

SNACKS: DIGESTIBLE WEEKLY LABOUR NEWS – ISSUE 59

16 JUNE 2022 • ARTICLE



WEEKLY ITALIAN LABOUR UPDATES

"If case of alleged professional illness due to multiple factors the burden of proof relies on the employee."

New Skills Fund management rules amended

The rules for managing applications for the New Skills Fund have been amended. Under the new rules, contributions are paid to companies as a lump sum, subject to the provision of a fiduciary duty, whilst advances are paid only upon request, rather than automatically as previously, and at a reduced rate of 40% rather than 70%. The new rules do not change the amount of the contribution received, which remains 100% of the per capita cost of all employees (wages and contributions) for the agreed days of training. The new rules have retroactive effect, as they apply to all

applications submitted by 30 June and not yet examined by ANPAL.

ANPAL, Decree 10/06/2022 no. 159

Charging EVs part of company benefits

Electric vehicle ("EV") charging made available to employees through company's photovoltaic and hydroelectric plants, or via an agreement with a third party, is considered a non-taxable company benefit. Given that the scope of a company is to promote positive environmental attitudes amongst their employees, six months of free charging to employees who decide to by an EV for their private needs is to be included within welfare benefits. Any related costs, in line with the provisions of Article 51, paragraph 2, letter f of TUIR (Income Tax Consolidation Act), do not constitute income derived from work.

Revenue Agency, Response to question No. 329/2022

Mothers returning to work

€50m have been allocated to support mothers returning to work after giving birth. Companies that participate in the scheme and present a plan that takes into account their employees' work life balance are granted a subsidy if their plans are approved. Companies may also submit applications for associated companies or groups within their business. The deadline is 5 September 2022.

Ministry of Family Policies, Notice 06/06/2022

One-off July bonus

As part of the measures to cope with the energy crisis brought on by the war in Ukraine, a one-off payment of €200 to employees has been announced (Article 31, paragraph 1, Decree-Law 50/2022). The INPS specified that eligible employees (those who fall within the income thresholds referred to in Article 1, paragraph 121, Law No. 234/2021) must file a written declaration to their employers to confirm it did not make multiple requests for this bonus if they work multiple jobs. The bonus will be paid with the employee's July salary. It is also specified that employers can recover the amount by means of a Uniemens adjustment.

INPS, Message no. 2397 of 13/06/2022

Dismissals must be assessed fairly

In order to assess the fairness of a dismissal regarding whether the facts presented prove that an employment relationship had been irreparably damaged, it is not enough to simply check whether they are in line with the provisions in a collective agreement. Any alleged offensive conduct must be examined in the broadest objective way and should take into account the employee's duties, length of service and any other disciplinary actions that have taken place.

Supreme Court 07/06/2022 No. 18334

Special leave for care of severely disabled cohabiting partners

An unmarried employee whose cohabitant partner is severely disabled is entitled to take special leave to assist them (Article 42 of Legislative Decree 151/2001). The purpose of the provision is to ensure that the care and assistance for disabled individuals do not exclude their cohabiting partners.

Court of Pavia 10/05/2022 no. 164

Final communication of collective dismissal procedures

The final communication of a dismissal procedure cannot be split into multiple communications pursuant to Article 4, paragraph 9 of Law 223/1991. Final communication must be issued within seven days of the first dismissal communication. The final communication must also be a single communication so as to provide an overview of all dismissed employees and those still to be dismissed based on the selection criterion agreed with trade unions. Only a complete list of dismissed employees and those yet to be dismissed allows trade unions to verify that the application of the selection criterion was fair. Any violation can result in compensation for dismissed individuals (12 to 24 months' salary).

Supreme Court 31/05/2022 no. 17694

Dismissals on basis of company reorganisation valid

The validity of dismissals on objective grounds do not require a company be in financial difficulty. Reasons for dismissal may include improving management and increasing profitability requiring internal reorganising resulting in redundancies.

Supreme Court 26/05/2022 No. 17173

Unjustified absence comparable to resignation

The Tribunal of Udine found that the actions of an employee who continuously failed to report to work with the intention that this would lead his employer to fire him and thereby enable him to claim NASPI unemployment indemnity amounted to his resignation. The court noted that a de facto resignation is valid when the conduct of the employee is incompatible with an intention to sustain their working relationship.

Tribunal of Udine 27/05/2022

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