Topic: EUROPEAN UNION LAW

Description 1st Coursework - Problem Question In January 2020, the EU adopted the (fictitious) Directive 2020/1453 on ‘Protection from COVID-19 in the workplace’ (hereinafter the ‘EU Directive’) by which it aimed to protect the health of workers during the ongoing pandemic. Article 1 of the said EU Directive states the following: “Employers have a duty to provide high quality medical face coverings to their workers to protect people in their workplace from health and safety risks.” The deadline for transposing the EU Directive into national law was 28 January 2021. The Italian Government believes that the working conditions mentioned in Article 1 EU Directive can be better regulated exclusively by national law and for this reason it voted against the inclusion of Article 1 of the EU Directive when the issue was debated at the Council of the EU. Since then, Italy has incorporated most of the provisions of the EU Directive into Italian law but refuses to implement Article 1 of the Directive. The Italian Law on Health and Safety at Work, which dates back to 1947, provides the following: “All employers must ensure that the health of vulnerable workers is adequately protected”. On 7 February 2021, given Italy’s express refusal to implement Article 1 of the Directive, the European Commission, acting within its powers under the EU Directive, and without any prior consultation, issued the (fictitious) Decision 6/2020 (hereinafter the ‘Decision’), addressed to the Confederation of Italian Employers (CIE). The said Decision requires, with immediate effect, that the CIE imposes severe financial penalties on any of its members that fail to provide their employees with high quality face coverings. Angela is a librarian at Mask University in Florence, an academic institution owned by the tech billionaire Ellon Mask. Ursula is a biologist and works for Tuscany’s regional government in Italy. When Angela and Ursula complained to their respective employers about the fact that they had not been provided with high quality face coverings, their complaints were dismissed on the basis, inter alia, that none of them were considered to be vulnerable workers. At work, Angela and Ursula decided to wear fashionable face coverings made by a local tailor from second-hand clothing. Yesterday, Ursula was tested COVID-19 positive; as a result, her employer instructed her to self-quarantine at home and take a compulsory 14-days unpaid leave to protect the health of the other employees. 3/15/2021 Writers Hub - Freelance Writing https://www.writershub.org/writer/orders/720689#instructions 4/5 Advise Angela and Ursula on their rights and remedies in EU Law. Note: Assume that the fictitious EU and national legal acts that are mentioned in this problem question exist.

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