

DL Green Pass 127/2021

Green certification in
the workplace



Extension of the Green Pass for entry to the workplace

In the law decree in art. 3 it is established that: from 15 October 2021 and until 31 December 2021, the deadline for the end of the state of emergency, anyone who works in the private sector is obliged to access the places where the aforementioned activity is carried out, to possess and exhibit the COVID-19 green certification upon request.

SCOPE OF THE OBLIGATION


The obligation to possess and exhibit the Green Pass applies to anyone who carries out, in the workplace in question, any work or training or voluntary activity, also on the basis of external contracts (employees, self-employed workers, occasional collaborators, suppliers of goods or services, interns etc.).

GREEN PASS



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EXEMPTIONS

The provisions on the Green Pass do not apply to subjects exempt from the vaccination campaign on the basis of suitable medical certification issued according to the criteria defined in the circular of the Ministry of Health. 

CHECKS - what must the Employer do?

The employers:

1. are required to verify compliance with the Green Pass obligations for entry into the workplace;
2. by October 15, they define the operating procedures for organizing checks, including random checks, providing priority, where possible, that such checks are carried out at the time of access to the workplace;
3. will identify with a formal deed, the persons in charge of ascertaining breaches of obligations.

Verification is entrusted to the "Verification C19" app developed by the Ministry of Health and will take place (subject to regulatory developments) via smartphone.

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PENALTIES - What are the consequences for workers and employers in the event of a lack of Green Pass?

WORKERS

If workers report that they are not in possession of the COVID-19 green certification or if they do not have the aforementioned certification at the time of access to the workplace:

1. are considered unjustified absent until the presentation of the Green Pass and in any case no later than 31 December 2021, without disciplinary consequences and with the right to retain the employment relationship.
2. For the days of unjustified absence, no salary or other remuneration or emolument, however called, is due.
3. There are fines of between 600 and 1,500 euros for workers caught in the workplace without a Green Pass (+ disciplinary consequences). The amounts can be doubled in the event of repeated violations.

EMPLOYERS

For employers, in the case of suspension of the worker who does not have the Green Pass: if they do not verify compliance with the rules or have not prepared the correct methods of verification, a pecuniary administrative sanction of between 400 and 1,000 euros is envisaged (which can be doubled in the case of repeated violations).

IN THE CASE OF COMPANIES WITH LESS THAN 15 EMPLOYEES:

The employer can order the suspension after the 5th day of unjustified absence; The employer can replace the worker without a Green Pass. In this case, the suspension has a duration equal to that of the contract stipulated for the replacement, cannot exceed the duration of 10 days, renewable only once and must be carried out by the deadline of 31 December 2021.

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HOW TO GET THE GREEN PASS

COVID-19 green certifications are issued in order to certify one of the following conditions:

- vaccination occurred at the end of the prescribed cycle. The validity is 12 months from the completion of the vaccination cycle (second dose or single dose).
- vaccination occurred, first dose of vaccine. The validity starts from the 15th day following the administration until the date scheduled for the completion of the vaccination cycle.
- healing from COVID-19, with simultaneous cessation of the prescribed isolation following infection
- performing a rapid or molecular antigen test with negative results.



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DURATION OF COVID GREEN CERTIFICATIONS

For people who have completed the vaccination cycle, the green certificate is valid for one year from the date of the last administration. The law decree also specifies that citizens who tested positive for Covid after the 14th day from the administration of the first dose of vaccine, as well as following the prescribed cycle, the Green pass is valid for one year from the date of healing.

TESTS

Tests will be free only for frail people ("... citizens with disabilities or in frail conditions who cannot carry out the anti-SARS-CoV-2 vaccination due to certified impediments, as well as for subjects exempt from the vaccination campaign on the basis of suitable medical certification issued according to the criteria defined in the Circular of the Minister of Health, a Fund for the free of charge of tampons is established in the estimate of the Ministry of Health ") The controlled price for rapid tests in partner pharmacies has been extended from 30 September to 31 December 2021 (€ 15, instead of € 22, for adults and € 8 from 12 to 18 years).

