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Factsheet for case IT-2020-10/221

Measures to simplify the adoption of smart working regime

Factsheet generated on 23 April 2020, 12:12

Country	Italy, applies nationwide
Time period	Temporary, 04 March 2020 - 31 July 2020
Type	Legislation or other statutory regulation
Category	Change of work arrangements to ensure business continuity – Other (Allowing companies to carry out their business while social distancing measures are in place)
Case created	31 March 2020 (updated 22 April 2020)

Background Information

The Government, via the Prime Minister's Decree of 4 March 2020, simplified the conditions to apply the smart working regime (lavoro agile) to the workforce. The goal is to encourage companies to employ this job scheme to assure, when possible, business continuity.

In particular, Article 1, lett. n) of the Decree authorizes the adoption of the smart working regime without executing, with the employees, the individual agreement required by the law in normal conditions. This individual agreement contains, in general, significant dispositions steering the performance under the smart working regime, like the rules implementing the right to disconnect. Moreover, Article 1, lett. n) specifies that the informative obligations bearing on the employer according to Law No. 81 of 2017 can be fulfilled, while the measure is into force, through electronic communications.

The measure concerns all the employers, regardless their dimension or sector, and is meant to remain in power until 31 July 2020 (day in which the six-month state of emergency declared by the Government on 31 January 2020 will expire).

Furthermore, this measure affects only employees, since smart working is not applicable to other categories of workers (for instance collaborators, self-employed etc.).

Social partners, finally, have not been involved in the preparatory works of this measure.

Content of measure

Article 1, lett. n) of the Prime Minister's Decree of 4 March 2020 authorizes the adoption of the smart working regime without executing, with the employees, the individual agreement required by the law in normal conditions. This individual agreement contains, in general, significant dispositions steering the performance under the smart working regime, like the rules implementing the right to disconnect. Moreover, Article 1, lett. n) specifies that the informative obligations bearing on the employer according to Law No. 81 of 2017 can be fulfilled, while the measure is into force, through electronic communications.

All the workers that can realize their performance working remotely are eligible, provided that the employer wants to activate this scheme.

Use of measure

No data are already available on the impact of the measure.

Actors, target groups and funding

Actors	Target groups	Funding
National government Company / Companies	employees All companies	No special funding required

Social partners

Role of social partners	No involvement
Form of involvement	No involvement

Main employer's and workers' organisations welcomed the measure.

Social partners have not been involved in the preparatory works of this measure.

Sectors and occupations

This case is not sector-specific.

This case is not occupation-specific.

Sources

- 04 March 2020: Prime Minister's Decree of 4 March 2020 (www.governo.it)
- 04 March 2020: Smart working - Ministero del Lavoro (www.lavoro.gov.it)