

## CERTIFICATE IN PRIVATE PLACES OF EMPLOYMENT

Law no. 165 of 19 November 2021 converting decree law no. 127/2021 – which concerns, inter alia, the use of the digital Covid certificate in private places of employment – has been published in the Italian Official Journal.

### Main new rules



**A hard copy of the digital Covid certificate may be delivered to the employer:**

- Workers may ask that a copy of their digital Covid certificate be delivered to their employer.
- Workers who deliver a copy of their digital Covid certificate will not be subject to controls by the employer throughout the term of validity of the Certificate.
- The Italian Data Protection Authority pointed out a number of issues in this connection. Further clarification is awaited.



**What happens if the certificate expires during working hours:**

- The Covid certificate must be valid when the worker first enters the premises.
- If validity of the certificate expires during the working hours, the workers will not suffer administrative or disciplinary sanctions.
- The worker will be allowed on work premises «*solely for the time necessary to complete his or her work shift*».



**Leased staff**

- The Covid certificate of leased staff may only be checked by the company using their services.
- The staff leasing company will have to inform workers of the rules concerning the digital Covid certificate.



**Replacement of a worker without digital Covid certificate**

- The legislation for companies with more than 15 employees has remained unchanged.
- Instead, companies with less than 15 employees may suspend and replace a worker without his or her digital Covid certificate after five days of absence, throughout the term of the replacement contract.
- The replacement contract will have a duration not exceeding 10 «*working*» days (under the old rules it was 10 «*calendar*» days).
- The replacement contract may be renewed repeatedly (under the old rules it could only be renewed once).
- The suspended worker will not suffer disciplinary repercussions and will not lose his or her employment.
- The new rules confirmed that the term of the replacement contract may not be extended beyond 31 December 2021.



**Information campaigns**

- Employers may promote information and awareness campaigns on the need for and importance of the Covid-19 vaccination.
- «*Information campaigns are designed to protect employees' health and to combat the spreading of the SARS-CoV-2 infection at work*».
- To this end, employers rely on the Occupational Health and Safety Doctor.