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LABOUR LAW & IR
di Morri Rossetti & Franzosi

Monthly Roundup

June 2026

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The main clarifications of practice and case law of the month.

1. *Supreme Court: employees who are caregivers are always exempt from night work;*
2. *Whistleblowing: Confindustria updates its "Operational Guide" on ANAC guidelines;*
3. *Supplementary Pension Plans: automatic enrollment in pension funds effective July 1, 2026.*

1. Supreme Court: employee caregivers are always exempt from night work

In Order No. 20229 of June 16, 2026, the Supreme Court affirmed that, for the purposes of recognising an employee's exemption from night work as a caregiver, the dependent family member's degree of disability is irrelevant.

The exemption from the obligation to perform night work applies to employees who care for a disabled person by virtue of that fact alone, regardless of the degree of disability of the person receiving care.

Therefore, it is not required that the disability be severe, since whenever the legislature intended to make the granting of a benefit contingent on the existence of a severe disability, it explicitly stipulated so.

2. Whistleblowing: Confindustria updates the "Operational Guide" on ANAC guidelines

Confindustria has updated the *"Operational* Guide" published in October 2023 to incorporate ANAC's clarifications.

The guide outlines approaches for establishing internal procedures and provides detailed guidance on permissible reporting channels, as well as the requirements these must meet regarding the confidentiality of the whistleblower's identity and that of the individuals involved.

The guide reviews the solutions most widely adopted in corporate practice, including entrusting the task to the Supervisory Body established under Law no. 231/2001.

3. Supplementary Pension Plans: automatic enrollment in pension funds effective July 1, 2026

The 2026 Budget Law introduced several changes regarding supplemental pension plans, including a significant change in the procedures for enrolling in pension funds. Effective July 1, 2026, newly hired employees will be automatically enrolled.

Previously, employees had six months from the date of hire to decide whether to leave their mandatory severance pay (TFR) with the company or transfer it to a pension fund; if no choice were made, tacit enrollment would take effect, with only the accrued severance pay automatically transferred.

As the July 1, 2026, deadline approaches, the Pension Fund Supervisory Commission has published instructions for implementing the new enrollment mechanism for employees.

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The main updates on Labour Law of June 2026

Employee's duty of loyalty: breach of loyalty is independent of unfair competition and the imminence of resignation

A breach of the duty of loyalty (Art. 2105 of the Italian Civil Code) occurs when an employee engages in acts intended to divert the employer's customers to a competing business. Such unlawful conduct has a broader scope than the prohibition against unfair competition under Article 2598 of the Italian Civil Code and includes preparatory, informational, or organisational conduct capable of harming – even if only potentially – the company's interests.

→ Read more

Refusal to transfer or dismissal: for the CJEU, the effective reasons behind the termination shall be taken into account

The recent judgment released by the Court of Justice of the European Union (CJEU) dated June 4th, 2026 (Case C-907/24) addresses the relationship between dismissal resulting from the refusal of a transfer notice from the originally designated place of work and the rules governing collective dismissals, providing significant clarifications regarding their application.

→ Read more

HR Tip #6 New requirements regarding "pay transparency"

On June 1, 2026, Legislative Decree No. 96/2026 was published in the Official Gazette, bringing into effect Directive (EU) 2023/970. This directive seeks to bolster the **enforcement of equal pay and pay transparency** by mandating that companies disclose the criteria they use to determine employee compensation and salary increases.

The new legislation, which **takes effect on June 7, 2026**, applies to all employment contracts, including fixed-term, indefinite, and part-time agreements, as well as executive roles. However, it excludes domestic and intermittent work arrangements, and it also extends to job applicants.

In particular, the Decree:

- Strengthens workers' **right to information**, allowing them access to average pay data by gender and comparable categories, subject to limits and safeguards on use.
- Establishes **periodic reporting obligations on the gender pay gap** for companies above certain size thresholds, using analytical and verified data.
- Introduces **a joint assessment with trade unions** in cases of unjustified pay gaps, aimed at eliminating them through agreed-upon corrective measures.
- Strengthens **judicial protections**, with expanded standing and a reversal of the burden of proof to the employer in cases of suspected discrimination.

For further information and insights

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