



OBSERVATORY
LABOUR LAW & IR
di Morri Rossetti & Franzosi

Monthly Roundup

May 2026

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

1. *Italian Supreme Court: employer liability for excessive working hours applies even to executives and managers;*
2. *New “EU single permit”: simplified procedure for foreign workers;*
3. *Accidents at work: liability of the employer must be assessed based on previous predictability and preventability.*

1. Italian Supreme Court: employer liability for excessive working hours also applies to executives and managers

In Judgment No. 16305 of May 26, 2026, the Italian Supreme Court ruled on the issue of protecting employees' health against excessive workloads.

In the case at issue, an executive had been working particularly long hours (approximately 260 hours per month), to the extent that this significantly exceeded reasonable limits and forced him to cease work, remaining on sick leave until the end of the grace period, which subsequently led the company to terminate the employee's employment for exceeding its maximum limits, as per the applicable NCBA.

In declaring the dismissal invalid, the Supreme Court confirmed the employer's liability under section 2087 of the Italian Civil Code, clarifying that the obligation to protect the employee's physical and mental well-being requires the company to adopt a work organization capable of preventing situations of overload. It follows that even for workers in managerial positions – who are not subject to ordinary working hour limits – the employer is still required to ensure working conditions compatible with health protection.

2. New “Single EU Permit”: simplified process for foreign workers

Legislative Decree No. 83/2026 – effective as of May 22nd, 2026 – introduced a reform of the regulations governing work residence permits for third-country nationals, implementing EU Directive 2024/1233.

The main change involves strengthening the procedure aimed at obtaining a permit that allows both residence and work in Italy (the so-called “single permit”). An accelerated 30-day deadline is introduced for the issuance of the single permit, and a 90-day deadline for the completion of the entire procedure.

The Decree also provides for greater centralization of the procedure, with clearer responsibilities assigned to administrative authorities, with the aim of reducing bureaucratic delays and facilitating regular entry into the labour market.

Moreover, the norm also provides for new information obligations lying on the employer, who is required to inform the involved employee, for instance, of the conditions for entry and residence in Italy, as well as to keep the latter updated on the status of the application.

3. Accidents at work: liability of the employer must be assessed based on previous predictability and preventability

In its decision No. 17877 dated May 18th, 2026, the Criminal Division of the Supreme Italian Court further clarified the limits of employer liability in cases of fatal workplace accidents, ruling out automatic liability in such scenarios.

In particular, it shall be up to the judge to identify a specific precautionary rule violated prior to the event and to assess whether, based on the technical knowledge available at the time, the employer should have exercised

greater diligence in the prevention of workplace accidents.

Otherwise, the employer's liability cannot be inferred – as the Court of Appeal did in the present case – through an ex-post reconstruction that starts from the death event and works backward to establish a causal link between the violation and the fatal outcome.

What matters, therefore, is the concrete determination of the foreseeability of the improper practice and the company's knowledge of it.

The main updates on Labour Law of May 2026

The principle of the irreducible remuneration: regulatory developments on the subject

In Order No. 8402 of 3 April 2026, the Supreme Court once again ruled on the issue of the non-reducibility of remuneration, focusing on the legislative amendments affecting Article 2103 of the Civil Code. Today, employers and employees may enter into agreements, in a protected setting, to reduce remuneration, provided that this ensures the safeguarding of continued employment, the improvement of living conditions or the development of the worker's career path.

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HR Tip #5 The notice initiating collective dismissal procedures

Pursuant to **Section 4 of Italian Law No. 223/1991**, companies staffing more than 15 employees which intend to carry out at least **five layoffs** within a period of **120 days** as a result of a **reduction or restructuring of business activities**, are required to notify this decision in writing to the established company trade union

representatives and to the respective trade associations (or, in their absence, to the trade associations affiliated with the most representative national confederations).

The notice must strictly include: the **reasons** behind the redundancy and the technical, organizational, and production-related motivations that would preclude the use of alternative measures; the **number and job profiles** of the affected employees; the **timeline** for implementing the staff reduction; the **measures** that were planned to address the social consequences of said collective procedure.

Filing the notice allows the relevant addressees to request, within **seven days of receipt**, a joint review among the involved parties, which marks the start of the collective dismissal procedure.

Failure to provide notice, incomplete information, or non-compliance with the procedure may render the issued dismissals unlawful, resulting in the application of the reinstatement or compensation protections provided by law, depending on the regime applicable to each involved employee.

For further information and insights

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