

DRAFT OF THE C.D. DECREE MAY 2020

The draft of the so-called May 2020 Decree, with the approval of the Council of Ministers on May 7th, introduces the new economic support measures for families, workers and businesses connected to the emergency of the COVID-19 epidemic.

Below, an anticipation of the main labor law provisions which, however, being in draft form, may be subject to integration and variations.

With the provisions contained in the first chapter Decree May 2020 changes to Legislative Decree March 17, 2020 n. 18, converted with modifications by Law 24 April 2020 n. 27.

These changes seem to be limited to the extension of the temporal efficacy of the rules or to the expansion of the audience of recipients. The most relevant changes are shown below.

A) SURGICAL MASKS

Article 1 establishes that surgical masks, in accordance with art. 16 of Legislative Decree 17 March n. 18, must be considered as individual protective devices for workers, for all health and non-health volunteers, and for all workers employed in domestic and family services.

B) SOCIAL SHOCK ABSORBERS

With regard to social safety nets, to companies that suspend or reduce their production activity due to the epidemic from Covid-19, access to ordinary wage supplementary treatment or access to allowances is extended by article 2 ordinary, until 31 October 2020.

It is also expressly provided, for those who benefit from the ordinary allowance, the allowance of family allowances referred to in Article 2 of Legislative Decree n. 69 of 1988 in relation to the pay period adopted.

In addition, paragraph 3 bis is introduced which provides for the granting of the wage subsidy treatment for agricultural workers as a derogation from the fruition limits referred to the individual worker and length of employment referred to in Article 8 of Law no. 457 of 1972.

With article 3, the possibility for companies that have an extraordinary salary integration treatment to be able to obtain the ordinary integration treatment is extended to a maximum period of eighteen weeks, and in any case by 31 October 2020 wage.

Article 4, on the other hand, extends for companies the possibility of accessing the redundancy fund until 31 October 2020.

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With reference to the methods of disbursement of benefits, Article 5 provides for the possibility for employers, who do not anticipate the treatment of social safety nets, to apply for direct payment of the benefit to their employees.

Article 6 also provides for the possibility of access to the ordinary salary integration treatment and to the ordinary allowance and to the lay-off in derogation, to employers who in 2020 suspended or reduced their work due to the impossibility of reach the workplace by employees, domiciled or resident in the municipalities where the public authority has issued containment measures and prohibitions to move away from the territory by placing an obligation to stay at home. This is for the duration of these measures.

C) LEAVE AND WORK ABSENCE FOR COVID19

The periods of specific leave for employees of the private sector are extended by article 7 up to 30 continuous days or split with recognition of the allowance up to 50% of the remuneration.

Furthermore, the right to a period of abstention from work until the suspension of schools is recognized for parents of children under 16 years of age.

D) BABY SITTING AND DOMESTIC BONUS

Article 7 confirms the bonus for purchasing baby sitting services. It will also be recognized for enrollment in supplementary childcare services, territorial socio-educational services, centers with educational and recreational functions and supplementary or innovative services for early childhood.

For employees of the public, private and accredited health sector, belonging to the category of doctors, nurses, biomedical laboratory technicians, medical radiology technicians and health and social workers, the baby sitting bonus will go from € 1,000.00 to € 2,000.00.

Article 23 provides for the payment of a bonus for domestic workers for the months of April and May.

E) PERMITS

Article 8 introduces the possibility for healthcare workers to take advantage of an additional 12 days of paid leave pursuant to art. 33 law 104 of 1992, in the months of May and June 2020.

F) HEALTH SURVEILLANCE

As regards the protection of the period of active supervision of workers, article 9 extends to 31 July 2020, the provision according to which, for public and private employees who possess the recognition of disabilities with a connotation of seriousness to pursuant to article 3, paragraph 3, of law no. 104, as well as for workers in possession of the certification issued by the competent forensic bodies, which certifies a risk condition deriving from the immunosuppression or the results of oncological pathologies or from

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the execution of appropriate therapies to save human lives, in accordance with article 3 paragraph 1, of the same law n. 104 of 1992, the period of absence from service is equal to hospitalization.

Article 21 establishes that, until the state of emergency in the national territory ceases to exist, public and private employers must guarantee the extraordinary health supervision of the other workers who are most exposed to the risk of infection.

In the case of employers who do not have the obligation of the competent doctor, such supervision can be requested by the territorial services of the local health companies or by the territorial services of the Inail.

A compensation equal to 80% of the salary is paid to workers who are temporarily recognized as unsuitable for the duties. F) HEALTH SURVEILLANCE

G) DISMISSALS

With regard to layoffs, article 14 extends the impossibility of proceeding with collective layoffs or for justified objective reason up to five months (against the original 60 days), the suspension of the procedures currently underway for dismissal for justified reason is also ordered objective pursuant to art. 7 law 604 of 1966.

The same article 14 establishes that in case of dismissal for a justified objective reason between 23 February and 17 March 2020, the employer can revoke the withdrawal at any time provided that at the same time he requests the application of the lay-off in derogation starting from the dismissal effective date, in which case the employment relationship is considered restored without interruption.

H) EMERGENCY INCOME

Article 19 establishes, from May 2020, the so-called emergency income. It is recognized for households that meet the following requirements cumulatively:

- residence in Italy;
- value of family income, in the months preceding the request for disbursement of the benefit, not exceeding the amount of the benefit itself;
- the value of the family movable assets of 2019 lower than € 10,000.00 increased by € 5,000.00 for each component subsequent to the first and up to a maximum of € 2,000.00;
- indicator value of the equivalent economic situation less than € 1,500.00.

Article. 22 introduces new allowances for workers damaged by the covid epidemic emergency 19. In particular, the allowances already foreseen for the month of March are also paid to the beneficiaries for the month of April. For workers with VAT, in the event of a proven reduction of at least 33% of the

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income for the second two months of 2020 compared to the income for the second two months of 2019, an allowance of € 1,000.00 is recognized; the same allowance is recognized to holders of continuous coordinated collaboration in the event that these relationships ceased before the new Legislative Decree came into force or have a deadline prior to December 31, 2020.

For the months of April and May, an allowance of € 600.00 is recognized for:

- seasonal employees other than the tourism sector and spas;
- intermittent workers;
- self-employed workers without p. as long as they are not registered in compulsory social security forms;
- workers in charge of home sales.

I) COMPANY AND TERRITORIAL TRADE UNION AGREEMENTS

Article 27 introduces the possibility of signing collective labor contracts at company or territorial level by comparatively more representative workers' associations at national level or by their trade union representatives operating in the company, aimed at realizing specific agreements, effective for all workers concerned, in order to remodel working hours for changed organizational and production needs of the company, with which parts of the working time are aimed at training courses.

L) NASPI - DIS COLL - ADDITIONAL CONTRIBUTION

Article 32 establishes an extension for another two months for the tutors of the Naspi and Dis-coll allowance expiring on 30 April 2020.

Article 33 exempts the employer from paying the additional contribution referred to in paragraph 2 art. 3 law n. 87 of 2018 in the event of renewal of fixed-term contracts by 31 August 2020.

Article 34 recognizes the possibility for those who use social safety nets or Naspi, without suffering the loss of these economic benefits, to enter into forward contracts with employers in the agricultural sector not exceeding 30 days, and renewable for further 30 days.

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