

Answers to the most important questions for employers taking into account the recent emergency decree

With various emergency decrees, most recently the "Decreto Legge No. 18 – Cura Italia" of 17.03.2020, the Italian legislator has adopted various measures to support the economy and families, with effects in particular also on relationships with the company's employees. In the following, we will briefly analyse the current legal situation in various situations companies typically have to face in the current situation:

Right to working in home office?

Although the decree of the head of government (DPCM) of 11.03.2020 contains the requirement to use home offices/smart working as far as possible, there is no real obligation to introduce these forms of work or a hard right of the employee to do so. Nevertheless, employers are "held" to introduce home office as far as possible and to the extent that a physical presence of the person in question is not strictly necessary. When introducing home office, priority must be given to employees with a reduced working capacity.

Right to order leave?

According to Art. 2.209 of the Italian Civil Code, which seems to be unanimously applicable in this case, employers have the right to order the use of remaining vacation days.

What rights does the employee have if a quarantine measure has been imposed on his place of residence?

Under Italian law, the rules on sick leave apply in such cases. However, quarantine leave is not included in the calculation of the total sick leave that would entitle the employer to a dismissal on grounds of health.

What options does the employee have if the kindergarten or school of a child is closed?

Crisis legislation has introduced the possibility of taking special permission days on up to 15 days to care for children up to the age of 12; in these cases, employees are entitled to 50% of their normal pay. Alternatively, employees affected by this can claim a "bonus" in the amount of EUR 600.00 for employing a babysitter.

Short-time work

In addition, the requirements for applying for short-time work compensation ("*cassa integrazione guadagni*") have been eased. The following main simplifications were introduced for a period limited to 9 weeks:

- Application also to small enterprises
- Conversion of existing measures of "extraordinary" short-time work compensation into ordinary short-time work compensation
- Significantly simplified administrative procedure
- Payment of the short-time working allowance directly by the Italian Social Security Agency (INPS)
- Significant extension of the so-called "Cassa integrazione in deroga" to a large number of companies that normally do not

have access to the rules on short-time working.

Protection against dismissal

The "Cura Italia" emergency decree stopped all operational redundancies (both individual and collective) for a period of 60 days starting on 17 March 2020, including all redundancies already initiated after 23 February 2020. The stop will apply to all companies regardless of the number of employees.

As of 25.03.2020

We would like to point out that the legal situation can change constantly, but we make every effort to keep the contents up to date.