

Starting from 15 October 2021, all private and public workers and the self-employed working in Italy will have to possess, and exhibit upon request, a Green Pass in order to access their place of work.

This new measure was first officially announced by the Italian government on 16 September 2021 and the text of the law decree ("**Law Decree**") is expected to be published in the Official Journal shortly. The Law Decree will come into force either on the date of publication or on the following date (as specified in the Law Decree).

A Green Pass is a certificate in digital and printable format, issued by the Italian Ministry of Health's national platform, which contains a QR Code through which it is possible to verify its authenticity and validity. The Italian Green Pass is one of the EU digital COVID-19 certificates provided for in EU Regulation 2021/953 that came into force on 1 July 2021.

In particular, the Green Pass is issued to the following categories of persons:

- those who have had a COVID-19 vaccine. For persons who have completed the vaccination cycle, the Green Pass is valid for one year from the date of the last administration;
- those who have tested negative to a molecular or rapid antigenic COVID-19 test, respectively within 72 and 48 hours;
- those who have recovered from COVID-19 in the previous six months.

All workers, both public and private, are affected by the new measure, which also applies to all persons who carry out training or voluntary work.

A limited number of exceptions are provided. The Green Pass requirement does not apply to certain categories of workers, including individuals exempt from the COVID-19 vaccine programme who are in possession of appropriate medical certification.

Private workers who do not have a Green Pass or who are unable to produce one when accessing the workplace will be considered absent, and therefore suspended, with no right to compensation, nor to any other type of remuneration or emolument, until they obtain a valid Green Pass.

Nevertheless, suspension of workers cannot lead to dismissal. Indeed, no disciplinary sanctions can be imposed upon workers and their job retention rights are maintained.



By 15 October 2021, employers are required to:

- define operating procedures for the organization of checks, including spot-checks. According to the Law Decree, a further decree will be issued by the Prime Minister which will provide for guidelines regulating how to carry out verifications on workers' Green Passes;
- identify the persons in charge of checking on workers' Green Passes before accessing the workplace and reporting violations.

From 15 October 2021 to 31 December 2021, employers must verify that each worker has the required Green Pass. Failure to exhibit a valid Green Pass must be reported to the competent authorities (*Prefetto*).

In case of breach of the provisions set forth by the Law Decree, both employers and workers may be fined by the competent authorities with the following penalties:

- fines from EUR 600 and EUR 1,500 for workers who access their workplace without a Green Pass;
- fines from EUR 400 up to EUR 1,000 for employers who have not put in place the verification procedures required by law.

A specific procedure, aimed at allowing small companies (with less than 15 workers) to temporarily replace their suspended workers, has been established. For these workers, the suspension from work is not immediate, but it is triggered by the fifth day of non-presentation of the Green Pass. Employers may enter into temporary contracts to replace the suspended workers for a maximum of 10 days. The suspension is effective for the same duration as the replacement contract, and, in any case, no later than 31 December 2021.

Upon publication of the Law Decree, the above rules will be valid until 31 December 2021, which is the scheduled date of the end of the state of emergency.

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