



**OBSERVATORY**  
**LABOUR LAW & IR**  
*di Morri Rossetti*

---

# Monthly Roundup

---

June 2024

## June 2024

Some of the most important clarifications on the new practices and law cases of the previous month.

---

1. *Italian Supreme Court, order no. 17430/2024: proving part-time employment through conclusive actions.*
2. *Italian Data Privacy Authority (IDPA) on using employees' biometric data.*
3. *Virtual reality as an educational tool in mandatory training.*

### **1. Italian Supreme Court, order no. 17430/2024: proving part-time employment through conclusive actions**

On June 25th, 2024, the Italian Supreme Court discussed the possibility that an employment relationship initially defined as full-time could be identified as part-time if a constant and effective reduction of the initial working schedule intervened, which could also be proven through conclusive actions.

The Court stated that although the applicable regulations provide that employment contracts must be integrated with a dedicated clause, in writing, that defines its part-time nature, it remains possible for the employer to prove that a different *de facto* scenario occurs at the workplace based on the arrangements set between the parties for a suspension of the working activity. According to the Italian Supreme Court judges, this would lead to implementing implicit integrative clauses in the employment contract, now providing for a part-time agreement, which can only be amended through a further dedicated arrangement between the parties.

### **2. Italian Data Privacy Authority (IDPA) on the use of employees' biometric data**

In its statement, no. 338, dated June 6th, 2024, the IDPA (Italian Data Privacy Authority) ruled on how

employees' data shall be treated based on a worker's claim in this sense.

As a result of the investigations carried out by the IDPA, the latter found – among other things – that the company used a biometric entrance control system and that the related data was kept until the termination of the employment relationship. In this regard, the Authority clarified that the consent given by employees regarding using this type of data was insufficient to make its use lawful, given the asymmetry between the parties of the employment relationship. Moreover, the Authority clarified that, on an adequate legal basis, the employee's biometric data could be processed only during the registration and acquisition phase necessary for biometric comparison, and they should not be stored except for the time strictly necessary for the generation of the template itself.

### **3. Virtual reality as an educational tool in mandatory training**

The Italian Ministry of Labor and Social Policy has responded to the request submitted by the University of Siena through ruling no. 3/2024, thus providing guidelines for virtual reality tools as part of mandatory training and update courses in occupational health and safety.

In its response, the Ministry entrusted its analysis to the provisions of the Agreement of December 21st, 2011, signed by both the latter and the Italian Ministry of Health, in which it is provided that,

where possible, innovative learning methodologies are favoured, including those involving virtual activities as regulated by Annex I of the

same Agreement, named "Training via e-learning on occupational health and safety."

The main updates on Labour Law of June 2024

### **New European directives on gender equality**

EU Directives 1499 and 1500 of May 29, 2024, will come into force on June 18, 2024. These directives *change the rules governing the essential requirements for the operation of national authorities responsible for supervising the proper implementation of equal treatment principles in the workplace.*

[→ Read more](#)

### **The distribution of profits to employees through stock option plans**

An employer may reward its employees in cash or in kind, as well as allow them to access the company's profits. Of course, the employer must consistently implement said choice in compliance with the precise rules and strict processes above all when realised through stock granting or other securities.

[→ Read more](#)

### **HR Tip #6: Repêchage duty**

When employers terminate employment relationships due to job **cancellation**, usually in the framework of a company reorganization, they must **comply with certain specific obligations** to ensure the termination is lawful.

The **repêchage duty** is crucial in this regard. Before making the employee redundant, the employer must diligently check that there are **no further job vacancies** to which the employee could be assigned, even if demoting or requiring preventive (reasonable) training sessions.

Failure to follow the correct termination procedures can have significant **repercussions** for the employer. If the employee's dismissal is deemed null and void, the latter could be entitled to be reinstated within the company. This would drag along all connected **sanctioning, remunerative, and contributive consequences** for the employer.

For further information and insights

**Emanuele Licciardi**

*Partner | Dept. of Labour Law and Industrial Relations  
Responsible for the Labour Observatory*

Emanuele.Licciardi@MorriRossetti.it

---

Morri Rossetti



Labour Observatory





OBSERVATORY  
LABOUR LAW & IR  
*di Morri Rossetti*

Piazza Eleonora Duse, 2  
20122 Milano  
**MorriRossetti.it**

**Osservatorio-labour.it**