

## SNACKS: DIGESTIBLE WEEKLY LABOUR NEWS – ISSUE 66

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### WEEKLY ITALIAN LABOUR UPDATES

"As of 13 August 2022 new employment contracts have to detail specific information pursuant to Transparency Decree. Failing to comply with the new rules implies an economic fine."

#### **Transparency Decree published in Official Journal**

Legislative Decree No. 104 of 27/06/2022 implementing EU Directive 2019/1152 on transparent and predictable working conditions has been published in the Official Journal. Expected to have a major impact on companies' HR and legal departments as the new regulation requires employers write new, detailed employment contracts as merely referencing the rules of collective agreements is no longer sufficient. More detailed information can also be added to existing contracts if requested by an employee. The new provision applies to all types of employment contract as of 1 August 2022. Failure to comply will result in administrative fines, with the decree entering into force on 13 August 2022.

*Legislative Decree 27/06/2022 no. 104*

#### **Work-life balance decree published in Official Journal**

Legislative Decree No. 105 of 30/06/2022 (so called Work-Life Balance Decree) implementing EU Directive 2019/1158 on work-life balance measures for parents and caregivers has been published in the Official Journal, effective from 13/08/2022. Key measures include:

- new mandatory paternity leave of 10 working days (not divisible by hours) that can also be taken non-continuously from two months before the expected date of birth to five months post-partum. This allowance is equal to 100% salary;
- parental leave until a child's twelfth birthday fixed at three non-transferable months for each parent, plus an additional three months alternatively between the parents. This allowance is equal to 30% salary;
- periods of parental leave are calculated by length of service and do not entail a reduction in holiday allowance, rest periods, or additional months' pay, with the exception of specific payments linked to attendance (unless stated otherwise by collective agreements);
- in smart-working agreements, priority right is extended to employees with children up to twelve years old, employees with severe disabilities and employees who are carers; and
- failure to comply with the provisions of the Work-Life Balance Decree relating to parental leave, disabled employees and carers, prevents a company from receiving their gender equality certification pursuant to Article 46-bis of Legislative Decree 198/2006.

*Legislative Decree 30/06/2022, No. 105*

## **Access to INPS services via digital proxy**

The INPS has approved the release of the digital ID aimed to access its services through online meetings. To do so, they require that a digital proxy be issued to a trusted person. The INPS has communicated the operational procedures required to issue such a proxy.

*INPS, Message 01/08/2022 No. 3026*

## **Disciplinary sanctions against showering employee unlawful**

The disciplinary measures taken against an employee who, whilst on sick leave, failed to answer the door for his home medical examination because he was taking a shower, have been deemed unlawful by the Supreme Court. The Court ruled that the offence of being absent for a medical exam does not count in this instance since the employee was in fact at home and their duty to cooperate does not prevent them from carrying out every day tasks such as – in this case – showering during their periods of availability.

*Supreme Court 18/07/2022 no. 22484*

## **Employees must prove allegations of 'mobbing'**

"Mobbing" is defined as a continued series of unlawful actions that an employer (or its subordinates) undertakes against an employee to persecute them and, ultimately, lead to their demotion or expulsion from said business. For behaviour to be classed as mobbing, it is not enough for an employee to simply prove that bullying behaviour took place, they must also prove that the actions against them had the end goal of them being demoted or discharged from the company.

*Supreme Court 11/07/2022 No. 21865*

## **Signing a payslip isn't proof of payment**

Employers cannot rely on their employees signing their payslips as proof of payment. All this does is confirm delivery of said payslip.

*Supreme Court 08/07/2022 No. 21770*

## Conditions of lawful service contracts

In the case of “labour intensive” contracts, the legality of said contract presupposes that employees are subject to control of their employer and that a contractor independently oversees the way in which their labour is carried out (supplying tools for example). If these conditions are not met, the contract is not considered genuine and therefore an illegal supply of manpower is deemed to have occurred.

*Supreme Court 07/07/2022 No. 21501*

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