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# Labour Monthly Roundup

September 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 current month that are relevant to the following subjects:

1. *Supreme Court: the use of leaves to avoid exceeding the grace period;*
2. *INPS: Single allowance for newborns;*
3. *Fringe Benefits for workers with children: threshold confirmed at Euro 3,000.00;*
4. *National Collective Bargaining Agreement for the Executives of the Trade Sector: with September's pay comes the second instalment of the one-off allowance provided by the last renewal;*
5. *GDPR: Employees are entitled to access to investigative reports;*
6. *Ministry of Labor: temporary workers are entitled to union rights according to rules applied to the client's personnel.*

### **1. Supreme Court: the use of leaves to avoid exceeding the grace period**

The Supreme Court, with decision no. 26697 of 9<sup>th</sup> September 2023 ruled that only if there are "legitimate" reasons the employer may deny the leave requested by the employee to avoid exceeding the grace period.

For the Court, however, the employer's reasons must be concrete and effective, consistent with the fairness and good faith clauses characterising the employment relationship.

### **2. INPS: Single allowance for newborns**

In message No. 3078 of Sept. 4, 2023, the Italian Social Security Agency (INPS) stated that starting in September, when a child is born, a notice will be sent to parents who have consented to receive proactive communication inviting them to apply for the universal single allowance or if there are additional dependent children, to supplement the benefit already received.

### **3. Fringe Benefits for workers with children: threshold confirmed at Euro 3,000.00**

Only for workers with dependent children, Decree Law n. 48/2023 established, for 2023, that the value of fringe benefits that do not contribute to the taxable income is raised from EUR 258.23 to EUR 3,000.00.

### **4. National Collective Bargaining Agreement for the Executives of the Trade Sector: with September's pay comes the second instalment of the one-off allowance provided by the last renewal**

Confcommercio and Manageritalia renewed in April 2022 the collective bargaining agreement for managers in the service sector.

Specifically, the agreement provided for the recognition of a one-time payment of EUR 700.00 with the pay of May, September and November 2023.

The amount is payable to all managers in force on the date the agreement was signed, and it is not accounted for the severance pay or any contractual salary item.

### **5. GDPR: Employees are entitled to access to investigative reports**

In Newsletter no. 509 of September 11<sup>th</sup>, 2023, the Italian Data Protection Authority ruled that the employees have the right to access the personal data contained in the report of the private investigator hired by the employer to collect information about them.

The principle applies to all data collected by the PI, even those not shared in the disciplinary procedure that eventually involved the employee.

### **6. Ministry of Labor temporary workers are entitled to union rights according to rules applied to the personnel of the client**

By the Consultive Statement no. 1 of September 15, 2023, the Ministry clarified that although the

NCBA that governs the employment relationship is the one applied by the staffing agency, during the mission, the rules applicable to the temporary employees are supplemented by the provisions of

the NCBA used by the client company. Therefore, the employee must be guaranteed the possibility of exercising the rights of freedom and union activity within the temporary employment context.

The main updates on Labour Law of September 2023

### **Regulatory framework and general terms of performance bonuses**

*Promoting employees' productive performance is one of the employer's main challenges. To this purpose, awarding workers a performance bonus may be a very effective tool, considering the favourable fiscal regime they can benefit from.*

[→ Read more](#)

### **The remote worker's safety abroad**

*The employer must ensure the employees' health and safety even when performing their performance from abroad.*

*The legislation regulating remote working, Law No. 81/2017, does not prevent remote performance by employees outside Italy.*

*The performance of work abroad does not exclude, though, the employer's obligation to guarantee employee protection from the point of view of safety at work.*

[→ Read more](#)

### **HR Tips #9: Blue card europea**

*Foreign highly-skilled workers residing in non-EU countries can enter Italy for working purposes outside the yearly quotas set by the so-called «Flows» Decree, provided they have obtained a specific immigration visa, the «European blue card».*

*EU Directive no. 1883/2021 recently expanded the scope of the concerned workers and the objective requirements of the working relationships involved (respectively, seasonal workers can now require the blue card and specific references to information and communication technologies were made within the regulatory document).*

*Furthermore, more favourable conditions for the entry of the blue card owner's spouse and relatives were also provided.*

*However, given that the final term for the transposition of the mentioned Directive is set for next November, further amendments may result from the national implementation.*

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For more information and insights, you may contact:

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