

COVID-19

Law no. 27 of 24 April 2020, converting Decree “Cura Italia” into Law

Main changes to employment relationships

ABROGATION OF DECREE-LAW No. 9 OF 2 MARCH 2020

Following the conversion into Law of Decree “Cura Italia” , Decree-Law no. 9/2000 prescribing specific income-support benefits for former “red areas” (the municipalities of Bertinico, Casalpusterlengo, Castelgerundo, Castiglione D'Adda, Codogno, Fombio, Maleo, San Fiorano, Somaglia, Terranova dei Passerini, Vo') and former “yellow areas” (regions of Lombardy, Veneto and Emilia-Romagna) will be abrogated.

The specific provisions referred to such areas, previously included in the abrogated Decree-Law no. 9/2000, have now been included in the Law and will be analyzed below.

CASSA INTEGRAZIONE GUADAGNI ORDINARIA AND ASSEGNO ORDINARIO (article 19)

After the conversion into Law of Decree “Cura Italia”, it is no longer required to implement the trade union consultation procedure in order to be granted with “*Cassa integrazione guadagni ordinaria*” (ordinary unemployment benefit) or “*Assegno Ordinario*” (income-support benefit) referred to COVID-19 emergency.

Moreover, with regard to the former “red areas”, employers having production units located in such municipalities, as well as employers of which registered office or production or operating unit are not located in such municipalities, solely in relation to workers resident in such municipalities, may apply for the above mentioned income-support benefits (*cassa integrazione guadagni ordinaria* or *assegno ordinario*) referred to COVID-19 emergency for an additional period not longer than three months.

The income-support benefit (*assegno ordinario aggiuntivo*) shall be granted to workers employed by employers registered with *Fondo di Integrazione Salariale (FIS)* employing on the average more than 5 employees and the above benefit is not subject to the threshold of tenfold the amount of ordinary contributions due by the employer, taking into consideration the benefits already granted.

FIXED-TERM EMPLOYMENT CONTRACTS (article 19-bis)

According to the Law, employers receiving the income-support benefits referred to COVID-19 may renew or continue the fixed-term employment contracts including during the period in which they receive such benefits, by derogating from the general provision.

The foregoing applies also for the purposes of staff leasing, at production units where the work activity has been suspended or reduced with application of the unemployment benefit (*cassa integrazione guadagni*) involving the employees engaged with the tasks to which the fixed-term employment contract refers. On this respect, the regulation under examination prescribes that, when contracts are renewed, the period of interruption between the several renewals must be observed (so-called stop-and-go periods).

INCOME-SUPPORT BENEFIT FOR COMPANIES ALREADY ADOPTING CASSA INTEGRAZIONE STRAODINARIA (article 20)

The employers of companies already adopting *Cassa Integrazione Guadagni Straordinaria*, which have production units located in the municipalities in the former “red areas” and at 23 February 2020 have been granted with *Cassa Integrazione Guadagni Straordinaria*, may apply for *Cassa Integrazione Salariale Ordinaria* for an additional period not longer than three months.

CASSA INTEGRAZIONE IN DEROGA (income-support benefit paid by regional governments and autonomous provinces governments) (article 22)

With reference to *Cassa Integrazione in Deroga*, an agreement with the trade unions is not necessary for either employers employing up to 5 employees and, as a result of the changes introduced by the Law, for employers which, although they have more than 5 employees and did not receive any income-support benefit prescribed by article 19, have however closed down the business activity in compliance with the urgent provisions issued to combat COVID-19. It is also confirmed that the employers with production units located in autonomous regions or provinces will be allowed by the Ministry of Labour and Labour politics to adopt the benefits under examination. This provision must be supplemented with a further Decree stating the number of autonomous regions and provinces where the production units of that employer are located, beyond which the benefits are allowed by the above mentioned Ministry.

Moreover, the employers with production units located in the municipalities included in the former “red areas”, as well as the employers of which registered office or production unit are located in the above mentioned municipalities, solely with regard to the employees resident in such municipalities, may apply for *Cassa Integrazione Salariale in deroga*, for an additional period not longer than three months starting from 23 February 2020.

Except for the cases of the former “red areas”, the employers with production units located in Lombardy, Veneto and Emilia Romagna, and the employers of which registered office or production or operating unit in the above mentioned regions, solely with regard to employees resident in such regions, may apply for *Cassa integrazione salariale in deroga*, for a period not longer than four additional weeks which must be approved by a Decree (*provvedimento di concessione* – aid granting measure).

DISMISSALS (article 46)

When converted into Law, the Decree confirmed that collective dismissal procedures are not allowed and that dismissals must have an objective justified reason until 16 May included. Dismissals are however allowed in the event of taking over of contracts and if, as a result of that, the staff dismissed, already employed in a contract, is re-hired after the taking over of a new contractor by operation of law, of a collective labour agreement or a clause of the contract. Please note that the provisions under examination do not refer to individual dismissal of managers.

DEROGATIONS REGARDING PERSONAL DATA PROCESSING (article 17-bis)

The Law prescribes that until the end of the emergency, for public interest reasons, in the sector of public health, the entities operating in the Civil Protection Service and the related implementing entities, as well as the offices of the Ministry of Health and the Italian Health Institute (*Istituto Superiore di Sanità*), public and private institutions operating in the Italian Health Service and the entities in charge of monitoring and guaranteeing the execution of the measures against the infection may carry out personal data processing, even if referred to race and ethnicity, genetic data, biometric data aimed at univocally identifying an individual, data on a person’s health, sex life or sex orientation (and anyway the data under articles 9 and 10 of European regulation no. 2016/679) which are necessary in order to carry out the functions of which they are in charge within the scope of COVID-19 emergency.

Moreover, the notification of personal data to public and private entities other than those mentioned above and the disclosure of personal data other than those prescribed by articles 9 and 10 of European Regulation no. 2016/679 are carried out in the cases where they are necessary to perform the activities connected with the management of the health emergency.

On this regard, the above mentioned entities can omit the information on the data processing or provide simplified information, subject to oral communication.

ABSENCE OF WORKERS WITH RECOGNITION OF DISABILITY STATUS (article 26)

Until 30 April 2020 for public and private employees with recognition of disability status prescribed by Law no. 104/1992, as well as the employees with the certification issued by competent medical and legal institutions and demonstrating the risk deriving from immunodepression or evidence of oncological diseases or the performance of lifesaving therapies, the period of absence from work is considered as hospitalization and is prescribed by the competent health authorities, as well as by the primary care practitioner responsible for the patient, based on documents certifying the recognition of disability status or the certifications of the competent medical and legal institutions.

For additional information, please contact:

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