

SNACKS: DIGESTIBLE WEEKLY LABOUR NEWS – ISSUE 88

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WEEKLY ITALIAN LABOUR UPDATES

"From 1 January
activation and renewal
of smart working only
by individual written
agreement."

Simplified smart working communication process for vulnerable employees

Simplified methods for communicating smart working agreements for vulnerable employees are available until 31 January 2023. Vulnerable employees, as confirmed by the Ministry of Employment, are those affected by serious illnesses or disabilities as listed in the Decree of the Ministry of Health dated 4 February 2022. Vulnerable workers' simplified methods of communicating smart working agreements relate to their right to smart working, which has been extended until 31 March 2023. This means that until 31 January 2023, employers are not obliged to sign individual smart

working agreements with vulnerable employees. However, from 1 February 2023, the need for a written agreement to begin smart working will also be compulsory for vulnerable workers.

Ministry of Employment, On-line Message 31/12/2023

2023 Budget Law approved

On 29 December 2022, Italy's new Budget Law was published in the Official Journal and includes specific measures on employment and family policy such as:

(i) restrictions on accessing the "reddito di cittadinanza" ("basic income"), including:

- basic income is now available for seven months (instead of eighteen with a possible extension), unless family members include disabled persons, under eighteen-year-olds or those aged sixty and over;
- beneficiaries of basic income must sign a contract to confirm their availability for employment and/or training and/or professional requalification courses for a six-month period. If no such courses are attended then the basic income is cancelled for all family members;
- for beneficiaries aged between eighteen and twenty-nine who did not attend compulsory schooling as minors, the payment of the basic income is subject to enrolling on and attending courses to redress this lack of education;
- basic income is cancelled if a family member refuses their first employment offer; and
- income from work accrued due to seasonal employment contracts or jobs involving on-call contracts is not deducted from the basic income (up to a maximum limit of €3,000).

(ii) basic income is abolished as of 1 January 2024;

(iii) smart working is only available to vulnerable workers until 31 March 2023;

(iv) the conditions for part-time/temporary employment:

- the maximum amount of compensation that can be paid by an employer for temporary/part-time employments has increased to €10,000 from €5,000 previously;
- only employers hiring no more than ten permanent employees can use temporary/part-time work contracts from no more than five previously; and

(v) one month of 80% parental leave, alternating between each working parent, is allowed after the period of compulsory post-partum leave ended on 1 January 2023.

Law 29/12/2022, No. 197

“Milleproroghe” Decree approved

The “Milleproroghe Decree” containing urgent measures concerning the expiry of legal terms was published in the Official Journal on 29 December 2022. Among its main employment-related provisions are:

(i) bilateral solidarity funds set up before 1 January 2022 must align with the social security reforms introduced in the previous 2022 Budget Law by no later than 30 June 2023. If this is not done, relevant employers will merge into the salary support fund to which the paid contributions have been transferred or should have been transferred. The same provisions apply in cases of alternative bilateral solidarity funds built before 1 January 2023 and to the inter-sector fund for the provinces of Trento and Bolzano as well as certain other solidarity funds; and

(ii) applications to access the special salary support scheme (CIGS) filed between 1 January and 30 September 2022 by companies falling within the scope of the Solidarity Fund for airlight transport and airport system sector are valid.

Law Decree 29/12/2022, No. 198

Contribution exemption for gender equality certified companies

The INPS released its instructions on managing the social security requirements relating to the contribution exemption (of no more than 1% up to a maximum of €50,000 per year) employers that were granted a gender equality certificate by 31 December 2022 are entitled to. Said employers can file for their application to be authorised until 15 February 2023 by completing an online “PAR_GEN” form available on the INPS’ website.

INPS, Circular 27/12/2022, No. 137

Ministerial clarifications on appointment of safety consultants for dangerous goods transport

As of 1 January 2023, the obligation to appoint consultants for safe transport as per Article 11, paragraph 2, Legislative Decree No. 35/2010 has been extended to companies shipping dangerous goods, either on their own account or on behalf of third parties. This was communicated by the Ministry of Infrastructure and Transport who specified that the obligation to appoint such a consultant, which was implemented in 2012 by the European Agreement on transport of dangerous goods, includes companies who ship only dangerous goods via road. The obligation entered into force on 1 January 2023 following a transitional period. A breach is subject to a fine ranging from €6,000 to €36,000.

Ministry of Infrastructures and Transports, 21/12/2022 No. 40141

Dismissal based on data recorded through GPS system in company car lawful

The European Court of Human Rights declared that a dismissal filed against an employee based on data recorded through the GPS system installed on the company vehicle was lawful. The dismissal was filed because the employee claimed that they had covered a number of kilometres for business reasons higher than that recorded by the GPS system. Since the employer had previously informed their employees of the GPS system and its scope, including its monitoring of distances covered, the use of the recorded data to initiate disciplinary action was held legitimate.

European Court of Human Rights, 13/12/2022 No. 26968/1616

CIGS suspension unlawful if rotation mechanism not implemented

An employer who wants to use the special salary support scheme (CIGS) must communicate to trade union organisations the selection criteria used to determine which employees will be suspended and must also implement a mechanism allowing for the rotation of suspended employees. If this is not possible, the employer must explain why to the unions. If the employer doesn't fulfil these conditions, any use of the CIGS is unlawful.

Supreme Court 16/12/2022 n. 37021

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