

SNACKS: DIGESTIBLE WEEKLY LABOUR NEWS – ISSUE 18

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WEEKLY ITALIAN LABOUR UPDATES

"With a collective company agreement it is possible to determine specific reasons (other than the legal reasons) to use fixed term contracts. In this way the employer can avoid the turn-over of employees after the first 12 months of fixed term relationship."

Anti-trade union behaviour

It is considered 'anti-union' behaviour for a company to fail to take action against disparaging remarks made by its director(s) on social media about trade unions. In such cases, harsh criticisms and offensive comments made on social media platforms will not merely be considered freedom of expression, but instead direct or hostile attacks against trade unions. It is also considered anti-union behaviour to encourage employees to join a different trade union to the one they would normally join by including links to said union's website on the company intranet.

Tribunal of Milan (decree), 11/08/2021

Social safety net reforms: a work in progress

A meeting between the Italian Ministry of Labour and trade unions has been scheduled for 2 September 2021 to discuss the draft reforms of so-called social safety nets. Among other measures, the following will be considered:

(i) extending the standard salary support scheme (CIG) to micro-businesses (those

with one to five employees), with 13 weeks support paid entirely by the INPS. For businesses employing six to fifteen employees, the CIG will apply for up to 26 weeks;

(ii) the so-called "CIG in deroga" to be cancelled;

(iii) extending the CIG to all employees, including apprentices and domestic workers and those at lower levels of seniority (such as those who have not completed their minimum length of service);

(iv) introducing two new criteria applicable to the CIG, "proposed business termination" and "judicial liquidation";

(v) extending the solidarity contract ("contratto di solidarietà") to businesses with fewer than 15 employees;

(vi) introducing a reward scheme (such as discounts) for businesses that do not rely on social safety nets for a significant period of time; and

(vii) extending NASPI (the monthly unemployment indemnity) for employees (with the elimination of the required 30 days' work) and extending Dis-Coll for consultants.

Developing Policies: Employment Guarantees (GOL)

The reform of policies aimed at increasing employment levels will also be discussed in pending meetings held at the Ministry of Labour. As it stands, the GOL plan includes a structured programme to support re-employment and is divided into the following five training options:

- (i) “Job Reintegration” for employees expected to quickly find new employment opportunities;
- (ii) “Upskilling” for short-term training courses;
- (iii) “Reskilling” for more robust training aimed at developing skills;
- (iv) “Work and inclusion” for employees with complex educational, health or social needs; and
- (v) “Collective re-employment” to assist struggling businesses facing redundancies.

Minimum ethics and dismissals

If an employee breaches the so-called “minimum ethics” code, the lawfulness of their dismissal is not subject to their previous/existing disciplinary record nor to the specific nature of the offence. Behaviour that is immediately identifiable and recognisable as illegal is deemed contrary to “minimum ethics”.

Supreme Court (ord.) 09/07/2021 No. 19588

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