

 OBSERVATORY
LABOUR LAW & IR

di Morri Rossetti & Franzosi

Monthly Roundup

October 2025

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

1. *Supreme Court: the concept of justification in the dismissal of executives;*
2. *The Italian Ministry of Labour and Social Policy: Note no. 14744/2025 on the validation of resignations during the probationary period;*
3. *Artificial intelligence (Law 132/2025): From 10 October, there is an obligation to provide information on the use of AI;*
4. *Supreme Court: the probative value of WhatsApp messages for communicating illness;*
5. *INPS: New regarding bonuses for working mothers.*

1. Supreme Court: the concept of justification in the dismissal of executives

With judgment no. 26609 of 2 October 2025, the Court returns to express its opinion on the concept of justification in the context of executive dismissal. In particular, the Court confirmed the distinction between dismissal without cause and justified dismissal.

According to the judges, the violation of managerial duties, attributable to the activities for which the manager is responsible and which they consciously undertake, may justify dismissal, provided that it is not the result of an arbitrary decision.

For the Court, for the dismissal of a manager to be considered legitimate, it is sufficient that, following an overall assessment of the case in question, the termination does not appear arbitrary but has been ordered based on circumstances capable of damaging the relationship of trust between the employer and the manager in terms of the latter's reliability.

2. The Italian Ministry of Labour and Social Policy: Note no. 14744/2025 on the validation of resignations during the probationary period

The Italian Ministry of Labour and Social Policy, in note no. 14744/2025 has ruled on the issue of validating resignations during the probationary period.

Pursuant to Article 55, paragraph 4, of Legislative Decree 151/2001, resignations submitted during the probationary period by pregnant employees or parents during the first three years of their child's life must be validated by the local Labour Inspectorate.

Resignations remain suspended until the Labour Inspectorate issues a decision within 45 days of receiving the notification.

3. Artificial intelligence (Law 132/2025): from 10 October, there is an obligation to provide information on the use of AI

With the entry into force of Law No. 132 of 23 September 2025, from 10 October, employers and professionals will be required to provide information on the use of artificial intelligence.

The law requires employers who use advanced AI systems to inform the data subject and trade union representatives in writing.

The same communication obligation also applies to professionals, particularly the obligation to inform clients about the use of AI tools to support intellectual services.

4. Supreme Court: the probative value of WhatsApp messages for communicating illness

With judgment no. On 7 October 2025, the Supreme Court ruled that WhatsApp messages have no probative value for the purpose of calculating the period of sick leave.

The case originated from an employee's appeal against dismissal for exceeding the sick leave period.

The Court, in confirming the decision of the judges of merit, who had rejected the employee's claim, noted that the clause in the National Collective Labour Agreement (CCNL) providing for a longer sick leave period for serious illnesses refers to those requiring life-saving treatment.

In this case, the Court specified that the employee's WhatsApp messages, which informed the company of the nature of his illness, did not constitute evidence of his state of health.

5. INPS: new regarding bonuses for working mothers

With Circular No. 139 of October 28, 2025, the Italian National Security Agency (INPS) established new rules for obtaining the 2025 bonus for female employees.

The bonus is available to mothers with at least two children until the youngest child reaches the age of ten.

The bonus, equal to EUR 40 per month, up to a maximum of EUR 480, will be paid in a single instalment in December 2025.

In addition to employees, self-employed workers registered with compulsory social security schemes, pension funds, and the separate pension scheme are also eligible for the contribution.

The main updates on Labour Law of October 2025

Interference risk: the principal's liability in the event of an accident at work

In the event of an accident at work within the scope of a service contract, where the work is carried out on the principal's premises, the latter must demonstrate not only that they have fulfilled their obligations under safety regulations but also that they have not interfered in any way with the performance of the contract to exclude their liability.

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Transnational work and social security: clarifications provided by the CJEU

With the "Hakamp" judgment no. 203/24 of September 4th, 2025, the CJEU provided both quantitative and qualitative clarifications on the interpretation of European provisions identifying the social security legislation applicable in cases of transnational work performed by employees in two or more European countries.

[→ Read more](#)

HR Tip #10 Availability allowance

The performance of work in **agile working** mode (sections 18 and ff., Law No. 81 of May 22nd, 2017) is a form of remote working which is executed **partly inside and partly outside the company premises**, using company devices provided by the employer, within the limits of the daily and weekly working hours a set by national regulations and by the applicable NCBA.

Employers shall **prioritise**, before other employees, workers with dependent children under the age of thirteen or with disabilities, workers with disabilities themselves or those who act as caregivers, should they require benefit from such a working regime.

To implement this work regime, employers shall execute a dedicated **individual agile working agreement** with each employee concerned. Within five days of the beginning and termination of remote working, the employer is required to formally notify the Italian Ministry of Labour of the names of the affected employees, along with the relevant start and end dates. In the event of non-compliance, the applicable law provides for an **administrative fine** on the employer, ranging **from EUR 100 to EUR 500 for each employee concerned**.

For further information and insights

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