



T.C.E.D. SRL - PAYROLL

LABOUR LEGISLATION UPDATES 04/2013

New law provisions

1. Ministerial explanations on Fornero's reform
2. 31 May 2013: deadline to present the Risk Assessment Document for businesses with less than 10 employees.

1. Ministerial explanations on Fornero's reform

The Ministry of Labour has published a guidebook on the application of Law 92/2012 for ease of reference.

Fixed-term contracts:

- the first contract "without cause" can be drawn-up even if the employer and the fixed-term employee had a past self-employment relationship (however, this is not the case for if the worker was a previous employee);
- in case fixed-term contracts are taken over, there is no obligation to respect the intervals between said contracts, only in case of recruitment of a worker in mobility. National, territorial or corporate bargaining can reduce the intervals even in different or more cases with respect to those associated with qualified organisational processes;
- as there are no specific restrictions, it is advisable to avoid hiring the same worker on a "job on call" basis without respecting the intervals

Job on call basis:

- this type of contract can be drawn-up if the employment relationship has temporal intervals between jobs, even of significant duration;
- the collective bargaining cannot identify the pre-determined periods of work referred to the entire year. If the individual contract refers to a collective requirement in that effect, the latter should be considered an open-ended contract.
- for each cycle of 30 days in which a call notice is not met for the same worker, only one sanction is applicable.

Apprenticeship:

- if the training booklet is not available, indicate the training course even through a record of the activities carried out on any employer registry without any special formalities;



- failure to comply with the regulations on the role of the tutor does not entail the automatic application of sanctions for missed training. Conciliating dismissal procedure for justified objective reasons:
- you can go to the Territorial Labour Office with an agreement entered into through a trade union; - this should not apply for cases of "at will" dismissals declared during the training period, dismissals for passing of the grace period and dismissals declared to the trainee at the end of the training period.

Project-based employment:

- The project may fall within the scope of the company's production cycle and within the company's core business, but it may not limit itself to concise, general standardized wordings that identify the name of business described in the chamber of commerce certificate of the principal.

2. Deadline to present the Risk Assessment Document for businesses with less than 10 employees

It is worthy of mentioning that 31 May 2013 is the last validity day of the self-certification used for assessing the risks on the part of employers who have up to 10 employees.

All employers who have use a self-certification to present day must make a risk assessment report and formalise all risks in the workplace into a document (DVR). Failure to comply with the obligations set out by the regulation will result in the following sanctions:

- for failing to prepare a Risk Assessment Document, arrests from 3 to 6 months or penalty of Euro 2,500 to Euro 6,400.
- In case of incomplete preparation of the Risk Assessment Document and failure to indicate proper measures to improve safety over time, prevention and protection measures, procedures on measures adopted and distribution of tasks and responsibilities, a penalty range from Euro 2,000 to Euro 4,000;
- in case of incomplete preparation of the Risk Assessment Document and failure to indicate the assessments of all risks, the identification of duties that expose workers to specific hazards or require recognised professional abilities, specific experience and proper training (e.g.: the use of forklifts, etc) there is a penalty that ranges from Euro 1,000 to Euro 2,000.

Clients who have not yet prepare the DVR must contact Consortium COMETA (www.consorziocometa.it), a trusted partner of the firm that deals with workplace safety issues. write to the following email: segreteria.cometa@consorziocometa.it (make sure to mention that you are client of the Firm).

