

## SNACKS: DIGESTIBLE WEEKLY LABOUR NEWS – ISSUE 17

26 AUGUST 2021 • ARTICLE



### WEEKLY ITALIAN LABOUR UPDATES

"Green Pass does not have to be shown to access to the workplace. Nonetheless, Green Pass is required to eat the meal seated at the company canteen."

#### **Sick leave included when calculating CIG**

If an employee who has recourse to the salary support scheme (CIG) is already on sick leave when their employer suspends all working activity of the business or of a specific department, the CIG payment replaces any sick pay. In this case, sick leave continues to be the official reason for an employee's absence. Therefore, any absent days for that reason are not considered suspension from work when calculating CIG payments. For this reason, dismissing an employee who has exceeded the maximum sick leave period is lawful.

*Tribunal of Foggia (ord.) 19/07/2021 (Judge Caputo)*

#### **Fiduciary quarantine of employees with no access to sick leave**

Employees subject to fiduciary quarantine due to being in contact with a person who has tested positive for Covid-19 are no longer to be considered on sick leave and do not have access to the relevant economic protections. Since no extension of financial support has been provided, the employees in fiduciary quarantine are to be considered on unpaid leave (or suspended from work).

*INPS, Message 22/08/2021*

## Green Pass Updates

### 1) Obligated employees

Until notice of any new provisions, those required to show a Green Pass include: (i) employees in the health care industry, including social health and social assistance, pharmacies and similar professionals and (ii) employees of schools and universities (from 1 September 2021 onwards);

### 2) Disputed cases

According to Law Decree No. 105/2021, as of 6 August 2021, a Green Pass is required to access indoor recreation facilities (restaurants, museums, gyms, swimming pools, etc.). Law Decree No. 111/2021 states that, from 1 September 2021, a Green Pass will also be required to access transport services (planes, ferries, ships and buses) connecting different regions of Italy. Without a specific legislative or regulatory provision, it is not yet clear if employees within the transport service will be required to carry a Green Pass;

### 3) Company canteens

According to the Italian government's recent FAQ (15/08/2021), employees must show a valid Green Pass in order to eat their meals seated in a company canteen. The contractor managing the company canteen will enforce this.

## Anticipations on the forthcoming Law Decree "Against Delocalisation"

The Ministries of Labour and of Economic Development (MISE) have prepared a draft decree aimed at multinational companies that decide to close productive plants in Italy. The draft is currently under discussion and its anticipated provisions are expected to have a major impact on how redundancies are managed by such companies.

Before being able to make redundancies, a company with more than 250 employees must inform the Ministry of Labour, the MISE, trade union organisations, ANPAL and the Italian regional governments about their plans via written communication. In the following 90 days, the company must deliver a plan outlining the measures they will take to reduce redundancies and the economic impact caused by the closure. In the subsequent 30 days, MISE will invite all parties to a joint discussion of the case. Then, MISE has a further 30 days (which can be prolonged for another 30 days) for the final examination and the approval of the proposed plan. Companies who violate the MISE guidance will be subject to a fine of 2% of their turnover in the last financial year and to redundancy payments ten times higher than the usual contribution. Finally, companies breaching the MISE guidance will not have access to grants or financings for the next five years.

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