

Employment agenda

Some significant changes in legislation relating to labour law in force since January 2012

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New terms to challenge termination of the employment relationship, also for fixed-term relationships and para-employees

Starting from 31 December 2011, Article 6 of Law No. 604/1966 has become effective, in its new version: any termination of employment must be challenged within 60 days, and the challenge is not effective unless, within 270 days from the petition is deposited at the appropriate court or an attempt for conciliation or arbitration is requested.

These new provisions – and the terms set out therein – begin to apply in connection with all cases of invalidity of termination, unlawfulness of the fixed term in fixed term contracts, transfers pursuant to Article 2103 of the Civil Code, withdrawal from continued and coordinated employment agreements, and work on project agreements (*co.co.co* and *co.co.pro*), transfer of the agreement in the context of the transfer of a going concern or business pursuant to Art. 2112 of the Civil Code, etc.

According to certain interpretations, these new provisions are in part applicable also in the context of termination of a relationship with executives (*dirigenti*) and collective dismissals.

Changes to part-time: ratification by the Provincial Labour Office no longer necessary

As from 1 January 2012, as the result of the entry into force of several provisions affecting part-time employment set forth in Law No. 183/2011, it is no longer necessary that the Provincial Labor Office (*Direzione Provinciale del Lavoro*, DPL) ratify a change from a full-time employment contract to a part-time employment contract. The written agreement between the parties will suffice.

The so-called Milleproroghe Decree: support income confirmed

Law Decree No. 216/2011 (which has not yet been converted into law) has renewed for 2012 the program providing support income and other instruments (such as unemployment indemnity and other social measures in derogation) for subordinated employees, including apprentices, and continued and coordinated workers who meet the criteria applicable in the past years.

This publication does not necessarily deal with every important topic or cover every aspect of the topics with which it deals. It is not designed to provide legal or other advice.

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