

Table of Contents

The Author	3
Note of the Author	5
List of Abbreviations	15
General Introduction	17
Chapter 1. General Features	17
§1. GEOGRAPHY AND POPULATION	17
§2. POLITICAL SYSTEM	17
§3. THE ECONOMY	20
Chapter 2. Definitions and Notions	23
§1. INDIVIDUAL LABOUR LAW	23
§2. TRADE UNION LAW (<i>DIRITTO SINDACALE</i>)	23
§3. SOCIAL INSURANCE AND SOCIAL SECURITY LAW	23
§4. THE SCOPE OF LABOUR LAW	24
§5. LEGAL NATURE OF LABOUR LAW	25
Chapter 3. The Historical Background	27
§1. THE ORIGINS: LIBERALISM AND REPRESSION	27
§2. TOLERANCE AND PROTECTION: 1889–1922	27
§3. THE FASCIST PERIOD	28
§4. THE RECONSTRUCTION OF FREE UNIONISM IN POST-WAR ITALY AND THE 1950S	28
	7

Table of Contents

§5. THE 1960S AND 1970S	29
§6. THE 1980S AND 1990S	30
§7. FROM 2000 TO PRESENT: THE IMPACT OF ECONOMIC CRISIS ON LABOUR LAW	30
Chapter 4. Government Institutions and Their Functions	33
§1. THE NATIONAL COUNCIL FOR ECONOMY AND LABOUR	33
§2. THE DEPARTMENT OF LABOUR AND SOCIAL INSURANCE (SINCE 2001 DEPARTMENT OF LABOUR AND WELFARE)	33
§3. THE OFFICES OF LABOUR AND THE CENTRES FOR EMPLOYMENT	34
§4. THE LABOUR INSPECTORATE	34
Chapter 5. Sources of Labour Law	36
§1. THE CONSTITUTION	36
§2. ORDINARY LEGISLATION	36
§3. COURT DECISIONS	37
§4. COLLECTIVE BARGAINING AGREEMENTS	37
§5. CUSTOM	37
§6. RULES OF WORK	38
§7. INTERNATIONAL SOURCES	38
Part I. The Individual Employment Relationship	41
Chapter 1. Definitions and Concepts	41
§1. THE USUAL DEFINITION OF 'EMPLOYEE'; THE MEANING OF SUBORDINATION	41
§2. PLATFORM-BASED WORK	42
§3. DIFFERENT CATEGORIES OF EMPLOYEES	44
I. Blue-Collar and White-Collar Workers	44
II. Leading Personnel, Management (Dirigenti)	45

Table of Contents

§4. DIFFERENT KINDS OF INDIVIDUAL LABOUR CONTRACT	47
I. The Individual Labour Contract for an Indefinite Period	47
II. The Individual Labour Contract for a Definite Period	47
III. Temporary Work	52
IV. The Trial Clause	54
§5. SPECIAL LABOUR CONTRACTS	55
I. Work on Projects and Collaborations	56
II. Accessory Work	58
III. Contract of Intermittent Work or ‘Job on Call’	59
IV. Part-Time Work	60
V. Homeworking	63
VI. Telework and Smart Work	64
VII. Apprenticeship	65
A. A Special Form of Apprenticeship for Young Workers: Work- Training Contracts – Entry Contracts	68
§6. SELF-EMPLOYMENT/INDEPENDENT WORK	69
I. Work in Association and in Cooperatives	70
§7. THE REQUIREMENTS FOR CONCLUDING A VALID LABOUR CONTRACT	71
I. Legal Capacity to Work and to Contract	71
A. Children and Adolescents	72
B. Women	72
C. Foreign Extra-Community Workers	73
II. Limits to the Conclusion of a Labour Contract Resulting from the Law on the Public Placement Service	74
III. Consent and Formal Requirements	78
IV. Object and Cause	79
V. Labour-Only Subcontracting: Lending of Workers	79
§8. LEGAL CONSEQUENCES OF NULLITY AND ANNULMENT OF A LABOUR CONTRACT	82
Chapter 2. The Rights and Duties of the Parties During the Employment Relationship	83
§1. DUTIES OF THE EMPLOYEE	83
I. Duty to Work Diligently and Obediently	83
II. Job Classifications	83
III. Transfer	86
IV. Duty of Fidelity (Duty of Non-competition and Duty to Respect Professional Secrets)	86
§2. DUTIES OF THE EMPLOYER	87
I. Duty to Employ the Worker	87
II. Duty to Provide Safe Conditions of Work	87

Table of Contents

III. Duties Related to Employment Cards	89
§3. DIRECTIVE AND DISCIPLINARY POWERS OF THE EMPLOYER	90
I. Limitations by Law	90
II. Limits to Disciplinary Powers	91
Chapter 3. Working Time and Holidays	94
§1. WORKING TIME	94
§2. OVERTIME	96
§3. SUNDAY REST	97
§4. ANNUAL VACATIONS	98
§5. TIME OFF WORK	99
Chapter 4. Remuneration and Benefits	101
§1. THE CONCEPT: REMUNERATION	101
§2. MINIMUM WAGES	103
§3. EQUALITY OF TREATMENT	104
I. Women	104
II. Minors	110
§4. PAY SYSTEMS	110
I. According to Time and by Results	110
II. Methods and Terms of Payment	112
III. Deductions, Seizure, Protection	112
Chapter 5. The Suspension (of the Execution) of the Labour Contract	114
§1. SUSPENSION DUE TO THE EMPLOYEE	114
I. Sickness, Work Accidents	115
II. Pregnancy and Maternity	116
III. Military Service: First Call and Recall to Arms	117
§2. SUSPENSION DUE TO THE EMPLOYER (OR TO THE ENTERPRISE)	118
I. Generalities	118
II. Salary Integrations: Lay-Offs and Short-Time; Unemployment Benefits	119

Table of Contents

§3. SO-CALLED CONTRACT OF EXPANSION	124
§4. MINIMUM INCOME	125
Chapter 6. The End of the Individual Labour Contract	127
§1. GENERAL WAYS OF TERMINATING THE INDIVIDUAL LABOUR CONTRACT	127
§2. MUTUAL CONSENT, JUDICIAL DISSOLUTION, IMPOSSIBILITY OF PERFORMANCE	127
§3. DEATH OF ONE OF THE PARTIES, TRANSFER OF THE ENTERPRISE	128
§4. OTHER REASONS	129
§5. TERMINATION WITH NOTICE AND FOR A JUST CAUSE	130
I. The Provision of the Civil Code	130
II. The Term of Notice	130
III. Termination by the Employee	131
§6. INDIVIDUAL DISMISSALS	132
I. Limitations by Collective Agreement	132
II. Legislative Protection: In General	132
III. Dismissal Because of Marriage	132
IV. The Form of Dismissals	133
V. Justifiable Reason and Just Cause	133
VI. Remedies Against Unjustified Dismissal	135
VII. The Scope of Act No. 604 and of Article 18	135
VIII. Variation of Contract and 'Constructive Dismissal'	136
IX. Effectiveness of Protection	137
X. Modification of Article 18	137
§7. COLLECTIVE DISMISSALS	141
§8. SEVERANCE INDEMNITY	143
§9. PROTECTION IN CASE OF INSOLVENCY	144
Chapter 7. Public Policies to Promote Employment	146
§1. ACTIVE LABOUR POLICIES AND TRAINING	149
§2. VOCATIONAL TRAINING	150
§3. IRREGULAR WORK	151
	11

Table of Contents

Chapter 8. Covenant of Non-competition; Inventions by Employees; Statute of Limitations	153
§1. COVENANT OF NON-COMPETITION	153
§2. INVENTIONS BY EMPLOYEES	153
§3. STATUTE OF LIMITATIONS	154
§4. WAIVERS	155
Chapter 9. The Settlement of Labour Disputes	157
§1. JUDICIAL SETTLEMENT	157
§2. EXTRA-JUDICIAL SETTLEMENTS	159
§3. CERTIFICATION OF LABOUR CONTRACTS	162
Part II. Collective Labour Relations	165
Chapter 1. Trade Union Freedom	165
§1. HISTORICAL BACKGROUND	165
§2. THE PROTECTION OF TRADE UNION FREEDOM	167
I. Article 39 of the Italian Constitution	167
II. International Legislation	169
§3. TRADE UNION FREEDOM PROTECTION BY THE STATUTE OF WORKERS' RIGHTS	170
§4. NEGATIVE TRADE UNION FREEDOM	172
Chapter 2. The Trade Unions and the Employers' Associations	176
§1. ORGANISATION AND STRUCTURE OF TRADE UNIONS	176
I. The Trade Unions	176
II. Present Difficulties and Prospects	182
§2. THE EMPLOYERS' ASSOCIATIONS	188
§3. LEGAL STATUS OF TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS	190
§4. THE MOST REPRESENTATIVE ORGANISATIONS	192

Table of Contents

Chapter 3. Institutionalised Relations Between Employers and Trade Unions: Legal Support for Trade Union Activities at Plant Level	196
§1. TRADE UNION RIGHTS	196
§2. REPRESSION OF EMPLOYERS' ANTI-UNION ACTIVITY	204
Chapter 4. Collective Bargaining	207
§1. HISTORICAL EVOLUTION OF COLLECTIVE BARGAINING	207
§2. THE STRUCTURE OF COLLECTIVE BARGAINING DURING THE 1960S AND THE 1970S	209
§3. TRENDS TOWARDS CENTRALISATION (1975–1984)	210
§4. BIPOLARISM AND STABILISATION: THE SOCIAL PACT OF 1993	213
§5. COLLECTIVE BARGAINING IN THE YEARS 2000: MORE DECENTRALISATION?	214
§6. COLLECTIVE BARGAINING AND PUBLIC POWERS	217
§7. THE LEGAL STATUS AND PROCEDURE OF COLLECTIVE BARGAINING	220
I. Generalities	220
II. Types of Collective Agreement	222
§8. ENFORCEMENT OF COLLECTIVE AGREEMENTS	237
Chapter 5. Workers' and Union Participation in the Enterprise	239
Chapter 6. Industrial Conflict	244
§1. DIMENSIONS AND FORMS OF INDUSTRIAL CONFLICT	244
§2. THE RIGHT TO STRIKE	246
§3. LIMITS TO THE RIGHT TO STRIKE	248
§4. OTHER FORMS OF INDUSTRIAL ACTION	258
§5. LOCK-OUT	259

Table of Contents

Chapter 7. Prevention and Settlement of Industrial Conflicts	262
Selected Bibliography	265
Index	267