

SNACKS: DIGESTIBLE WEEKLY LABOUR NEWS – ISSUE 51

21 APRIL 2022 • ARTICLE



WEEKLY ITALIAN LABOUR UPDATES

"If the NCLA provides for a final term to communicate the disciplinary measure, the dismissal served after such date could lead to reinstatement."

Right to supplementary pension

The contribution amount accrued by an employee who terminated their employment relationship before meeting the requirements for a supplementary pension must be recognised both if the employee redeemed their individual contribution amount under a different pension scheme or redeemed the monetary equivalent of said contributions. This principle applies to all complementary pension funds that existed prior to the social security reforms originally outlined in Article 10 of Legislative Decree 124/1993 and then in Article 14 of Legislative Decree 252/2005, irrespective of the relevant scheme and management system. Obstacles that prevent employees who change jobs from fully preserving their supplementary

pension rights must be removed.

Supreme Court, United Sections, 14/04/2022 No. 12209

Manager and breach of 'duty of loyalty'

The 'duty of loyalty' imposed on all employees under Article 2105 of the Civil Code has a broader scope with regard to the employment relationship of executives as, in such cases, said duty must include compliance with the general duties of fairness and good faith. With this in mind, the Supreme Court found that a manager who negotiated to purchase a shareholding in a competitor company had breached his duty of loyalty and his dismissal was therefore justified. In this case, the fact that the negotiation was never completed did not negate the manager's misconduct.

Supreme Court 06/04/2022 No. 11172

Ukrainian refugees can work in Italy

As an exception to the maximum quotas for employees from non-EU countries, people fleeing the war in Ukraine can carry out both employed and self-employed work in Italy. Those arriving from Ukraine can apply to the local prefecture for a residence permit for reasons of temporary protection and thereafter begin working. A receipt of an application for a residence permit is sufficient to begin working legally.

This is the background to an initiative of the National Council of the Order of Labour Consultants to encourage the employment of Ukrainian refugees in companies offering apprenticeships.

DPCM 28/03/2022

New national portal to combat undeclared work

Among the measures in the new decree-law on the National Plan to pass and overcome the economic impact of the pandemic (so called “PNRR”) approved by the Council of Ministers on 13 April 2022, the creation of a national portal to combat undeclared work stands out. The new portal (“PNS”) replaces and integrates existing databases and has a dual purpose: (i) to plan and coordinate inspection activity by various bodies (INPS, INAIL, etc.) and (ii) to monitor undeclared work. The portal will be managed by the National Labour Inspectorate and will be updated with reports from surveillance activity carried out by the INPS, INAIL, territorial labour inspectorates and the Carabinieri and financial police.

Decree-Law (draft) approved by the Council of Ministers 13/04/2022

Mandatory reporting for digital platform work comes into force

On 14 April 2022, new legal provisions introduced by Decree-Law No. 152/2021 and implemented by the subsequent Ministerial Decree No. 31/2022 on work carried out via digital platforms came into force. From that date, when work is created and developed via a digital platform, the employer must send notice of the start of said working relationship to the Ministry of Labour. This notification must be done through the “UNI Piattaforme” model, which can be accessed online and covers full-time staff, contracts workers and self-employed individuals. In the first two cases, the notification must be made before work begins, while for the self-employed it must be completed by the 20th of the month following when work began.

Ministry of Labour Decree 23/02/2022 No. 31, published on 31/03/2022

Seniority not a valid criteria for selecting candidates for redundancy

In collective redundancy procedures, the selection criteria used by employers to select those employees to be made redundant must be objective and verifiable. Selecting employees based on their level of seniority is not a valid criteria for selecting for redundancy.

Supreme Court 29/03/2022 No. 10120

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