

SNACKS: DIGESTIBLE WEEKLY LABOUR NEWS – ISSUE 28

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WEEKLY ITALIAN LABOUR UPDATES

"Collective company agreements allow to introduce a binding regulation on canteen vouchers, extra time work and the use of electronic devices during remote working."

No compensation for coffee break injuries

The Supreme Court ruled that an employee is not entitled to Inail compensation for accidents that occurs while returning to work from a coffee break at an establishment outside of the workplace. In such cases, accidents are not considered a workplace incident because the employee's decision to exit the premises and get their coffee was not urgent or a non-deferrable need. The employee took an arbitrary decision that exposed her to a risk and, therefore, the Inail compensation is not applicable.

Supreme Court 09/11/2021 No. 32473

INL clarification on the suspension of activities due to irregular work

In cases of businesses hiring irregular workers, the suspension from working activity can begin at a later time than when communicated in an official notice. However, the suspension will begin immediately if the continuation of working activity could result in immediate risk. A suspension applies to the department where the breaches were detected and doesn't extend to the entire company.

INL, Circular 09/11/2021 No. 3

Green pass management available through employees' tax codes

Thanks to INPS' introduction of the GreenPass50+ service, companies with more than 50 employees can now manage their staff's Green Pass certificates through their tax codes. The INPS has delivered some operational clarifications and highlighted that those in charge of carrying out daily monitoring will be allocated a specific set of codes to check. IPNS confirmed that absent employees or those working from home/smart working are not subject to checks.

INPS, Message 03/11/2021 No. 3768

DURC congruity document compulsory for private sector construction projects

As of 1st November 2021, presenting a DURC congruity document is compulsory for private sector construction works exceeding €70,000. The document must be delivered to the relevant building societies together with a report on the start of works (Decree No. 143/2021). The document outlines the percentage of employment costs (including social security and insurance contributions) compared to the value of the work to be done. The percentage cannot be less than the congruity index, determined with reference to each type of activity in a table produced together by collective agreement with the construction sector.

Decree of the Ministry of Labour No. 143/2021

Employee training part of working hours

Training sessions that employees are required to attend at their employer's request are considered part of their working hours. This is also the case if the training is done outside the workplace and after their shift has ended. Ultimately, the hours an employee dedicates to training are considered part of their working hours.

EU Court of Justice (Claim C-909/19)

Collective company agreement on company car usage deemed null and void

According to the Supreme Court, the time taken for an employee to travel using a company car between their usual workplace and other locations where they may be time to time expected to work, is considered part of their working hours. In a recent case, a company's agreement that deducted 15-30 minutes' worth of pay for such travelling was deemed null and void by the Court. If such travel is required in order for the employee to properly carry out their job, then it is considered part of their working hours and must be remunerated.

Supreme Court 13/10/2021 No. 27920

Data Protection Authority warns of data breaches from Green Pass apps

The data protection authority has advised people not to download unofficial apps to verify their Green Pass as it may be possible for personal information to be illegally accessed through them. The authority further advised that the Ministry of Health's app – VerificaC19 – is the only Green Pass verification app that is fully compliant with privacy laws.

Privacy Authority, Message 01/11/2021

Payments still required following withdrawal from employers' association

The Supreme Court ruled that if a company continues to provide their workers with the incentives and rewards available to them according to the collective agreement, they will still have to make payments even after issuing notice of their withdrawal from the employers' association. Incentives include perks such as "productivity and quality" and "participation" bonuses and canteen vouchers. If a company continues to recognise the rewards and incentives of the collective agreement, the fact that a company withdrew from the employers' association that executed it is irrelevant and does not prevent future payments.

Supreme Court 13/10/2021 No. 27923

New rules for fire risk assessments in the workplace

New general criteria concerning the design and execution of fire safety protocols in the workplace have been introduced in order to comply with the provisions set out in Article 46 of Legislative Decree No. 81/2008. A fire risk assessment must be included in a company's general risk assessment document (DVR) and must also be aligned with its assessment on explosion risk. There are different requirements depending on the degree of risk in the workplace. If the fire risk is low, the risk assessment is subjected to simplified criteria. The new rules will enter into force on 29 October 2022.

Decree of the Ministry of the Interior 03/09/2021, published in the Official Journal on 29/10/2021

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