

**Common regulatory protocol for containing the spread of COVID-19 in worksites**

The Minister of Infrastructure and Transport shares with the Ministry of Labour and Social Policy, ANCI, UPI, Anas S.p.A., RFI, ANCE, Alleanza delle Cooperative, Feneal Uil, Filca - CISL and Fillea CGIL the following:

**COMMON REGULATORY PROTOCOL FOR CONTAINING THE SPREAD OF  
COVID-19 IN WORKSITES**

On 14 March 2020, the Regulatory Protocol to combat and contain the spread of the COVID-19 virus in the workplace (hereinafter the "*Protocol*"), covering all production sectors, was adopted, whose content was supplemented on 24 April 2020, and to whose provisions this Protocol refers in full. In addition, the forecasts in this Protocol are sector-specific compared to the general forecasts set forth in the Protocol of 14 March 2020, as supplemented by the following Protocol of 24 April 2020.

Given the validity of the provisions contained in the aforementioned Protocol, which are of a general nature for all categories, and in particular for the public works and construction sectors, it was decided to define further measures.

The objective of this common regulatory protocol is to provide operational guidance aimed at increasing the effectiveness of the precautionary containment measures adopted to combat the COVID-19 epidemic on worksites. COVID-19 represents, in fact, a generic biological risk, for which the same measures must be adopted for the whole population.

This protocol therefore lays down measures that follow the logic of precaution and follow and implement the prescriptions of the legislator and the indications of the Health Authority. These measures apply also to the owners of the worksite and to all subcontractors and sub-suppliers working within the same worksite.

With reference to the Decree of the President of the Council of Ministers of 11 March 2020, point 7, limited to the period of the emergency due to the COVID-19, employers may, with reference to the provisions set forth in the National Collective Labour Agreements and thus favouring agreements with trade union representatives:

- implement the maximum use by companies of smart working methods for site support activities that can be carried out from home or remotely;
- suspend those works that can be carried out through a reorganization of the phases carried out at a later date without compromising the works carried out;
- ensure a rostering plan for employees dedicated to production with the aim of reducing contacts as much as possible and creating autonomous, distinct and recognizable groups;
- use as a priority the social shock absorbers available in compliance with the contractual institutions generally aimed at allowing employees to abstain from work without loss of pay;
- encourage accrued holidays and paid leave for employees as well as the other instruments provided for by current legislation and collective bargaining for site support activities;
- all national and international travel/work trips are suspended and cancelled, even if already agreed or organised.
- the movements inside and outside the site are limited as much as possible, limiting access to the common areas also through the reorganisation of the works and times of the site.

Distance working continues to be favoured even in the phase of progressive reactivation of work as a useful and modular prevention tool, without prejudice to the need for the employer to guarantee adequate support conditions for the worker and his/her activity (assistance in the use of equipment, modulation of working times and breaks).

It is necessary to comply with the social distancing, also through a remodulation of the work spaces, compatibly with the nature of the production processes and the size of the

site. In the case of workers who do not need special tools and/or work equipment and who can work alone, such workers could, for the transitional period, be positioned in carved out spaces.

For premises where more than one worker is working at the same time, it will be possible to adopt anti-contagion safety protocols and, where it is not possible in relation to the work to be carried out, to respect the interpersonal distance of one metre as the main containment measure, individual protection instruments shall be used. The coordinator for safety in the execution of the works, where appointed pursuant to Legislative Decree No. 81 of 9 April 2008, shall supplement the Safety and Coordination Plan and the related cost estimate. The clients, through the safety coordinators, ensure that anti-contagion safety measures are adopted within the worksites.

The articulation of work can be redefined with different working hours so as to facilitate social distancing by reducing the number of simultaneous presences in the workplace and preventing gatherings at the entrance and exit with flexible working hours.

It is essential to avoid social aggregations also in relation to commuting, with particular reference to the use of public transport. For this reason, forms of transport to the workplace should be encouraged with adequate distancing between travellers as well the use of private transport or shuttles.

In addition to the provisions of the Decree of the President of the Council of Ministers of 11 March 2020, employers shall adopt this regulatory protocol within the worksite, applying, in order to protect the health of the people present within the worksite and to guarantee the healthiness of the working environment, the additional precautionary measures listed below - to be supplemented, if necessary, with other equivalent or more forceful measures according to the type, location and characteristics of the worksite, after consulting the coordinator for the execution of the works where appointed, the company trade union representatives/company trade union organisations and the territorially competent RLST.

## 1-INFORMATION

The employer, also with the help of the Unified Bilateral Training and Construction Safety Authority, therefore through the most suitable and effective methods, informs all workers and anyone who enters the site about the provisions of the Authorities, delivering and/or posting at the entrance of the site and in the most frequented places special visible signs that indicate the correct behaviour.

In particular, the information concerns the following obligations:

- before entering the worksite, the personnel must be subjected to body temperature control. If this temperature exceeds 37.5°, access to the worksite shall not be allowed. Persons in this status – in compliance with the instructions given in the footnote<sup>1</sup> – shall be temporarily isolated and provided with masks, they shall not have to go to the Emergency Room and/or to the infirmaries, but they shall contact their own doctor as soon as possible and follow his indications or, in any case, the Health Authority;
- the awareness and acceptance of the fact that they cannot enter or remain at the construction site and of having to declare it promptly if, even after entry, dangerous conditions exist (flu symptoms, temperature, origin from areas at risk or contact with people tested positive for the virus in the previous 14 days, etc.) in which the Authority's measures require them to inform the family doctor and the Health Authority and to remain at home;

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<sup>1</sup> The real time detection of body temperature constitutes a processing of personal data and, therefore, must take place in compliance with the privacy regulations in force. For this purpose, it is suggested to: 1) detect at temperature and not record the relevant data. It is possible to identify the person concerned and record the exceeding of the temperature threshold only if it is necessary to document the reasons that prevented access to company premises; 2) provide information on the processing of personal data. Please note that the information notice may omit information already in the possession of the data subject and may also be provided orally. With regard to the contents of the information notice, with reference to the purpose of the processing, prevention from COVID-19 contagion may be indicated and with reference to the legal basis, the implementation of the anti-contagion security protocols pursuant to article 1, no. 7, letter d) of the Decree of the President of the Council of Ministers of 11 March 2020 may be indicated and with reference to the duration of any data storage, reference may be made to the end of the state of emergency; 3) define the appropriate security and organisational measures to protect the data. In particular, from an organisational standpoint, it is necessary to identify the persons in charge for the processing and provide them with the necessary instructions. To this end, please note that the data may be processed exclusively for purposes of prevention from infection by COVID-19 and must not be disclosed or communicated to third parties beyond the specific regulatory provisions (e.g. in case of request by the Health Authority for the reconstruction of the supply chain of any “close contacts of a worker who tested positive to COVID-19”); 4) in case of temporary isolation due to the exceeding of the temperature threshold, ensure procedures to guarantee the confidentiality and dignity of the worker. These safeguards must also be ensured in the event that the worker informs the office responsible for personnel that he or she has had, outside the company context, contact with people who have tested positive for COVID-19 and in the case of removal of the worker who develops fever and symptoms of respiratory infection and his or her colleagues during work

- the commitment to comply with all the provisions of the Authority and the employer in accessing the site (in particular: to maintain a safe distance, to use the personal protective equipment provided during work that does not allow to respect the interpersonal distancing of one meter and to behave correctly in terms of hygiene);
- the commitment to promptly and responsibly inform the employer of the presence of any flu symptoms during work performance, taking care to remain at an adequate distance from the persons on site;
- the employer's obligation to inform the staff in advance, and those who intend to enter the site, of the foreclosure of access to those who, in the last 14 days, have had contact with people who have tested positive for COVID-19 or come from risk areas according to WHO guidelines;
- for these cases, reference is made to article. 1, letters h) and i) of Decree-Law No. 6 of 23 February 2020.

## 2. ACCESS MODALITIES OF EXTERNAL SUPPLIERS TO THE WORKSITES

- For the access of external suppliers, entry, transit and exit procedures must be identified, using predefined methods, routes and timing, in order to reduce the opportunities for contact with the personnel present on site, with integration in the appendix in the Security and Coordination Plan;
- If possible, the drivers of the means of transport must remain on board their own vehicles: access to the closed common premises of the construction site is not allowed for any reason. For the necessary preparation of loading and unloading activities, the haulier must comply with the strict minimum distance of one metre;
- For suppliers/transporters and/or other external personnel, dedicated toilets shall be identified/installed, the use of those of employees shall be prohibited and adequate daily cleaning shall be ensured;
- Whenever there is a transport service organised by the employer to reach the worksite, the safety of workers must be guaranteed and respected along each movement, if necessary by using a greater number of means and/or by providing for entry and exit from the worksite with flexible and staggered hours or by recognizing temporary increases in specific compensation, as per collective bargaining, for the use of their own means of transport. In any case, it is necessary

to ensure that the door and window handles, steering wheel, gearbox, etc. are cleaned with specific detergents while maintaining proper ventilation inside the vehicle.

### 3. CLEANING AND SANITATION ON SITE

- The employer ensures the daily cleaning and periodic sanitization of the changing rooms and common areas by restricting access to these places at the same time; for the purposes of cleaning and sanitization must also include the means of work with the relevant driver's or pilot's cabins. The same applies to service cars and rental cars and to work vehicles such as cranes and vehicles operating on site;
- The employer verifies the correct cleaning of individual work tools preventing their mixed use, also providing specific detergent and making it available on site both before, during and at the end of the work;
- The employer must verify that all the housings and all the rooms, including those outside the worksite but used for this purpose, have been sanitized, as well as the means of work after each use, present in the worksite and in the private external structures always used for the purposes of the worksite;
- In the case of the presence of a person tested positive for COVID-19, the premises, housings and equipment shall be cleaned and sanitised in accordance with the provisions of Circular No. 5443 of 22 February 2020 of the Ministry of Health and, where necessary, ventilated.
- The periodicity of the sanitation shall be established by the employer in relation to the characteristics and uses of the premises and means of transport, after consulting the competent company doctor and the prevention and protection service manager, the workers' safety representatives (RLS or RSLT territorially competent);
- In companies that carry out cleaning and sanitization operations, specific intervention protocols must be defined in agreement with the workers' safety representatives (RLS or RSLT territorially competent);
- Operators carrying out cleaning and sanitising work must be equipped with all clothing and personal protective equipment;
- Sanitization actions must include activities performed using products with the characteristics referred to in Circular No. 5443 of 22 February 2020 of the Ministry of Health.

#### 4. PERSONAL HYGIENE PRECAUTIONS

- It is mandatory that the people present in the company take all hygiene precautions, in particular ensuring the frequent and thorough washing of hands, even during the execution of the work;
- The employer, for this purpose, provides suitable hand cleaning equipment.

#### 5. PERSONAL PROTECTIVE EQUIPMENT

- The adoption of the hygiene measures and personal protective equipment indicated in this Regulatory Protocol is of fundamental importance but, given the actual emergency situation, it is clearly linked to the availability of the aforementioned equipment on the market;
- The masks must be used in accordance with the indications of the World Health Organization;
- Given the emergency situation, in the event of supply difficulties and for the sole purpose of avoiding the spread of the virus, masks may be used whose type corresponds to the indications of the Health Authority and the coordinator for the execution of the work where appointed pursuant to Legislative Decree No. 81 of 9 April 2008;
- The company's preparation of the detergent liquid according to the WHO guidelines is encouraged ([https://www.who.int/gpsc/5may/Guide to Local Production.pdf](https://www.who.int/gpsc/5may/Guide%20to%20Local%20Production.pdf));
- If the work to be carried out on site requires working at an interpersonal distance of less than one meter and other organizational solutions are not possible, the use of masks and other protective devices (gloves, goggles, overalls, earmuffs, etc. ...) in accordance with the provisions of the Scientific and Health Authorities; in such cases, in the absence of suitable personal protective equipment, the work must be suspended with recourse, if necessary, to the Ordinary Redundancy Fund (CIGO) pursuant to Decree-Law No. 18 of 17 March 2020, for the time strictly necessary to find the appropriate personal protective equipment;
- The coordinator for the execution of the works, where appointed pursuant to Legislative Decree No. 81 of 9 April 2008, shall integrate the Safety and Coordination Plan and the related cost estimate with all the devices deemed

necessary; the coordinator for safety during the design phase, with the involvement of the RLS or, where not present, the RLST, shall align the design of the worksite to the measures contained in this protocol, ensuring its concrete implementation;

- The employer shall provide for the renewal of work clothing to all workers, providing for the distribution to all workers involved in the work of all personal protective equipment, including disposable overalls;
- The employer makes sure that in every large construction site for the number of employees (more than 250 units) there is a health service and, where mandatory, the appropriate medical service and first aid; for all other worksites, these activities are carried out by first aid workers, already appointed, after adequate training and provision of the necessary equipment with regard to measures to contain the spread of the COVID-19 virus.

#### 6. MANAGEMENT OF COMMON AREAS (CANTEEN, CHANGING ROOMS)

- Access to the common areas, including canteens and changing rooms, is restricted to a limited number of people, with the provision of continuous ventilation of the premises, a reduced amount of time spent in these areas and the maintenance of a safety distance of 1 metre between the people occupying them; in the case of activities that do not require the use of changing rooms, it is preferable not to use them in order to avoid contact between workers; in the case of compulsory use, the coordinator for the execution of the work, if appointed in accordance with Legislative Decree No. 81 of 9 April 2008, provides in this regard to integrate the Safety and Coordination Plan also through a shift of workers compatible with the work to be performed;
- The employer provides for the sanitation at least daily and the organization of the canteen and changing rooms in order to leave in the workers' availability places for the storage of work clothes and to guarantee them suitable hygienic and sanitary conditions.
- It is necessary to guarantee periodic sanitization and daily cleaning with special detergents also of the keyboards of the beverage vending machines.

#### 7. SITE ORGANIZATION (ROSTERING, REMODULATION OF THE WORK SCHEDULE)



- With reference to the Decree of the President of the Council of Ministers of 11 March 2020, point 7, limited to the period of the emergency due to the COVID-19, companies may, with reference to the provisions of the national collective bargaining agreements and thus favouring agreements with the company's trade union representatives, or territorial representatives of the category, order the reorganisation of the worksite and the work schedule, also through the rostering of workers with the aim of reducing contacts, creating autonomous, distinct and recognisable groups and allowing a different articulation of the worksite's opening, stopping and exit times.

#### 8. MANAGEMENT OF A SYMPTOMATIC PERSON ON SITE

- In the event that a person on site develops a fever with a temperature above 37.5° and symptoms of respiratory infection such as coughing, such a person must immediately declare to the employer or site manager that he or she must proceed with his or her isolation in accordance with the provisions of the Health Authority and the coordinator for the execution of the works where appointed in accordance with Legislative Decree No. 81 of 9 April 2008 and immediately notify the competent Health Authorities and the emergency numbers for COVID-19 provided by the Region or the Ministry of Health;
- The employer cooperates with the Health Authorities to identify any "*close contacts*" of a person on site who has been tested positive for the COVID-19 swab. The purpose of the foregoing is to allow the Authorities to apply the necessary and appropriate quarantine measures. During the period of the investigation, the employer may demand any possible close contacts to cautiously leave the construction site according to the indications of the Health Authority.

#### 9. HEALTH SURVEILLANCE/COMPETENT DOCTOR/RLS or RLST

- Health surveillance must continue in compliance with the hygienic measures outlined by the Ministry of Health (so-called decalogue):
- In this period, priority should be given to preventive visits, visits on request and visits to return from illness;
- Periodic health surveillance should not be interrupted, because it represents a further preventive measure of a general nature: both because it can intercept

possible cases and suspicious symptoms of contagion, and for the information and training that the competent doctor can provide to the workers in order to avoid the spread of the contagion;

- In supplementing and proposing all regulatory measures related to the COVID-19, the competent doctor cooperates with the employer and the RLS/RLST as well as with the site manager and the coordinator for the execution of the works where appointed pursuant to Legislative Decree No. 81 of 9 April 2008;
- The competent doctor reports to the employer situations of particular fragility and current or past pathologies of the employees and the employer provides for their protection in the respect of privacy; the competent doctor shall apply the indications provided by the Health Authorities.

#### 10. UPDATING OF THE REGULATORY PROTOCOL

- A Committee for the application and verification of the provisions of the regulatory protocol is being set up with the participation of the company trade union representatives and the RLS;
- Where, due to the particular type of worksite and the system of trade union relations, there is no need to set up committees for individual worksites, a Territorial Committee shall be set up, composed of the Joint Health and Safety Bodies, where constituted, with the involvement of the RLST and representatives of the social parties;
- Committees for the purposes of the Protocol may be set up, at a territorial or sectoral level, upon the initiative of the signatories of this Protocol, also with the involvement of local health authorities and other institutional bodies involved in initiatives to combat the spread of COVID-19;
- It should be noted that, nonetheless, the inspection functions of the INAIL and the Single Agency for Labour Inspections, "National Labour Inspectorate", remain unchanged and that, in exceptional cases, the intervention of Local Police officers may be required.

TIPIFICATION, WITH REGARD TO WORKSITE ACTIVITIES, OF THE  
HYPOTHESIS OF DEBTOR'S LIABILITY EXEMPTION, ALSO WITH REGARD TO

## THE APPLICATION OF POSSIBLE FORFEITURES OR PENALTIES CONNECTED TO DELAYED OR OMITTED FULFILMENTS

The following hypotheses represent a typification, related to the worksite activities, of the general provision set forth in article 91 of Decree-Law No. 18 of 17 March 2020, according to which compliance with the containment measures adopted to combat the COVID-19 outbreak is always assessed for the purpose of excluding, pursuant to and for the purposes of articles 1218 and 1223 of the Italian Civil Code, the debtor's liability, also with regard to the application of any forfeiture or penalties connected with delayed or omitted fulfilments.

1. the work to be carried out on site requires working at an interpersonal distance of less than one metre, other organisational solutions are not possible and there are not enough masks and other personal protective equipment (gloves, glasses, overalls, earmuffs, etc.) in compliance with the provisions of the Scientific and Health Authorities (it is documented that the order for the personal protective equipment has been placed and that it has not been delivered on time): consequent suspension of the work;
2. access to the common areas, for example canteens, cannot be limited, with the provision of a continuous ventilation of the premises, a reduced time of rest within these spaces and with the maintenance of a safety distance of 1 meter between the people occupying them; it is not possible to ensure the canteen service in any other way due to the absence, in the surroundings of the site, of commercial establishments, where to eat the meal, it is not possible to use a packed hot meal, to be consumed maintaining the specific distances: consequent suspension of the work;
3. case of a worker who is found to be affected by COVID-19; need to quarantine all workers who have come into contact with the infected colleague; it is not possible to reorganize the site and the work schedule: consequent suspension of work;
4. where there is a workers' overnight stay and the dormitory does not have the minimum security features required and/or other organizational solutions are not possible, due to lack of available accommodation facilities: consequent suspension of work;

5. unavailability of materials, means, equipment and workers functional to the specific activities of the site: consequent suspension of work.

The recurrence of the above hypotheses must be certified by the coordinator for safety in the execution of the work who has drawn up the supplement to the Safety and Coordination Plan.

**NOTE:** it should be noted that the typification of the hypotheses should be intended as merely illustrative and not exhaustive.

These guidelines are automatically supplemented or modified in the field of health protection on the basis of indications or determinations taken by the Ministry of Health and the World Health Organization in relation to the COVID-19 contagion modality.