

A professional business meeting scene with several people in suits gathered around a table, looking at documents and a laptop. The image is overlaid with a semi-transparent dark grey filter.

MORRI
ROSSETTI

Labour Monthly Roundup

June 2023

LABOUR MONTHLY ROUNDUP

The Firm's Labour Monthly Roundup holds some of the most important clarifications on the new practices and law cases of the past month that are relevant to the following subjects:

1. *INAIL Circular no. 23/2023: insurance obligation of the Employees' Representant for Safety (RLS);*
2. *Social security reliefs for employers hiring female staff in disadvantaged conditions;*
3. *Memorandum of understanding between the National Labour Inspectorate (INL) and the National Equality Counsellor;*
4. *Deletion of the National Agency for Active Labour Policies ("ANPAL");*
5. *Unusable the data obtained following a massive and extensive control of employees' e-mail accounts due to suspected offence.*

1. INAIL Circular no. 23/2023: insurance obligation of the Employees' Representant for Safety (RLS)

With its Circular no. 23 dated last June 1st, the National Institute for Industrial Accidents Insurance ("INAIL") offered some clarifications regarding the insurance obligation laying on the employer in favour of the Employees' Representant for Safety at the workplace (RLS). With specific reference to the scope of the insurance, the Circular specifies that accidents that happened during the execution of the duties of the RLS are covered by the latter; on the contrary, no safeguard is offered if the so-called "elective risk" is integrated.

In light of the above, for compensation for the accidents that happened to the RLS, it will be necessary to assess whether they are linked to typical activities usually assigned to individuals holding such a role. Consequently, in cases where such a link is not found, for instance, when works council activities are executed, and an accident happens, the insurance regime at stake cannot cover the latter.

2. Security reliefs for employers hiring female staff in disadvantaged conditions

With Circular no. 58/2023, the Social Security National Institute ("INPS") shared the necessary operating instructions for employers who intend to benefit from the contribution relief granted for employing women in disadvantaged conditions pending the timeframe between January 1st, 2023, and December 31st, 2023.

More specifically, employers meeting the set requirements will be able to benefit from the exemption from the payment of 100% of the total social security contributions usually due (up to a maximum limit of the amount of EUR 8,000 per year) for hirings of female staff on an open term or fixed-terms basis.

3. Memorandum of understanding between the National Labour Inspectorate (INL) and the National Equality Counsellor.

On last June 8th, the National Labour Inspectorate ("INL") and the National Equality Advisor signed a memorandum of understanding aimed at fostering the complete application of the legislation on equal opportunities between men and women and at activating practical actions against gender discrimination, also following the changes introduced by the latest legislation on the matter.

By signing the document at issue, the parties agreed to cooperate and share any helpful information on equal opportunity violations they would become aware of while executing their respective institutional activities (e.g., the two-yearly reports about employees submitted by companies with more than 50 employees).

4. Deletion of the National Agency for Active Labour Policies ("ANPAL")

The Decree Law no. 75/2023 published in the Official Gazette contains urgent provisions on the organisation of public administrations, among which the suppression of the National Agency for Active Labour Policies ("ANPAL"), established in 2015 through the so-called "Jobs Act" provision.

The decision was due to the intention of implementing effective coordination of services and active labour policies and the effective achievement of the objectives set by the National Plan of Recovery and Resilience ("PNRR"). It also provided that the functions of the ANPAL will be assigned to the Ministry of Labour, to which part of the relevant human, instrumental and financial resources are also transferred.

5. Unusable the data obtained following a massive and extensive control of employees' e-mail accounts due to suspected offence

The Italian Supreme Court (through judgment no. 18168/2023) once again dealt with unlimited controls unlawfully exercised by the employer on the e-mail accounts provided to its employees on the

suspicion that the latter could have committed an offence. On the matter, the judges confirmed that the legitimacy of the retrospective tracking of e-mail accounts requires an assessment of the impact on the personal employees' sphere and, consequently, the implementation of treatment in line with the principles of lawfulness and fairness. The above, in addition to the ritual sharing of the informative document mandatorily shared with employees provided with the employer's technological devices.

In other words, data processing through defensive investigations must comply with the principles of minimisation and proportionality, relevance, and non-excessiveness when the employer monitors e-mail accounts.



The main updates on Labour Law of June 2023

Repêchage obligation extended to vacant positions in the future

28 June 2023

The employer, in fulfilling the duty of repêchage, must also take into account job positions which, although still occupied at the time of dismissal, will become available within a time frame close to the termination.

[→ Read more](#)

Business visa: an alternative for working in Italy

15 June 2023

Having business interests in Italy but needing a title that could allow one to enter and leave the territory quickly can be a problem in day-to-day business and related activities. In such a

context, a business visa can make the movement of extra-EU citizens much more straightforward.

[→ Read more](#)

Service contracts. Case law draws the line between legality and unlawfulness.

1 June 2023

The recent judgment of the Italian Supreme Court. Criminal Section III (dated May 4th 2023, no. 18530) addressed the issue of service contracts – increasingly used by companies – marking the boundary between those defined as lawful operational tools and the unlawful supply of manpower.

[→ Read more](#)

HR Tips #6: Geolocation

Installing employee geolocation systems requires prior agreement with the works council or authorisation from Labour Office.

To this purpose, it is necessary to balance the purposes, consisting of organizational needs, safety and protection of company assets, with the protection of workers' dignity and rights.

Systems to provide suitable safeguards must:

- 1. allow the knowledge of the geographic location of the employee only to authorised parties and when consistent with the purposes pursued;*

- 2. allow deactivation of the device during breaks and outside working hours to exclude continuous monitoring of the worker;*
- 3. process data using pseudonyms, excluding data directly identifying to data subjects;*
- 4. provide data storage only when necessary and with retention times proportionate to the purposes pursued.*

In any case, the worker must be given adequate information on how to use this GPS and on the monitoring carried out by the employer using them.

* * *

For more information and insights, you may contact:

Emanuele Licciardi

Partner | Dept. of Labor Law and Industrial Relations

[*\(Emanuele.Licciardi@MorriRossetti.it\)*](mailto:Emanuele.Licciardi@MorriRossetti.it)

Follow us on **LinkedIn**



MORRI
ROSSETTI



Morri Rossetti
Piazza Eleonora Duse, 2
20122 Milano

MorriRossetti.it