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CORONAVIRUS (COVID-19) EMERGENCY IN ITALY: SIMPLIFIED REMOTE WORKING REGIME APPROVED

To help contain and manage the Coronavirus (Covid-19) emergency in Italy, a new, currently evolving, provision of law promotes remote working.

What's happening?

Art. 4.1.(a) of the Decree of the President of the Council of Ministers of 1 March 2020 allows employers in the Italian territory to require their employees to work remotely in the absence of written individual agreements with the workers involved.

Remote working (known as “agile working” in Italy), implies the performance of working activities outside of the company premises, without a fixed work station, for no more than the maximum daily and weekly working hours under the law and any collective bargaining agreements.

The general provision of law, i.e., Article 18 et seq. of Law 81/2017, requires that the employer and the worker stipulate a detailed written agreement before implementing remote working arrangements. This requirement has been temporarily lifted to promote remote working during the health emergency.

What should employers do?

By way of interpretation, under the special regime an employer should:

- send workers a simple email detailing the start of the remote working activity under Law 81/2017 and the expiry date (subject to further prorogation);
- attach to the above communication a notice addressing health and safety matters in the context of remote working. This requirement can be met by sending, via e-mail, the documentation available on the website of the Italian Agency for Insurance Against Occupational Sickness and Accidents (INAIL), <https://www.inail.it/cs/internet/comunicazione/avvisi-e-scadenze/avviso-coronavirus-informativa.html>. It is important that the employer ask the worker to reply to the e-mail, confirming that the message and attached documentation has been received and read. The employer should also send the same notice to the H&S employees' representatives;
- inform the Ministry of Employment, via its portal, that remote working arrangements have been put in place. Usually, this information is filed by payroll providers of the employer.

How long will the simplified regime be in place?

The special regime described above will be in place, as a temporary measure, until 31 July 2020.

Given the current, ongoing evolution of the Covid-19 emergency measures¹, it is possible that before 31 July 2020, the temporary legislative regime will be amended.

Employers can, however, prepare the contractual documentation necessary to comply with Law 81/2017, to rely on remote working options independently of any special regime provisions.

Key issues

- Remote working simplified in the whole Italian territory
- Standard safety documentation can be sent electronically
- Special regime set to last until 31 July 2020

¹ This latest provision replaced, effective from 2 March 2020, the previous legislation which focused exclusively on some municipalities/regions considered more “at risk” (Art. 3 of the Decree of the President of the Council of Ministers of 23 February 2020 and Article 2 of the Decree of the President of the Council of Ministers of 25 February 2020).

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