443 of 22 February 2020 of the Ministry of Health.
- Cleaning at the end of the shift and periodic sanitization of any keyboards, touch screen and mouse with suitable detergents must be guaranteed, both in the offices and in the production departments.
- The company, in compliance with the instructions of the Ministry of Health in the manner deemed most appropriate, may organize special interventions/periods of cleaning using social shock absorbers (also by way of derogation).

- In the most endemic geographical areas or in companies where there have been suspected cases of COVID-19, in addition to the normal cleaning activities, it is necessary to provide, at the re-opening, an extraordinary sanitation of all the premises, workstations and common areas, in accordance with the Circular No. 5443 of 22 February 2020.

5-PERSONAL HYGIENE PRECAUTIONS

- It is mandatory that people in the company take all hygienic precautions, in particular for the hands.
- The company shall provide suitable hand cleansing agents.
- Frequent hand cleaning with soap and water is recommended.
- The hand cleansers mentioned above must be accessible to all workers also thanks to specific dispensers located in easily identifiable places.

6-PERSONAL PROTECTION DEVICES

- The adoption of the hygiene measures and personal protective devices indicated in this Regulatory Protocol is fundamental and, given the current emergency situation, is clearly linked to the availability on the market. For these reasons:

a) the masks shall be used in accordance with 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 of the type indicated by the Health Authority may be used;
c) the preparation by the company of the detergent liquid according to the WHO guidelines (https://www.who.int/gpsc/5may/Guide_to_Local_Production.pdf) is encouraged.

- If the work requires working at an interpersonal distance of less than one meter and other organisational solutions are not possible, the use of masks and other protective devices (gloves, glasses, overalls, caps, gowns, etc.) that comply with the provisions of the scientific and health Authorities is still necessary.
- In the declination of the measures set out in the Protocol within the workplace on the basis of the complex of the assessed risks and, as from the mapping of the different activities of the company, the appropriate PPE shall be adopted. It is foreseen, for all workers who share common areas, the use of a surgical mask,

according to the provisions of Decree-Law No. 9 (article 34) in combination with Decree-Law No. 18 (article 16, paragraph 1).

7-MANAGING OF COMMON SPACES (CANTEEN, CHANGING ROOMS, SMOKING AREAS, DRINKS AND/OR SNACK DISPENSERS...)

- Access to the common areas, including company canteens, smoking areas and changing rooms is limited, with the provision of continuous ventilation of the premises, reduced stopping time within these spaces and the maintenance of a safety distance of one meter between the people therein.
- It is necessary to organise the spaces and sanitise the changing rooms in order to leave places for workers to store their work clothes and to guarantee them suitable hygienic and sanitary conditions.
- It is necessary to ensure periodic sanitization and daily cleaning, with special detergents, of the canteen rooms and the keyboards of the drinks and snack dispensers.

8-ORGANIZATION OF THE COMPANY (ROSTERING, TRAVEL AND SMART WORK, REMODELING OF PRODUCTION LEVELS)

With reference to the Decree of the President of the Council of Ministers of 11 March 2020, point 7, limited to the period of the emergency due to the COVID-19, companies may, with reference to the provisions of the national collective bargaining agreements and thus favouring agreements with the company trade union representatives:

- order the closure of all departments other than the production one or, in any case, those whose operation is possible through the use of remote work, or in any case at distance;
- reshape production levels;
- ensure a rostering plan for employees dedicated to production with the aim of reducing contacts as much as possible and creating autonomous, distinct and recognizable groups;
- use smart working for all those activities that can be carried out at home or remotely in the event that social shock absorbers are used, also by way of exception, and always evaluate the possibility of ensuring that they affect the entire company structure, if necessary also with appropriate rotations;

a) use, first and foremost, the social shock absorbers available in accordance with the contractual institutions (paid annual leave, paid time off, hour bank) generally aimed at enabling people to abstain from work without loss of pay;
- if the use of the institutions referred to in point (c) is not sufficient, the holiday periods in arrears and not yet taken shall be used;

- all national and international travel/business trips, even if already agreed or organised, are suspended and cancelled.

Distance working continues to be fostered even in the progressive work re-activation phase as a useful and flexible prevention tool, without prejudice to the need for the employer to guarantee adequate support conditions for the worker and his/her activity (assistance in the use of equipment, modulation of working time and breaks).

It is necessary to maintain social distancing, also through a remodulation of work spaces, compatible with the nature of production processes and company spaces. In the case of workers who do not need special tools and/or work equipment and who can work alone, they could, for the transitional period, be placed in spaces derived for example from unused offices, meeting rooms.

For premises where several workers work simultaneously, innovative solutions can be found such as, for example, the repositioning of workstations spaced adequately apart or similar solutions. The articulation of the work can be redefined with differentiated working hours facilitating social distancing by reducing the number of simultaneous presences in the workplace and preventing gatherings at the entrance and exit with flexible working hours.

It is essential to avoid social gatherings also in relation to commuting to and from work, with particular reference to the use of public transport. For this reason, forms of transport to the workplace with adequate distancing between passengers should be fostered, by encouraging the use of private transport or shuttles.

9- MANAGEMENT OF EMPLOYEES' ENTRY AND EXIT

- Staggered entry/exit times are encouraged in order to avoid as much contact as possible in common areas (entrances, changing rooms, canteen).

- Where possible, it is necessary to dedicate an entrance and an exit door from these rooms and to guarantee the presence of detergents identified by special indications.

10-INTERNAL TRANSFERS, MEETINGS, INTERNAL EVENTS AND TRAINING

- Movements within the company site must be limited to the minimum necessary and in compliance with the company's instructions;
- meetings in attendance are not permitted. Where meetings are characterised by necessity and urgency, if it is impossible to connect remotely, the necessary attendance must be reduced to a minimum and, in any case, interpersonal distancing and adequate cleaning/airing of the premises must be guaranteed;
- all internal events and all classroom training activities, even compulsory ones, are suspended and cancelled, even if already organized; it is however possible, if the company organization allows it, to carry out distance learning, even for workers in smart working;
- the failure to complete the updating of professional and/or qualifying training within the deadlines foreseen for all company roles/functions in the field of health and safety in the workplace, due to the emergency in progress and therefore due to force majeure, does not make it impossible to continue to carry out the specific role/function (by way of example: the emergency worker, both in fire-fighting and first aid, may continue to intervene in case of need; the forklift operator may continue to work as a forklift operator).

11-MANAGEMENT OF A SYMPTOMATIC PERSON INSIDE THE COMPANY

- If a person within the company develops fever and symptoms of respiratory infection such as coughing, he/she must immediately report this to the HR department; his/her isolation, as well as the isolation of the others present within the premises, must be carried out in accordance with the provisions of the Health Authority; the company shall immediately inform the competent Health Authorities and the emergency numbers for COVID-19 provided by the Region or the Ministry of Health.
- The company collaborates with the Health Authorities for the definition of possible "close contacts" of a person within the company who has been found positive to the COVID-19 swab. This is to enable the Authorities to apply the necessary and

appropriate quarantine measures. During the investigation period, the company may ask any person who may be in close contact to leave the premises as a precautionary measure, in accordance with the Health Authority's instructions.

- At the time of isolation, the worker must be immediately provided with a surgical mask if he or she is not already equipped with it.

12-HEALTH SURVEILLANCE/COMPETENT DOCTOR/RLS

- Health surveillance must continue in compliance with the hygienic measures set forth by the Ministry of Health (so-called decalogue).
- During this period, priority should be given to preventive visits, visits on request and visits upon return from illness.
- Periodic health surveillance should not be interrupted, because it represents a further preventive measure of a general nature: both because it can detect possible cases and suspicious symptoms of contagion, and for the information and training that the competent doctor can provide workers to prevent the spread of contagion.
- In integrating and proposing all regulatory measures related to COVID-19 the competent doctor cooperates with the employer and the RLS/RLST.
- The competent doctor reports to the company situations of particular weakness and current or past pathologies of the employees and the company provides for their protection in the utmost respect of the privacy thereof.
- The competent doctor shall apply the indications of the Health Authorities. The competent doctor, in view of his/her role in risk assessment and health surveillance, may suggest the adoption of any diagnostic means if deemed useful to contain the spread of the virus and the health of workers.
- When activities are restored, it is advisable that the doctor responsible for the identification of subjects with particular situations of weakness and for the reintegration of subjects with previous COVID-19 infection is involved.
- It is recommended that health surveillance should focus particularly on those who are vulnerable also in relation to their age.
- For the progressive reintegration of workers after COVID-19 infection, the competent doctor, upon submission of certification that the swab has been tested negative according to the procedures provided for and issued by the competent territorial prevention department, shall carry out the medical examination prior to

resumption of work, as a result of absence for health reasons lasting more than a continuous period of more than sixty days, in order to assess suitability for the work (Legislative Decree No. 81/08 and subsequent amendments and additions, article 41, paragraph 2, letter e-*ter*), also with the aim of assessing specific risk profiles and in any case regardless of the length of absence due to illness.

13-UPDATING OF THE REGULATORY PROTOCOL

- A Committee is set up in the company for the application and verification of the provisions of the regulatory protocol with the participation of the company trade union representatives and the RLS.
- Whereas, due to the particular type of company and the system of trade union relations, no works councils are set up, a Territorial Committee composed of the Joint Health and Safety Bodies, if incorporated, shall be set up with the involvement of the RLST and representatives of the social partners.
- Committees for the purposes of the Protocol may be set up, at territorial or sectoral level, upon proposal of the signatories to this Protocol, also with the involvement of local health authorities and other institutional actors involved in initiatives to combat the spread of COVID-19.