

SNACKS: DIGESTIBLE WEEKLY LABOUR NEWS – ISSUE 16

19 AUGUST 2021 • ARTICLE



WEEKLY ITALIAN LABOUR UPDATES

"Employers can regulate joint and several transfer (of part) of holiday leaves to employees in need through collective company agreements."

Green Pass compulsory for company canteens

The Italian Government has announced that a Green Pass will be required to dine in company canteens. The government said that since a Green Pass is required to eat and drink in bars (if seated) and restaurants, the same rules must apply in company canteens.

Presidency of the Council of Ministers, FAQ 14/08/2021

New INPS clarifications on use of salary support scheme

The salary support scheme set up to deal with the economic impact of the Covid-19 pandemic (Law Decree No. 18/2020) remains available to both businesses unable to

access standard salary support (CIGO) and to manufacturers in the textile and similar sectors. Other measures expected to benefit the manufacturing and construction industries once the Sostegni Decree is converted into law (Law No. 69/2021) will fall under the standard regulation of Legislative Decree No. 148/2015. Some exceptions relating to the current state of emergency state remain, such as that relating to the procedural deadlines for filing an application to sign-up to the 'extraordinary salary support scheme' (CIGS).

INPS Circular 09/08/2021 No. 125

Third party appointment for INPS services

As of 16 August 2021, an individual can appoint a third-party to manage their relationship with the INPS to accommodate those who cannot access our properly use INPS services themselves. Such a delegated representative needs to have their own digital identity (Spid, electronic ID, national service card etc.). Said representative can act on behalf of the delegator both on the INPS website and at INPS branches. Full details are summarised in INPS Circular No. 127/2021.

INPS Circular 12/08/2021

Process to communicate secondment of international employees to public authorities updated

The process to communicate the secondment of international employees to Italy to the relevant public authorities has been updated. Said process must be used to communicate the cancellation of an international secondment to Italy as well as both short (up to a year) and long (up to 18 month) secondments.

Registration with the Court of Auditors is expected.

Ministry of Labour Decree 06/08/2021 No. 170

Judgments relating to INPS and INL processes must be kept separate

Judgments relating to the payment of social security contributions must be kept wholly separate and distinct from those concerning the violation of in cases of subordinate employment. Any decisions reached in the former should have no bearing on the latter, though basic facts determined in the first process (i.e. the subordinate nature of the employment relationships) can be accepted as fact in the second.

Supreme Court No. 20395/2021

Filing defense against claim social security contributions not required halts timeline to claim payment of same

The INPS filing a defense against a lawsuit brought by a company to confirm it is not required to pay social security contributions in specified circumstances, halts the timeline to claim payment of said contributions. The Supreme Court rejected a differing interpretation arguing said process is only halted by the filing of a lawsuit and not a defense aimed at resisting such a claim. The main aim is to ensure any defense made is based on the same arguments made by the (presumed) debtor company to justify why they believe payment is not due. If this is the case, the filing of a defense temporarily halts the timeline for the repayment of said contributions as the INPS' intention to claim them regardless is clear.

Supreme Court 29/07/2021 No. 21799

Dismissal of employees who refuse to wear face masks lawful

The dismissal of a teacher who, on multiple occasions, refused to wear a protective face mask to protect against Covid-19 was lawful. The Court of Trento confirmed the dismissal was legal on the basis that the refusal to wear a face mask violates the measures introduced by the Ministry of Instruction on 6 August 2020 to contain the spread of the virus. The judge noted that, by refusing to wear a face mask, the teacher in question put her personal beliefs before the protection of others. Since face masks are considered a form of protection against the virus under Article 16 of Law Decree No. 18/2020, a repeated refusal to wear one is cause for dismissal.

Court of Trento 08/07/2021

Minimum wage determined by where work carried out

Workers such as lorry/heavy goods vehicle drivers who regularly carry out work in a country other than the one in which they are officially employed are entitled to the minimum wage of the country in which said service was carried out. Even if both parties agree to apply the law of a different country, the minimum wage of the country where the employee performs their tasks must be met.

EU Court of Justice 15/07/2021 (joined claims C-152/20 and C-218/20)

KEY CONTACTS



**GIUSEPPE BULGARINI
D'ELCI**

PARTNER • MILAN

T: +39 02 721 7071
M: +39 347 26 86 664

gbulgarini@wfw.com



ROBERTA CRISTALDI
COUNSEL • MILAN

T: +39 02 721 7071
M: +39 344 0506106

rcristaldi@wfw.com

DISCLAIMER

Watson Farley & Williams is a sector specialist international law firm with a focus on the energy, infrastructure and transport sectors. With offices in Athens, Bangkok, Dubai, Dusseldorf, Frankfurt, Hamburg, Hanoi, Hong Kong, London, Madrid, Milan, Munich, New York, Paris, Rome, Seoul, Singapore, Sydney and Tokyo our 700+ lawyers work as integrated teams to provide practical, commercially focussed advice to our clients around the world.

All references to 'Watson Farley & Williams', 'WFW' and 'the firm' in this document mean Watson Farley & Williams LLP and/or its affiliated entities. Any reference to a 'partner' means a member of Watson Farley & Williams LLP, or a member, partner, employee or consultant with equivalent standing and qualification in WFW Affiliated Entities. A list of members of Watson Farley & Williams LLP and their professional qualifications is open to inspection on request.

Watson Farley & Williams LLP is a limited liability partnership registered in England and Wales with registered number OC312252. It is authorised and regulated by the Solicitors Regulation Authority and its members are solicitors or registered foreign lawyers.

The information provided in this publication (the "Information") is for general and illustrative purposes only and it is not intended to provide advice whether that advice is financial, legal, accounting, tax or any other type of advice, and should not be relied upon in that regard. While every reasonable effort is made to ensure that the Information provided is accurate at the time of publication, no representation or warranty, express or implied, is made as to the accuracy, timeliness, completeness, validity or currency of the Information and WFW assume no responsibility to you or any third party for the consequences of any errors or omissions. To the maximum extent permitted by law, WFW shall not be liable for indirect or consequential loss or damage, including without limitation any loss or damage whatsoever arising from any use of this publication or the Information.

This publication constitutes attorney advertising.