



OBSERVATORY
LABOUR LAW & IR
di Morri Rossetti

Monthly Roundup

September 2024

Therefore, since the conduct at issue would be insubstantial (since existing but lacking the character of unlawfulness facts are included in said category) the employee's termination was deemed unlawful, as already assessed by the Court of second degree that had decided previously on the case.

3. Diligent repentance of social contribution sums due to Italian Social Security Agency: the new regime as of September 1st, 2024

As per the provisions introduced by the "PNRR 4" Decree (Decree Law no. 19/2024, converted into Law no. 56/2024), a benefit system is now set for employers who decide to make a diligent repentance concerning their violation to meet their contribution obligation to INPS (the Italian Social Security Agency), committed on or after September 1st, 2024.

More specifically, the Agency issued a circular (no. 90/2024) in which it clarified the reporting procedures and the application of the benefits of such actions for employer companies.

4. National Labour Office (INL), note no. 7020/2024: employees' data acquired through remote control systems can only be shared with the employer

Following a specific request, concerning the lawfulness of the installation of a geolocation system on vehicles owned by a "carrier" company operating on behalf of third parties, the Italian Labour Office (INL) expressed a negative opinion on the matter, clarifying that authorizations for the installation and use of such instruments shall not be issued, according to section 4 of the Italian Workers' Statute.

The above denial was due to the fact that, in such cases, the party requesting the mentioned authorization would have been different from the one who would actually process the data collected (i.e., the commissioning company) and, therefore – as the INL had already stated – no one who is not directly involved in the employment relationship has the right to file an application under the mentioned regulation, since the justifying reasons for the installation of control systems indicated in that same norm would not be complied with anymore.

The main updates on Labour Law of September 2024

EU Directive on collective dismissal also applies when the employer retires

Rules of member states that do not provide for applying the law on collective dismissals to terminations of employment relationships caused by the employer's retirement are contrary to European law.

The case examined by the Court involved eight Spanish employees who challenged the dismissal imposed on them when the company closed due to the employer's retirement on the grounds that the union consultation phase had not preceded the dismissal.

[→ Read more](#)

HR Tip #9: Resignations for newly-parents employees

Female employees during their entire pregnancy and, together with their male colleagues, over the course of the three years following the birth or the adoption of their child, are covered by the so-called «**protected period**».

Newly-parents employees who decide to resign within the timeframes mentioned above will have to **personally ratify** such a decision before the competent Italian Local Labour Offices (*ITL*) after submitting their formal resignations to their employer.

The described procedure guarantees that the employees' decision to terminate their employment relationship was not due to **unlawful employer pressures because of the workers' new parental status**.

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