

## SNACKS: DIGESTIBLE WEEKLY LABOUR NEWS – ISSUE 10

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### WEEKLY ITALIAN LABOUR UPDATES

"Variable remuneration linked to the accrual of key indicators, if it is regulated through a collective company agreement, can be utilized by the employees to acquire company's welfare goods and services. The relevant amount is not considered income from work."

#### **Ministry of Labour sets up fund to promote skill training and professional requalification**

A new fund – the FPCRP – to finance training projects for employees either receiving an unemployment indemnity (Naspi) or on a salary support scheme for a 30%+ working hour reduction has been set up by the Ministry of Labour with a starting budget of €50m for 2021. Within 60 days as of 30 June 2021, the Ministries of Labour and Finance are expected to jointly deliver a decree outlining the criteria for accessing the fund to support training projects.

*Law Decree 30/06/2021 No. 99*

#### **Inps announces guidelines for family allowance increase**

The National Social Security Authority (Inps) has set out its new guidelines regarding the new increases to the family allowance for the period from 01/07/2021 to 31/12/2021. The increase amounts to €35.5 per child for families with two or less children and €55 for families with three or more children. The increase also applies

for disabled adult children as well as to apprentices and students aged 21 or less.

*Inps, Message 30/06/2021 No. 92*

#### **Article 28 of Law No. 300/1970 applies to consultants managed by principal**

According to Article 2, paragraph 1, of Legislative Decree No. 81/2015 (consolidated text of employment contracts) the regulation concerning subordinate employment relationships applies to consultants on continuity basis who are managed by their principal. Said provision includes the protections provided for by Article 28 of the statute of employees against the employers' conducts aimed to cancel or limit the exercise of trade union freedoms and activities. Said provision does not have procedural content only, but also identifies and protects legal rights of a constitutional nature, such as the right to strike and trade union freedoms. The provision is also pluri-offensive, since the protected rights do not apply only to trade union organisations, but also to individual employees.

*Court of Bologna (Judge Paladino) 30/06/2021*

## **Standard Covid salary support scheme cannot be claimed if business faces no financial difficulties**

Article 19 of Cura Italia Decree (Law Decree No. 18/2020) makes the standard salary support scheme applicable in cases of suspension or reduction of working hours due to the impact of the Covid-19 pandemic. This condition applies only if the employer faces demonstrable financial difficulties. Therefore, if a provable contraction in business activity or a supervening financial difficulty is lacking, suspending an employee from work and claiming the standard salary support scheme is unlawful. In this case, the employee is entitled to immediate reinstatement to work and payment of the appropriate lost salary.

*Court of Rome (ord.) 30/06/2021*

## **While awaiting verdict on employee's health conditions, transfer is lawful**

The transfer of an employee who has requested to be exempted from part of his duties due to health reasons to another role within the company is lawful, since said transfer is a temporary measure while awaiting the verdict of an ASL medical commission. In this case, the temporary transfer aims to safeguard the health of the employee and it is irrelevant if it cannot be demonstrated that no other position in the location of origin was attributable.

*Supreme Court 10/06/2021 No. 16383*

## **Sector NCLA is parameter only for remuneration review**

An employee is not entitled to ask for the application of the National Labour Collective Agreement ("NCLA") covering the sector in which their employer operates if the latter is not affiliated to an employers' association which has signed the NCLA or it has not applied it (explicitly or implicitly). In this case, the employee can refer to their sector NCLA only to check if the salary they are paid is in line with the constitutional parameters of proportionality and sufficiency of remuneration set out in Article 36 of the constitution.

*Supreme Court 10/06/2021 No. 16376*

## **Regulations against accidents at work also apply to irregular employees**

An employer is bound to apply workplace health and safety regulations to irregular employees also. The lack of a regular employment contract does not excuse an employer from respecting the legal provisions against accidents at work.

*Supreme Court 25/06/2021 no. 24836*

## **Joint notice for use of welfare measures instead of redundancies**

Due to the expiration of the ban on redundancies for businesses in the manufacturing and construction sectors, the Italian government and the employers' associations and the trade unions (Cgil, Cisl, Uil, Confindustria, Alleanza delle cooperative, Confapi) have signed a joint agreement wherein they mutually commit to: (i) recommend the use of salary support measures instead of redundancies; (ii) support, based on agreed principles, the reform of salary support measures and setting up a programme to help re-employment and permanent training plans.

*Joint notice between Italian government and trade unions 29/06/2021*

## **New Prime Ministerial Decree outlines parties allowed to check EU Covid-19 Green Pass**

A new Prime Ministerial Decree (DPCM) outlines the parties authorised to check a EU Covid-19 Green Pass, which includes, among others, public officials; owners of commercial businesses opened to public; managers of social and health care service, air, sea and land carriers. These parties are not allowed to view an individual's other personal data.

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The “Green Pass” continues to be non-mandatory for the purposes of employment relationships, nor are employers included among those entitled to request employees, as a condition for access to the workplace or the performance of certain tasks, show their Green Pass .

*Prime Ministerial Decree 01/07/2021*

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