



EMECs Country report

Italy

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Introduction

This report was produced as part of the ‘European market environment in the construction sector - Enhancing the free movement of posted workers in EU’ project (EMECs), co-funded by the European Commission, and addressing the impact of the COVID-19 pandemic on mobility, working conditions and social protection of posted workers in the construction sector.

By means of a set of research and mutual learning activities, the project aims at delivering proposals to better support posted workers in case of future pandemics.

The report is part of a series addressing the different countries covered by the project, namely: Germany, Italy, Spain, Poland, Portugal, and Romania.

The study combines desk research with interviews to stakeholders to provide a sound background information for the rollout of the project.

More specifically, following a common questionnaire, the report departs from contextual information, addressing measures restricting free movement of workers and production, to detail: the actual impact of the pandemic on posting as per available figures and evidences; problems encountered by companies involved in posting (e.g. in arranging mobility of workers or in providing adequate accommodation); problems encountered by posted workers (e.g. remaining blocked in the host country or facing difficulties in accessing social benefits and aids); evidences of COVID-19 outbreaks in construction sites, including related information on geographical areas affected and involvement of posted workers.

The Annex provides the list of interviewees referred in the text.

Contextual information

Italy was the first EU country hit by COVID-19 and to introduce significant restrictions to economic activities and movements meant to reduce the circulation of the disease.

Starting from February 2020, after the declaration of the state of emergency (31 January 2020), health controls were improved in airports and harbours.

On 23 February 2020, restrictions on movements from/to municipalities in Northern Italy performing surges of cases were introduced. Restrictions applied to all ‘residents or domiciled, even as a matter of fact’ in the listed municipalities. Most economic activities were suspended and so did activities of transport of passengers and goods.

On 9 March 2020, restrictions to movements between different municipalities were introduced at national level, followed by the obligation to justify movements also within municipalities, via written declarations.

On 17 March 2020, the Ministry of Infrastructure and Transport, in agreement with the Ministry of Health, decided to make entry in the country conditional upon a notification to the prevention department of the Local Health authorities (ASL), and to a 14 day long period of isolation and health surveillance, with the obligation to notify any symptoms via dedicated phone numbers (Ministerial Decree no. 120 of 17 March 2020).

An exception to isolation and health surveillance was entailed upon notification the entry was solely for work reason and limited to 72 hours (with a possible extension by additional 48 hours)¹.

On 18 March 2020, cross-border workers were exempted from the scope of the abovementioned decree (Ministerial Decree no. 122 of 18 March 2020).

The validity of these decrees was subsequently prolonged to 17 May², whereas internal restrictions started to lessen with effect from 4 May 2020 (when Italy entered the so-called Phase 2).

The Decree of the President of the Council of Ministers (DPCM) of 17 May 2020³ confirmed existing restrictions to entry to Italy, yet exempting also all citizens and people residing in EU, in the Schengen area, in Andorra, Principate of Monaco, Republic of San Marino, Vatican City, and United Kingdom entering Italy for work reasons as well as 'any movement' from the Republic of San Marino and Vatican City.

The same decree stated that with effect from 3 June 2020 all restrictions to movements from the abovementioned countries were lifted.

Starting from 3 June 2020, restrictions like bans to enter or the 14 day long period of isolation and health surveillance (later reduced to 10 days) were issued only for entrances from States considered at higher risk, with the later adoption and periodical revision of lists subject to different measures (Law Decree no. 33/2020 and DPCM 7 August 2020).

The main measure to monitor flows was the submission of a notification, including among other: contact information, places visited over the previous 14 days, and place of stay in Italy.

Over the summer 2020, modifications were introduced to limit or monitor movement from countries at risk, with the DPCM of 7 August 2020 imposing also a quarantine for people entering from EU and the Schengen area, except if for work reasons, and orders of the Ministry of Health imposing tests also on people entering from EU countries at risk, like Spain, Croatia, Malta and Greece. The obligation to test against COVID-19 was reintroduced during the Christmas holidays for most countries.

A shift in rules concerning international mobility was represented by Law Decree no. 52 of 22 April 2021, that mandated the Ministry of Health to define derogations from obligation to undergo health surveillance and isolation for persons holding a COVID-19 certificate (so-called Green pass), provisions which were first implemented with the Order of 18 June 2021, following also the approval of relevant regulations at EU level.

Entrance to Italy was made subject to the notification⁴, and to the owning of the COVID certificate. The certificate was valid in presence of: vaccination (for the time necessary to complete the cycle or, in case

¹ The exception applied for stays lasting up to 120 hours altogether starting from 15 June 2020.

² DPCM 10 April 2020 also committed flight operators to provide protective masks and municipalities to spread information on protective measures to fight the disease, while detailing such measures in Annex 4.

³ Restrictions were often defined by Decrees of the President of Council of Ministers, especially during the first year of the pandemic, based on law decrees assigning ample powers to the government and to regional authorities in reason of the pandemic and of the need to act urgently.

⁴ Starting from 24 May 2021, the notification was made via the digital EU Passenger Locator form.

of complete vaccination cycle, for 9 months), healing from the disease (for 6 months), negative test (for 48 hours).

As per the revision of deadlines implemented across September and October 2021, the certificate remained valid for 12 months in case of complete vaccination cycle and in case of healing from the disease of a vaccinated person, whereas it lasted 72 hours with a negative molecular test (remaining valid for 48 hours only in case of negative antigen COVID-19 test).

The validity in case of vaccination was brought back to 9 months with effect from 15 December 2021, and further reduced to 6 months with effect from 1 February 2022.

In case of violations, people entering Italy had to undergo isolation for 5 days at the place indicated in the Passenger Locator Form and a COVID-19 test at the end of the period.

Exceptions applied under a number of circumstances, including: transit through Italy for less than 36 hours, short stays due to work reasons (120 hours), entrance from foreign territories not further than 60 km from the borders via private means of transport and with a stay shorter than 48 hours for work reasons, people coming back to their Italian home/domicile/residence located not further than 60 km from the border and having stayed abroad for less than 48 hours, cross-border workers.

Starting from 16 December 2021, people holding a negative COVID-19 test only had to undergo a period of isolation of 5 days in order to enter in Italy, whereas the obligation to test against COVID-19 was reintroduced also for people holding a valid pass (24 hours before entering Italy, 48 in case of molecular test).

These restrictions were gradually lifted starting from February 2022, until their complete abrogation with effect from 1 June 2022.

Albeit several measures suspending or limiting economic activities were introduced, they addressed only marginally the construction sector.

The DPCM 22 March 2020 stopped construction activities among other sectors labelled as 'non essential'. On the other side, civil engineering activities could prosecute as well as some specialised construction works (i.e. installation of electrical and hydraulic machineries).

DPCM 26 April 2020 lifted the stoppage in construction and many other sectors with effect from 4 May 2020. A safety protocol was already entered by the government and social partners on 14 March 2020 to guarantee the prevention and reduction of risk at the workplace and, on 24 April 2020, social partners of the construction sector agreed with the government a further protocol detailing measures to be observed by construction companies.

The impact of restrictions on the posting of workers

The available evidences and data suggest that posting to Italy in the construction sector slowed down in 2020, but started to recover in 2021.

More in detail, according to data from the A1 forms⁵, in 2020 Italy received a number of 87,923 forms for employees posted to the country, and 2,937 for self-employed, for a total of 90,860 forms, down by 47.7% from the 173,727 recorded in 2019 (166,078 when considering employees only). Only 4.8% of the forms concerned construction activities⁶. Unfortunately, sectoral disaggregation is not available for 2019, nor are data available for 2021. Nevertheless, we can infer the reduction affected the construction sector as well by integrating the analysis with further insights from national declarations of postings.

Secondary analysis on data from the declarations provided by the Italian Ministry of Labour and Social Policies to the European Commission via the Portable Document A1 questionnaire shows a sharp fall in the number of persons posted to Italy to 7,694 in 2020, down from the 31,023 persons covered by the 81,020 postings in 2019.

When looking at sectoral data, the number of workers posted in construction activities dropped from 4,413 in 2019 to 825 in 2020, accounting for 14% of the total number of persons posted to Italy in 2019 and for 11% in 2020⁷.

Figures available in the reports of the national observatory on posting based on the same source allow to estimate more in detail changes by sending country and to address later trends⁸.

First of all, the number of postings seems on the rise in 2021. Whereas 98,873 cases have been reported between the 27 December 2016 and the 31 December 2019 (hereinafter: the first period), 34,260 took place in 2020, and 20,077 in the first six months of 2021.

The trend appears steeper when considering the workers affected: 53,206 for the first period, and already 13,480 during the first six months of 2021 (i.e. a 25% rate), showing a recovery from the 7,694 workers posted to Italy in 2020 as declared in the above mentioned A1 questionnaire.

Nevertheless, the recovery seems slightly slower when looking at the construction sector only.

⁵ See: De Wispelaere, F., De Smedt, L., Pacolet, J. (2022), Posting of workers. Report on A1 Portable Documents issued in 2020, Publications Office of the European Union, Luxembourg; De Wispelaere, F., De Smedt, L., Pacolet, J. (2020), Posting of workers. Report on A1 Portable Documents issued in 2019, Publications Office of the European Union, Luxembourg.

⁶ Data on posting from Italy are not available for 2020 nor, for the previous years, are they disaggregated by sector, making it impossible to draw a similar analysis on outgoing flows.

⁷ Dorigatti, L., Pallini, M., Pedersini, R. (2022), Posted workers from and to Italy. Facts and Figures, POSTING.STAT project VS/2020/0499, Leuven; De Wispelaere, F., De Smedt, L., and Pacolet, J. (2021), Posting of workers Collection of data from the prior notification tools. Reference year 2019, Publications Office of the European Union, Luxembourg. Data on the number of postings in 2020 and in the construction sector only are not available.

⁸ Ministero del Lavoro e delle Politiche Sociali (2021), Osservatorio Distacco. I dati; Ministero del Lavoro e delle Politiche Sociali (2020), Osservatorio Distacco. I primi dati.

More in detail, 7,031 workers were sent to in the construction sector from EU-27 countries in the first period⁹, and 1,360 in the first half of 2021 (i.e. a 19% rate), whereas 523 were sent from extra EU countries (including UK) in the first period and 98 in the first six months of 2021 (i.e. 19%).

Considering only the 9 EU-27 countries sending at least 100 workers in the first period, the ones showing a quicker recovery are: Poland (213 posted workers in the first period, and 42 in the first quarter of 2021, i.e. 42%), Austria (333 workers posted in the first period, and 101 in the first quarter of 2021, i.e. 30%), and Slovenia (462 workers posted in the first period, and 134 in the first quarter of 2021, i.e. 29%). Other three EU countries range around a 20% ratio when comparing the first six months of 2021 with the first period (Croatia, 19%, Germany, 20%, Romania, 17%, France, 16%), whereas Spain lags at 13% of the 1,789 workers sent in the first period, and Czech Republic at 5% of the 146 workers posted between 27 December 2016 and the end of 2019. It is worthy to mention Portugal is the only EU country posting more workers in the first half of 2021 (102) than in the first period (4).

The only two extra EU countries overcoming 100 posted workers in the first period, Bosnia Herzegovina and Switzerland, dropped from 150 to 13 (9%) and from 126 to 34 (27%) respectively. Interestingly, UK posted 94 workers in the first period, and only 2, in the first semester of 2021 (2%), probably also in reason of quarantine requirements introduced in UK for people coming back from Italy.

For what concerns the subcategory of posting in the construction sector by temporary work agencies, the recovery seems not there yet, with 867 workers posted by 103 agencies in 1,032 postings in the first period, and 66 workers posted by 9 agencies in 35 postings in the first semester of 2021.

As pointed out during a focus group implemented for the EMEcs project, in line with findings from previous projects led by the organisation coordinating Italian sectoral funds for construction workers (CNCE) and in other studies addressing posting¹⁰, data from the preliminary declarations reflect to a significant extent the different degree of compliance by companies. Therefore, the growth, occurred at a significant pace in the years preceding the pandemic, follows, at least partially, an increased awareness by companies on the new reporting duties.

At the same time, the rate of non compliance is deemed to be still significant. This is confirmed by the huge gap between figures from the compulsory obligations and those from the A1 forms presented above and summarised in the table below. As discussed also in reports comparing these sources at EU level¹¹, there are some important differences in the scope thereof, therefore comparative exercises shall be cautious. Nevertheless, being the latter a compulsory declaration, and considering that an A1 form may be used for consecutive postings, besides being not applicable under several circumstances covered by the Posting of Workers Directive, one could expect postings to be higher under the national declaration tools or at least to be in line between the two sources. Instead, in the case of Italy, taking the 2019 data, postings under the national declaration tools are less than half of those declared via the A1 forms, a

⁹ For the sake of comparison, data concerning UK are subtracted from the total amount available for the first report, and covering EU-28, and added to non EU countries for the same period.

¹⁰ See, among others: Iudicone, F. (ed.) (2022), EU Handbook, YES project, pp. 6-11; available at: <https://yesproject.net/wp-content/uploads/2022/05/YES-Project-EU-Handbook-final.pdf> ; Dorigatti et al., op. cit.; De Wispelaere, F., De Smedt, L., Pacolet, J. (2021), op. cit.

¹¹ See: De Wispelaere, F., De Smedt, L., Pacolet, J. (2021), op. cit.; De Wispelaere, F., De Smedt, L., Pacolet, J. (2022), op. cit.

circumstance which is not unique in EU, yet which was reported especially for smaller countries or for countries hosting overall low numbers of posted workers (like Bulgaria, Cyprus or Portugal).

Table 1. Number of postings and of posted workers to Italy – comparison of data

PERIOD	PD A1 FORMS (EMPLOYEES ONLY)	NATIONAL DECLARATIONS		
	No. of postings	No. of postings	No. of posted workers	No. of posted workers (construction sector only)
2019	166,078	81,020	31,023	4,413
2020	87,923	34,260	7,694	825
2021 (Q1)	N.a.	20,077	13,480	1,458

Our elaboration from: Dorigatti, L., Pallini, M., Pedersini, R. (2022); De Wispelaere, F., De Smedt, L., Pacolet, J. (2022), De Wispelaere, F., De Smedt, L., Pacolet, J. (2020); Ministero del Lavoro e delle Politiche Sociali (2021).

In addition, during the focus group, some directors of the Italian sectoral funds of the construction sector (Casse Edili) stressed that the number of postings in the construction sector available from the national observatory are much above the number of workers declared to the funds, warning against widespread non compliance with the obligation to register and contribute to the Italian Casse Edili¹².

Problems encountered by companies involved in posting

Eurostat indexes on employment and production provides a snapshot on the actual stoppage in construction activities, with a drop in worked hours from 108,4 to 81,4 in the second quarter of 2020, back to 108,7 in the following one (2015=100), and from 109,5 to 31,6 in production between March and April 2020 to mark 105,9 already in July 2020 (2015=100).

Data from declarations on construction workers covered by the Italian sectoral funds (Casse Edili) are in line with these trends¹³. Albeit a drop by 9% in worked hours between 2019 and 2020 is reported, the comparison of the last quarters shows an increase by 3% between 2020 and 2019, the latter in turn considered as an exceptional period for a sizeable increase in production. The number of workers is even more consistent, reaching a 5% increase.

Whereas construction activities could be fully operative already in May 2020, a short tail of the crisis was due, according to some interviewed unionists and OSH experts, to a temporary freeze in private investments, and to the need to reorganise activities pursuant to COVID-19 related measures, tasks requiring some efforts by the many artisanal and micro companies operating in the sector¹⁴. At the same

¹² On the same issue, see also findings from the YES survey on sectoral funds, in: Iudicone, F. (ed.) (2022) (op. cit.), pp. 8-9.

¹³ Carapella, G. (2020), LA PRODUZIONE E L'OCCUPAZIONE IN EDILIZIA NELL'ANNO DELLA PANDEMIA. DATI DELLE 114 CASSE EDILI/EDILCASSE ELABORATI DA CNCE, Osservatorio Statistico Nazionale CNCE, available at: <https://www.cnce.it/wp-content/uploads/2021/12/osservatorio-pandemia-Edilnews-ok-aprile-2021.pdf>.

¹⁴ According to data from the National Institute of Statistics (ASIA Register, 2020), micro-enterprises account for 62% of employees in the sector, against a 44% share in the business economy.

time, as shown also in data from sectoral funds, the freeze of lay-offs and the extension of short time work schemes protected workers, and helped to resume activities after the first peak of the pandemic.

The abovementioned protocol on health and safety of 24 April 2020 imposed, among others, the stoppage of business travels within the country and abroad, even if already planned and organised, strongly disincentivating Italian companies from posting workers abroad due to the peculiar health situation.

Among other measures of the protocol requiring swift changes in work organisation, it is worthy to recall:

- Measurement of health temperatures at the entry and isolation of persons having a temperature higher than 37.5 degrees, to contact their general practitioner or health authorities immediately;
- The possibility to arrange works in shifts or to shift entry and exit times, in a view to reduce personal contacts;
- Reduction of contacts with external carriers, to remain on their means of transport as far as possible and to use different toilets than those available for the staff;
- Incentivise the use of private means of transport or of ad hoc vans in lieu of public transport;
- Adequate distancing in private vans possibly used to reach the construction site, including by increasing the availability of vans by the employer;
- Adoption of information measures, implemented with the help of paritarian institutions;
- Periodical sanitisation of lodgings and of common areas, and cleaning of working tools;
- Provision of adequate materials for hand washing;
- Use of protective masks and eyeglasses whenever work at a distance of 1 meter is impossible, or the suspension of activity with consequent use of short time work schemes whenever this protective equipment is not available on the market;
- Adequate distancing in facilities for night stay whenever provided, and the suspension of activities with consequent activation of short time work schemes whenever this is not possible;
- Limitations to access to canteens and changing rooms in a view to avoid crowding the facilities.

In case of suspect infection, the employer was also required to inform health authorities, and cooperate with them for isolating the concerned person, to identify people in contact with him/her, and arrange their departure from the construction site.

These measures recalled and integrated initial precautionary measures introduced by the Protocol of 14 March 2020.

On the top of the need to adapt to these COVID-19 related prescriptions, during the focus groups some challenges faced by Italian companies operating abroad have emerged.

Some sending companies from the province of Belluno, posting workers to Austria and Switzerland, reported to the local sectoral fund weak coordination between public institutions, with the need to collect pieces of information about conditions applicable in the host country, changes thereof and contacts of relevant authorities by themselves. Uncertainties on restrictions applicable in host countries, and, especially, on possible changes thereof, were mentioned as a powerful limit to posting also by an interviewed unionist.

The sectoral fund from Udine mentioned the experience of some companies creating ‘bubbles’, i.e. restricting contacts between their workers abroad and the outer persons to prevent disease, and this way keep working safely.

Interestingly, a large company sending workers in EU and outside EU stressed how Italian workers posted to Sweden applied the Italian health and safety protocols despite Sweden had not introduced particular emergency measures, thus exporting a good practice. This implied sending masks directly from Italy.

The company also mentioned the need to arrange charter flights to move large construction teams at a time some countries closed the borders (El Salvador in the case at hand), with commercial flights being cancelled; and the use of a smartphone application, authorized by the Italian Labour Inspectorate, to track workers and check the compliance with safety distance. A similar novelty was remarked by an interviewed vocational training school, mentioning interest from the side of companies on using smart watches to the same aim. While wearable devices may have reduced difficulties in adhering some important health prescriptions, these cases embed also concerns for the privacy of workers, and boundaries to the use of control tools.

During the interview with the Regional Office of Friuli Venezia Giulia, having competences over authorization for posting from third countries, it emerged that some works lasted longer than initially expected or, that, following the completion of services, workers could hardly return home as the borders were closed. As a consequence, on an exceptional basis, the office tended to extend permits of stay issued to third country citizens in reason of posting to complete works or whenever they found that workers authorized to be posted for the new activities could not reach Italy due to travel restrictions.

A similar stance was actually taken by the National Institute of Social Security (INPS) for workers covered by Regulation EC 883/2004. In order to take account of the possible need to remain abroad due to the emergency situation, following guidance by the Ministry of Labour and Social Policies, INPS considered as valid A1 forms for posted workers expiring between 31 January 2020 and 31 July 2020 until 31 July 2020, whenever the posted worker is obliged to remain in the host country. Standing on the same premises, it considered as valid A1 forms released before the pandemic emergency for workers active in two or more Member States regardless of compliance with the threshold of performance of 25% of work activities in the Member State of residence for the legislation thereof to apply¹⁵.

Problems encountered by posted workers

During the interviews implemented as part of the EMEcs project, recurrent concerns arose regarding the use of the COVID-19 certificate.

The so-called Green pass, introduced in Italy with effect from 1 July 2021 and necessary, among other, to move between regions, was required to work starting from 15 October 2021. As anticipated, conditions for having the certificate included: (i) having been vaccinated; (ii) having recovered from COVID-19, or (iii) having tested negative against the virus within the previous 48 hours.

¹⁵ Communication of INPS no. 1633 of 15 April 2020.

With effect from 6 December 2021, the latter condition was no longer allowed under the requirement to hold the so-called 'Super Green pass', becoming necessary, among others, to perform work for certain categories, including, starting from 15 February 2022, all workers aged over 50 years. Yet, since EU and Italian health authorities did not authorize the Sputnik vaccine, there were workers regularly vaccinated abroad, including in Central and Eastern Europe, that could not receive the pass.

The expert from the vocational training centre and OSH committee in Bologna stressed this affected also the possibility to take part in compulsory OSH training, as a valid Super Green pass was necessary to attend trainings in presence. The centre had also to cope with cases of fake vaccine certificates, especially in case of workers coming from Albania, and from some Centre Eastern European countries, yet these problems did not have necessarily a cross-border element, as there were as well similar cases reported in Italy, including the use of doubtful certificates of exemption from the obligation to get a vaccine¹⁶.

Workers vaccinated with Sputnik in San Marino could still get the pass, as the government agreed to consider the COVID-19 certificates released by the Republic of San Marino as equivalent to the Italian one. As to other foreign workers having received unauthorized vaccines, in November 2021, the government introduced the possibility to obtain the Super Green pass by receiving a booster dose in Italy with an authorized vaccine¹⁷. In February 2022, the possibility to obtain a Super Green pass with vaccines not authorized in Italy in presence of a negative COVID-19 test with a validity of 48 hours if antigen, and of 72 hours if molecular was also introduced (art. 3 of Law Decree no. 5/2022).

For what concerns access to social security benefits, like benefits in case of disease or quarantine, the interviewed clerk from the Bucharest based patronage of the agricultural and construction federations affiliated to the largest Italian union, CGIL, reported not to have received requests nor complaints by workers trying to access social benefits introduced in the sending/host countries, supposing this was due to the low awareness on the applicable legislation and on steps necessary to access the benefits from abroad. Contacted via e-mail, the national offices of the CGIL patronage also stated not to have received similar complaints by posted workers.

Among other possible problems, some considerations can be inferred from evidences reported for construction workers in general, for those not knowing the Italian language or living far from the area of works.

Departing from possible language obstacles to understanding restrictions and protection measures, most interviewees deemed them limited, thanks to the dissemination of flyers and posters using simple pictures to show the behaviours to keep or, more rarely, available in languages other than Italian.

In terms of the actual protection from the disease, the interviewed expert in safety and health stressed that the usual approach has been to provide masks and sanitizing gels, whereas organisational measures to reduce risks of contagion were not taken duly into account¹⁸.

¹⁶ See also: Ziniti, A. (2021), Furto chiavi per generare Green Pass europei, sul web ne circola uno intestato ad Hitler. E in Italia inchieste su quelli falsi, La Repubblica, 27/10/2021, available at: https://www.repubblica.it/cronaca/2021/10/27/news/green_pass_esenzioni_e_falsi_certificati_medici_inchieste_in_tutta_italia-323869705/.

¹⁷ Communication of the Ministry of Health of 4 November 2021.

¹⁸ Remote working was largely adopted for white-collar workers, in line with legislation strongly backing this option.

This is partially confirmed by an ad-hoc analysis implemented for EMEcs by the National OSH Committee for the construction sector. On the basis of data on the visits in construction sites implemented by local committees, the provisions of the protocol most respected were: provision of information and of flyers (75%), control of body temperature (73.5%), using sanitizing gel (70.5%), and masks (70.3%).

On the contrary, measures concerning contact tracing, shifting of entry/exit times, ensuring distancing in transport places, sanitizing tools and rooms were complied with in 50% or less of cases.

In terms of accommodation arrangements, by means of desk research some agreements were identified at local level meant to ensure availability of adequate lodgings to host construction workers not living in the territory of work, also by entailing joint agreements between sectoral employers' organisations to ensure availability of rooms and meals at an agreed price. Yet, according to interviewed unionists, the implementation was weak, with problems in availability of rooms emerging. If construction activities performed a significant growth, and appropriate facilities were necessary also to prevent disease, this demand had to compete during the summer with peaks in the requests by tourists, fuelled by the preference for close locations or, anyway, for remaining in Italy during the holidays.

There is not particular information available on the delivery of protective equipment to posted workers against COVID-19. Following agreement between social partners, the Italian paritarian complementary health fund for the construction sector (SANEDIL) made masks available to Casse Edili in reason of the number of affiliated companies and workers.

Casse Edili proceeded with the delivery to beneficiaries. In theory, this included workers posted to Italy. Yet, as anticipated in the country paper, it seems posting remains largely undeclared to Casse Edili. In agreement with social partners at local level, Casse Edili also implemented further measures to help workers and companies, including delivery of sanitising gel or gloves, and support in implementing health surveillance.

At national level, key measures concerned the temporary elimination of VAT duty among others on the purchase of masks, vaccines, sanitising gel and tests, as well as a tax credit for the purchase of protective equipment like masks and gloves¹⁹.

Evidences of COVID-19 outbreaks in construction sites

There have not been particular cases of COVID-19 outbreaks in construction sites hitting the news. A newspaper reported about an Italian engineer from the Abruzzi region who got the disease in Romania while working for a large Italian company contracted public works there.

The person was recovered in November 2021 in Romania, following the first symptoms, and was later moved to an hospital in Italy due to the worsening of his health conditions, to die soon after²⁰.

¹⁹ Fiori, D. (ed.) (2021), Covid-19: agevolazioni fiscali per vaccini e DPI, PuntoSicuro, 09/02/2021, available at: <https://www.puntosicuro.it/coronavirus-covid19-C-131/covid-19-agevolazioni-fiscali-per-vaccini-dpi-AR-20829/>.

²⁰ Il messaggero (2021), Covid, ingegnere di Capistrello muore al ritorno dalla Romania. Era all'estero per lavoro, 15/11/2021, available at: https://www.ilmessaggero.it/abruzzo/covid_muore_romania_ingegnere_capistrello-6323017.html.

Looking at official data on workers affiliated to the National Institute for Insurance against Accidents at Work (INAIL), the reported work-related cases of COVID-19 were 131,090 in 2020, and 42,561 in 2021, implying death of the worker in 423 and in 186 cases respectively²¹.

Whereas the construction sector accounted for a marginal share of reported infections (less than 0.7% in 2020 and 1.7% in 2021), it reached 7.2% and 6.6% of deaths in 2020 and in 2021.

Data suggest a possible underreporting of mild cases or the more severe effects of the disease on workers possibly featuring other health problems, including respiratory ones, as suggested by an interviewed unionist. Considering the performance of the health sector, where workers were presumably more sensitive to the topic, and where a link with work activities was assumed by default, the trend was rather the opposite, with 68.8% of cases and 'only' 25.2% of work-related deaths in 2020.

In any case, as remarked by INAIL researchers²², the link between work-related activities and the contraction of the disease proved difficult to establish, especially in sectors and occupations not labelled as 'at high risk', remaining underestimated.

Albeit stressing the spread of the disease among construction workers might have been favoured by the mobility of the sector, with workers coming back home along the country or abroad for holidays, interviewed unionists pointed at underreporting of cases of infections in construction sites. Underreporting seemed more frequent in smaller construction sites, with unions gaining information from workers once the virus had spread, with consequent difficulties for authorities to track the network of contacts. Considering foreign workers account for a large share of employment, it is interesting to underline similar considerations emerge in a study involving researchers from the National Institute of Health comparing administrative data on the disease among non Italian citizens and Italian citizens²³. The study shows how the median date of diagnosis was about 2 weeks later among non Italians, and that the former group reported higher rates of hospitalization, admission to Intensive Care Unit, and death; authors suggesting this might have to do especially with informal barriers to health protection and with the fear of being quarantined, losing the opportunity to work.

During the first wave of the pandemic, late or missed diagnosis seemed influenced also by some uncertainties on the legislation, with employers fearing the unveiling of diseases contracted at work could lead to civil and penal proceeding for infringements of OSH legislation. This risk was later cleared by institutional guidance and ad-hoc legal provision stating, instead, the actual behaviour of the employer as

²¹ Brusco, A. (2022), Due anni di COVID-19: Confronto al 31 dicembre di ciascun anno, Dati Inail no. 1/2022, pp. 8-14.

²² See: Inail (2021), SCHEDA NAZIONALE INFORTUNI SUL LAVORO DA COVID-19, I dati delle denunce al 30 aprile 2021, no. 16, available at: <https://www.inail.it/cs/internet/docs/alg-scheda-tecnica-contagi-covid-30-aprile-2021.pdf>; Marinaccio, A., et al. (2020), Occupational factors in the COVID-19 pandemic in Italy: compensation claims applications support establishing an occupational surveillance system, Occupational and Environmental Medicine, vol. 77, no. 12, pp. 818-821.

²³ Fabiani, M. et al. (2021), Epidemiological characteristics of COVID-19 cases in non-Italian nationals notified to the Italian surveillance system, The European Journal of Public Health, vol. 31, no. 1, pp. 37-44.

a key factor, assuming a 'zero risk' as unrealistic and the observance of anti-Covid 19 legislation and protocols as sufficient to exclude a responsibility by the employer²⁴.

Interviewees deemed the actual observance of health rules more common in large companies or in renovation works for facades, peaking in reason of incentives being earmarked over the last years and entailing little teams and work at distance. Instead, the application of protocols was deemed unsatisfactory in companies engaged in small maintenance works, as these activities entail frequent movement of small teams in vans. The difficulties concerning transport was confirmed also by the interviewed expert from the vocational training school and OSH committee of Bologna²⁵, stressing the use of private means of transports has not changed, except for an initial attention to their frequent disinfection. Referring to the construction sites visited as member of the OSH committee, the expert remarked that the availability of changing rooms and of restrooms was usually not apt to ensure distancing and reduce risk of infection.

He also observed that the temporary enlargements of ad-hoc camps created to host workers for large infrastructural works for the maintenance of highways. Yet, for reasons of cost containment, this was followed in 2021 by a replacement of subcontractors from other regions with local firms, this way reducing the need for accommodation facilities.

Finally, as possible proxies of breaches of COVID-19 related measures in construction sites, the research screened inspection reports published as press releases by the National Labour Inspectorate from March 2020 to March 2022.

A total number of 36 news addressing the construction sector were screened, 12 thereof referring to infringements concerning COVID-19 related rules, like the application of protocols or the holding of the Green pass by workers. None of them referred to the presence of posted workers, yet 9 cases included also reports of undeclared work, and other 9 cases of violations in health and safety domain.

Taking into consideration the 12 cases concerning COVID-19 rules, 6 occurrences concerned areas where reconstruction works are in place following earthquakes (Pesaro Urbino, 3, Rieti, 2, Terni, 1), whereas the others took place in: La Spezia and Bologna (Northern Italy), Viterbo (Central Italy), Naples, Salerno, and Lecce (Southern Italy). It is to be noted data are not available for Sicily, nor for the two provinces of Trentino Alto Adige, where separate inspectorates are in place following their statutory autonomy.

Finally, it is worthy to mention severe irregularities have been recently reported in the border region of Friuli Venezia Giulia. Among them in June 2022, as part of checks occurring on 17 companies, 5 workers were found to be posted from third countries without a permit of stay²⁶.

Among other cases reported by press, yet not concerning specifically COVID-19, inquiries are ongoing in the Marche region on alleged illicit intermediation of manpower in reconstruction works following the

²⁴ See the Communication of INAIL no. 22 of 20 May 2020, and art. 29 bis of Law Decree no. 23/2020 as amended by Law no. 40/2020, confirming, with effect from 6 June 2020, the observance of protocols as sufficient to comply with the duty of protecting workers from the COVID-19 risk.

²⁵ Pursuant to collective agreement, paritarian territorial OSH Committees are in place in the construction sector to inform companies and guide them in the application of OSH provisions.

²⁶ Il Piccolo (2022), Operai in nero e senza documenti: bloccate tre ditte a Trieste, 9/06/2022, available at: <https://ilpiccolo.gelocal.it/trieste/cronaca/2022/06/09/news/operai-in-nero-e-senza-documenti-bloccate-tre-ditte-a-trieste-1.41500645>.

2016 earthquake. The inquiries follow a widespread activity by unions unveiling, among other, situations of recruitment of workers from abroad via gangmasters having ties in the country of origin, the abuse of network contracts as to circumvent limits on subcontracting, and the adoption of different pay rates depending on the country of origin.

The first detected case, back in 2017, concerned a Romanian worker that, following an accident at work, was going to be repatriated when the unionist found him and drove him to the hospital²⁷.

²⁷ Ruggiero, C. (2022), Il cratere nero, Collettiva.it, 22/03/2022, available at: https://www.collettiva.it/copertine/italia/2022/03/22/video/il_cratere_nero-1959828/.

Annex 1 - List of interviewees

Position	Organisation	Date
Manager of Labour Department	FVG Region	22/09/2021
Unionist	FILLEA	10/05/2022
Unionist	FENEAL	10/05/2022
Unionist	FILCA	16/05/2022
Expert in OSH in the construction sector	n.a.	16/04/2022
Official of union's patronage	INCA CGIL	23/06/2022
Director of sectoral fund (Belluno)	Cassa edile bellunese	12/11/2021
Director of sectoral fund (Udine)	Cassa edile di Udine	12/11/2021
Director of sectoral fund	Cassa edile di Gorizia	12/11/2021
Expert at a vocational training school and member of the local OSH committee (Bologna)	IIPLE and CPTO of Bologna	23/06/2022