

SNACKS: DIGESTIBLE WEEKLY LABOUR NEWS – ISSUE 15

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WEEKLY ITALIAN LABOUR UPDATES

"With collective company agreement it is possible to determine specific cases where the employer is entitled to assign the employee to tasks of the lower level."

Suspension from work and remuneration in cases of vaccine refusal lawful

The decision of an employer to suspend an employee from work and remuneration is considered lawful if a doctor has confirmed that the employee cannot safely work "in contact with customers" due to their refusal to be vaccinated. Protecting the health of customers is part of an employee's duties and the refusal to vaccinate themselves against Covid-19 prevents them from doing so. Suspension from work is not a disciplinary measure against refusal to vaccinate, but an action required in order to safeguard the health of both employees and customers.

Tribunal of Rome (ord.) 28/07/2021 Judge Quartulli

Time-stamp badges required for coffee breaks

Leaving the workplace for a coffee break – even if only for a few minutes – requires employees to use a time-stamp badge. Verbal authorisation from an office manager does not exempt an employee from leaving the office without logging in to the relevant electronic system recording attendance. Without a time-stamp badge, an employee could fraudulently claim to have been in the office while in fact at an external location.

Supreme Court 29/07/2021 No. 29674

Suspension of Naspi indemnity reduction confirmed

The INPS has confirmed the suspension of the decrease to the monthly unemployment indemnity (NASPI), whereby a 3% reduction is applied to the monthly unemployment indemnity from the fourth month onwards. The indemnity will continue to be paid in full until December 2021, with suspended deductions to be applied on a monthly basis as of January 2022.

INPS Circular 06/08/2021 n. 122

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Exceptional health surveillance for vulnerable employees

Companies without a dedicated doctor for health and safety at work can carry out their “exceptional health surveillance” obligations by filing an application online via INAIL. INAIL will inform the company of the closest doctor’s clinic to any vulnerable employee’s residence. The designated doctor can then undertake a medical examination of any employee to ascertain any health issues they may have.

INAIL Message 28/07/2021

Dismissal due to delayed communication of contact with Covid-19 unlawful

Dismissing an employee for not immediately informing their employer of indirect contact with a person who has tested positive for Covid-19 is unlawful. A prime example involves the wife of an employee who had contact with a colleague of who tested positive for Covid-19. The employee informed the local hospital and observed the required period of isolation, but did not immediately inform their employer of the situation. According to the Tribunal of Palermo, while such behaviour would be imprudent, it would not warrant disciplinary action.

Tribunal of Palermo, 28/07/2021 No. 937

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