

## Smart working, focus on agreements between the parties

The analysis on the emergency phase with the great impact on work (including SMEs and the world of professions) and forecasts on future organizational models. The opinion of the lawyer Paola Pezzali: the hope is that individual agreements remain residual. With the dialogue between business and work, the needs of the economy and those of health and safety are best protected.



The impact of the coronavirus emergency on the world of work has been strong. The decrees follow each other, companies and workers are equipped to contain the spread. Labor law workers are at the forefront of this frontier to indicate solutions and identify future trajectories. What is happening? How will the job change after the emergency ends? We talked about it with Paola Pezzali, lawyer, founder of the Cafiero Pezzali e Associati firm, teacher in university courses and masters, author of several publications on labor law.

### What is going on in these convulsive days? What do you see?

The first consideration relates to the large-scale diffusion of smart working, even if smart working is not always the same as these days. It has been foreseen in our system since 2017 but so far it has been used almost exclusively by multinationals or large banking and insurance groups. Today, on the spur of the emergency, this new way of carrying out the service is also used in small and medium-sized enterprises and in the world of liberal professions. The emergency presented us with a new way to carry out the employment relationship.

## **Positive?**

Yes. The aim of smart working is to improve the work life balance with a view to dialogue between businesses and the world of work, with a view to improving productivity for both companies and workers. This occurs through a new way of understanding work, on which, in Italy, we are very late.

## **What do you mean?**

We have legislation that is mainly linked to hourly wages, while smart working is based on the concept of working for objectives or results. Adapting our regulatory system to new models of work organization is increasingly a necessity.

## **These days we are moving in the haste dictated by the emergency, in little-known territories. Do you see problematic situations?**

There are basically two areas that could create problems: security and privacy. Smart working, already in ordinary times, created difficulties on the issue of safety at work, today there could be even more. On the subject of privacy there could be problems that have not been reflected enough, I think of the private areas of those who work from home and the control systems that an employer can adopt. We are moving in sectors where there are no indications on the correct methods of intervention.

## **Given the news and the emergency phase, what is the right approach to take?**

Today the smart working tool is encouraged by the protocol of 14 March on safety at work and by the Covid-19 emergency decree, because it is the best tool for combining economic and safety needs. Today, smart working is accessed very quickly, with individual agreements such as, among other things, provided for by the 2017 law. I hope that this will remain a residual hypothesis for the future.

## **How should one move?**

What the current situation teaches us is that business and work can dialogue and walk together to guarantee the two fundamental needs of the state: protection of the economy and health. The bulwarks of the system, protected by the Constitution. We must be clear that in the future, when the engines of the economy are no longer idling, agreements will be fundamental. When you need to push on the accelerator of the recovery, it is better to have agreements reached with the involvement of the unions. Just in these days, the Leonardo group has made an agreement that goes in this direction: I would say that dialogue is not only possible, but is necessary for the good of the country, both in the emergency phase and in the recovery phase .

## **What impact do you have on your work as a labor lawyer?**

We are on the front line on the subject of work, especially in assisting pharmaceutical companies, which have activities that not only cannot stop but must increase production. We have created formats with answers to the main questions coming from companies: in this phase, for consultants, it is essential to provide clear, timely information and above all with a practical focus. Companies want to know how they must operate in a situation that evolves decree after decree, from the use of termoscanners to data management. Our task is to give concrete support, with specific and practical focus.