

SNACKS: DIGESTIBLE WEEKLY LABOUR NEWS – ISSUE 33

16 DECEMBER 2021 • ARTICLE



WEEKLY ITALIAN LABOUR UPDATES

"The Italian government has extended the emergency period due to pandemic until 31 March 2022. The extension has an immediate impact on the use of smart working, that can continue without the signing of a written agreement between the employee and the business."

New INL instructions on suspending businesses for health and security violations

The National Employment Inspectorate (INL) delivered further clarifications on suspending companies that fail to comply with workplace healthcare and security measures. If INL inspectors find violations that relate to either undeclared work activities or breaches of the provisions of Attachment 1 to Legislative Decree No. 81/2008 (failure to carry out risk assessments (DVR) or to draw up an emergency evacuation plans, lack of training etc.), the business in question will be suspended from trading/operating. Regarding DVR breaches in particular, suspension will occur if the required documentation has not been drafted and if it is not displayed on site. In cases of the latter, a suspension can be overturned if the company subsequently produces the DVR.

INL, Circular 09/12/2021 No. 4

European Commission approves EU directive proposal on digital platform workers

The European Commission has approved a proposal from an EU directive on the rights of digital platform workers, which includes food delivery riders. Such workers

are to be considered 'employees' like those working for traditional businesses (subordinate employment is presumed, unless the employer proves that work modalities are truly independent) and are entitled to the same protections including fair pay (piecework is prohibited) and work shift regulations. The use algorithms on a worker's relevant digital platform must be transparent and responsible. Approval by the European Parliament is also expected.

European Commission, proposal of directive 08/12/2021

New Skills Fund

The inter-ministerial decree on training and new skills has been signed by the Ministry of Labour and is now being examined by the Ministry of Economy and Finance. Supplemented by the European community fund (PNRR) as well as national finances, €1.7bn has been assigned to a New Skills Fund which employers can access in to train their employees in cases of company digitalisation or reorganisation. This measure aims to up-skill the professional capacities of employees whilst fulfilling business needs. The signing of a collective company agreement to reorganize working hours is required if hours dedicated to the training are to be paid for by the fund.

Inter-ministerial decree on new skills national plan

“Cassa Covid” available to latecomers

Employers using the Cassa Covid special salary support scheme – available from 1st October to 31st December 2021 – can continue to access it even if they didn’t file their application by the end of the month following employees’ suspension from work. Therefore, the 30 November deadline to file the application has been removed.

INPS, Circular 10/12/2021 No. 183

Freedom income available to women suffering from domestic violence

Applications to access the ‘freedom income’ which, although filed, were not accepted by 31 December 2021 due to a lack of finances, could be re-examined in 2022. Women who have been subject to domestic violence and are in poverty can claim financial support to a maximum amount of €400 (Law 77/2020).

INPS, Message 07/12/2021 No. 4352

Basic Green Pass required to access company canteen

To access their company canteen, an employee must provide a basic Green Pass obtained via a negative Covid-19 test. There is no requirement to present a Super Green Pass obtaining following vaccination. The Ministry of the Interior made this decision which modifies previous requirements in government FAQs, which equated company canteens with restaurants where a Super Green Pass is required.

Ministry of the Interior, Circular 02/12/2021 No. 15350

Healthcare emergency status extended

The healthcare emergency status relating to Covid-19, which was due to expire on 31 December 2021, has been extended to 31 March 2022 due to the increase of infections and hospitalisations. Following this decision, the status of several related measures – such as the extension of emergency smart working and measures relating to income support – will need to be extended also.

DPCM 14/12/2021

Failure to check DURC results in criminal liability

Failure to check that a contractor is in possession of a Single Document of Contributory Regularity (DURC) will result in the commissioning company being fined. Article 90, paragraph 9, of Legislative Decree No. 81/2008 obliges a commissioning company to verify *in advance* the technical professional capacity of their contractors and the possession of a DURC is part of said requirements. A DURC is an important method of preventing irregular work (and, therefore, workplace accidents) and the need to check a contractor has one helps prevent violations of workplace safety regulations.

Supreme Court 26/11/2021 No. 43604

Sharing employees within same group

If an individual carries out work for two (or more) companies within the same group, particularly if the companies share the same organisational, technical and financial structures, they are considered an employee of both companies and the responsibility to reinstate any unlawfully dismissed workers and pay any salary owed falls to both companies. Both companies are also liable for any accidents at work involving said employees.

Supreme Court 29/10/2021 No. 30847

Recording conversations to defend oneself in court lawful

Recording conversations with colleagues in the workplace without their consent is legal if it was done to assert or defend a right in court against the likely initiation of disciplinary action against an employee. According to the Supreme Court, recording employees in said manner does not breach confidentiality rights provided that the recording was strictly limited to the time required to establish evidence that could be used in court.

Supreme Court 02/11/2021 No. 31204

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