



**OBSERVATORY**  
**LABOUR LAW & IR**

*di Morri Rossetti*

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# Monthly Roundup

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May 2024

## May 2024

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

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1. *Supreme Court: employee is suspended if he refuses to take safety courses;*
2. *Supreme Court: if the manager does not supervise the actions of subordinates, he can be sanctioned;*
3. *Supreme Court: dismissed, after reinstatement, for denigrating the company on Facebook;*
4. *INL: new parent resignation is revocable even if validated.*

### **1. Supreme Court: employee is suspended if he refuses to take safety courses**

In Order No. 12790 of May 10th, 2024, the Supreme Court ruled that employees' health and safety training can also occur outside working hours, paying the overtime salary uplift.

The rule requiring the employer to hold training courses during working hours is intended to clarify that the courses must be held during working hours, including overtime.

### **2. Supreme Court: if the manager does not supervise the actions of subordinates, he can be sanctioned**

In its Order No. 8642 of April 2nd, 2024, the Supreme Court declared lawful the disciplinary sanction served to the manager who, due to his failure to supervise the work of his subordinates and the inability to adopt general directives, caused severe damage to the enterprise.

The manager's duty to supervise the proper conduct of the staff's work implies controlling the staff's work.

Therefore, the manager may be subject to disciplinary proceedings in case of irregularities.

### **3. Supreme Court: dismissed, after reinstatement, for denigrating the company on Facebook**

In its Order No. 13764 of May 17th, 2024, the Supreme Court ruled that the post by which the employee disparages the company after reinstatement constitutes cause for dismissal, even if the conduct occurred before the resumption of work activity.

A wrongful act committed between the reinstatement ruling and the actual resumption of employment can be evaluated from a disciplinary point of view because the reinstatement order reactivates all obligations of the labour relationship.

### **4. INL: new parent resignation is revocable even if validated**

In Note no. 862/2024, INL clarified the modalities and timing for exercising the revocation of resignations tendered during the protected period.

Resignations already validated by parents within the first three years of their children's lives may be revoked as long as they occurred before their effective date and termination.

However, the authorities must also review the decision to rescind the resignation and evaluate the reasons for the request.

The main updates on Labour Law of May 2024

### **The Damage to the employee's professionalism in the layoff fund**

The employee's unlawful placement in the work-suspension regime and the resulting inactivity create a loss of professionalism for the employee, who must be compensated.

[→ Read more](#)

### **Working activities executed through platforms: latest updates from the EU**

In Italy, determining the correct scheme of regulations to apply to platform workers remains a heated topic, revived by recent judgements of the Employment Courts. The latest European directive, whose formal adoption by the European Council is still awaited, may solve these discussions.

[→ Read more](#)

### **HR Tip #5: Grace Period**

The so-called grace period is the maximum period of protection of the job post in case of an employee's absence due to a **non-work-related illness**.

The definition of the grace period is established by the **National Collective Labor Agreements**, serving as the legal reference for this threshold.

Once the employees exceed the grace period, the employer must make a prompt and **decisive choice** whether or not to dismiss the employee.

The continued tolerance of the absence can be seen as a waiver of the entitlement to **terminate the employment contract**, emphasizing the importance of timely decisions.

Case law and collective agreements acknowledge **further protective measures** for employees suffering from oncologic diseases or disabilities, improving the grace period provided by the NCLA to other employees.

For further information and insights

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