



T.C.E.D. SRL - PAYROLL

JOB NEWSLETTER 02 – 2014

New law provisions

1. Government: active labour market measures – the JOBS ACT

2. Obligation for employees working in direct and regular contact with minors to reveal their criminal history records

Safety on the job services offered by our partner CO.META

New law provisions

1. Government: active labour market measures – the JOBS ACT

Italian Legislative Decree n. 34 of 20th March 2014, which came into effect on 21st March, contains urgent measures designed to boost employment and simplify the requirements to be fulfilled by employers.

Fixed-term contracts:

- The Legislative Decree does away with the need to motivate the stipulation of a fixed-term contract on technical, productive, organisational or replacement grounds (for any worker, including temp agency workers). Accordingly, fixed-term contracts may now be entered into without having to give any reasons ("a-causal" contracts) with the only restriction of an overall period of validity, including any extensions, not to exceed 36 months.
- Now up to 5 extensions are possible (subject to the 36-month limit) provided that they refer to the same job profile.
- The total number of fixed-term employment relationships established by an employer cannot exceed 20% of a company's overall workforce, with the exception of companies providing work for no more than five people, which can always hire workers on fixed-term contracts. The collective bargaining clauses that amend such quantitative limit *in pejus* or *melius* remain in force.
- The fixed-term provision is not valid unless it is stated in writing in a document undersigned before the start date of the employment relationship.

2. Obligation for employees working in direct and regular contact with minors to reveal their criminal history records

Effective 6th April 2014, following the transposition of directive 93/2011/EU, employers hiring a person to engage in professional activities or organised volunteer work involving direct and regular contact with children must reveal their criminal history certificates to attest the non existence of a conviction for any of the offences as per articles 600-bis, 600-



ter, 600-quater, 600-quinquies and 609-undecies of the Italian Criminal Code, or disqualification from exercising activities involving direct and regular contact with children.

With circular letter no. 9 of 11th April 2014, the Ministry of Labour and Social Policies provided the following clarifications:

1. The obligation applies solely to new employment relationships;
2. The obligation also applies to relationships with self-employed workers;
3. The obligation does not apply to volunteer work;
4. The criminal history certificate is not required for domestic work (e.g., baby-sitting);
5. The obligation also applies to temp agencies;
6. The obligation does not apply to managers, supervisors, or any other persons in charge of overseeing the activities carried out by a direct operator, who come in contact with the children only occasionally;
7. The obligation applies solely to activities involving a direct and exclusive contact with groups of minors. It does not apply to activities involving non pre-determinable groups of recipients, i.e., targeting undifferentiated user groups;
8. If a certificate is not available, workers may be hired based on a self-executed affidavit to be submitted to the supervisory bodies.

Safety on the job services offered by our partner CO.META (Legislative Decree 81/08)

In the wake of increasing reports and requests concerning safety in the workplace, we wish to inform you that our firm relies on a highly specialised partner to take effective action in any environment requiring either technical or legal interventions.

In view of the growing complexity of the legislative framework that spreads the liability among the company, the company physician, the employer and the RSPP (Prevention and Protection Supervisor), it has become imperative to resort to organisations that can effectively manage the requirements and tasks involved from both the organisational and the operational standpoints.

Our partner CO.META S.c.c.r.l. can meet such needs by supplying "turn-key" services, ensuring ongoing support in putting into place the technical and healthcare measures provided for by Italian Legislative Decree 81/2008, and ensuring a full range of safety-in-the-workplace services for SMEs.

In particular, the range of services offered by CO.META include:

COMPANY PHYSICIAN SERVICES:

- Health monitoring
- Company physician appointment document



- Medical examination and instrumental exams (audiometry, spirometry, ergonomic assessments, vision, ECG, etc...)
- Annual workplace inspections
- Information to the workers on the significance of health monitoring
- Periodic meetings (companies with more than 15 employees)
- Annual health reports (collective results recorded in anonymous form)

PREVENTION AND PROTECTION SUPERVISOR (EXTERNAL RSPP) SERVICES:

- Taking up the appointment of RSPP/ASPP (Prevention and Protection Supervisor/Operator) flanking the Employer
- Risk analysis and assisting the Employer in drawing up the assessment document pursuant to Italian Legislative Decree 81/2008
- Helping with the drafting of building site activity safety plans
- Drafting of Internal Emergency Plans (PEI)
- Implementation of Safety in the Workplace Management Systems (OHSAS 18001 – Occupational Health and Safety Standards)
- Worker training

ADVISORY SERVICES AND SUPPORT:

- Company-specific advisory services
- Assistance with audits by supervisory bodies
- Collaboration in updating risk assessment documents
- Instrumental tests for specific risk assessments (noise, vibration, chemicals, asbestos, etc.)
- Fire prevention practices and procedures
- Communication and management of medical examination schedules
- Worker information and training on specific and generic risks
- Notification of changes to legislative provisions

For any information you may require or to request a quote, please contact: Mr. Antonio Aprea 02/34537154, antonio.aprea@consorziocometa.it