
Labour Alert

Italian “Collegato Lavoro” 2024

The most relevant novelties of Law Draft No. 1264
on labour provisions, approved by the Senate of
the Republic

23rd December 2024

On December 11th, 2024, the Italian Chamber of Senators - following the favourable opinion of the national Chamber of Deputies - approved Draft Law (“**dl**”) No. 1264 on labour provisions, which is now awaiting publication in the Official Gazette.

This legislative document introduces many innovations, the most relevant of which - according to us - are listed below.

Health and safety at work

A significant practical impact is expected from the novelty introduced **by Article 1, par. 1, lett. e)** of the dl, which reformulates the content of Article 65, par. 2 and 3 of Legislative Decree No. 81/2008 (‘Consolidated Text on Work Safety’).

More specifically, the new wording of the provision suppresses the previous condition whereby the performance of work activities inside closed underground or semi-subterranean rooms was permitted, in the first instance, in the presence of ‘*special technical requirements*’.

However, only in their absence was the activity allowed under the conditions now defined by the new par. 2 (i.e., the work **must not generate the emission of harmful agents, and the requirements of ventilation, lighting, and microclimate must be respected**), as well as all those set out in Annex IV of the aforementioned Consolidated Text.

Additionally, the revised par. 3 now imposes on employers - as defined by Legislative Decree no. 81/2008 – a prior obligation to notify the Italian National Labour Inspectorate (INL) via certified e-mail of their intention to have employees execute activities in the places mentioned above, complete with any attachments capable of proving their compliance to the new provisions. Only after 30 days have elapsed from the date of sending may the premises be used if the INL did not request any additional documentation or replied otherwise.

Agency work

Another significant change to Italian employment regulation is provided for by Article 10 of the dl concerning agency work. The latter provision has amended Article 31, par. 1 of Legislative Decree No. 81/2015, by deleting its fifth and sixth periods, which allowed, in the case of fixed-term staff leasing contracts and until June 30th, 2025, the possibility for the user company to benefit from the activity carried out by one single agency worker for periods exceeding twenty-four months, even if not continuous, without the risk of establishing an employment relationship with the latter for an open-ended period.

Probationary period in fixed-term employment relationships

By means of **Article 13** of the dl, the Italian legislator amended Article 7, par. 2 of Legislative Decree No. 104/2022, inserting a new sentence which provides that, in addition to being determined proportionally based on the length of the relationship, the **duration of the probationary period** is to be calculated considering **one day every fifteen calendar days** from the date of commencement of the employment relationship.

The legislator specified that, in any case, the trial period shall last for no less than two days, nor more than fifteen days, in case of a contract lasting up to six months. Additionally, the duration of the notice period must not exceed 30 (thirty) days in case of fixed-term employment relationships lasting more than six months but less than twelve months.

Agile work

Article 14 of the dl introduces a specific deadline of five days from the commencement date of the agile work period, within which the employer is obliged to telematically notify the Italian Ministry of Labour and Social Policies of the names of the workers involved. In the event of any change in the duration of the period or its termination, this communication shall be notified within the same deadline (e.g., five days) from the date on which each of these events occurs.

Termination of employment relationships due to employee's absence

One of the most important innovations brought by the latest regulation is contained in **Article 19**. This provision was inserted in the new par in Article 26 of Legislative Decree No. 151/2015. *7-bis* states that the employment relationship must be considered terminated at the employees' will if their unjustified absence from the workplace is protracted for more than fifteen consecutive days (unless the applicable NCBA establishes a different term).

Consequently, it will no longer be necessary to wait for the online communication by the employee to formalise the termination of the relationship, as in the ordinary cases of resignations. The only remaining obligation for the employer involves its communication of such an event to the Italian National Labour Inspectorate, which will have the faculty verify its efficacy.

The above provisions are applicable unless the involved employees prove that they couldn't communicate the reasons justifying their absence for reasons of force majeure or a fact attributable to the employer.

In such cases, the lack of justification would not be an employee's fault. Therefore, the *raison d'être* of the automatism introduced by the provision in question would cease to exist.

As a result, the worker will not access the NASPI benefit, and the employer will not be required to pay the INPS for the so-called dismissal ticket.

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