



[Login](#)

EMCC

European Monitoring Centre on Change

## Italy: Staff information and consultation on business transfers

[Go to list page](#)

Italy

Phase:

Anticipation

Type:

Staff information and consultation on business transfers

Last modified: 18 June, 2021

Native name:

Legge 29 dicembre 1990, n. 428, Disposizioni per l'adempimento di obblighi derivanti dall'appartenenza dell'Italia alle Comunità europee

English name:

Law 29 December 1990, no. 428, Provisions for the fulfillment of obligations deriving from Italy's membership of the European Communities

### Article

47

### Description

In the case of a transfer of business or part thereof, in companies staffed with more than 15 workers, the information and consultation procedure contained in article 47 of law no. 428/1990 should be complied with in order to protect workers' collective interests. The notice of a transfer of business or part thereof shall be provided 25 days before the legal act finalising the transfer becomes effective. It has to mention:

- the date or proposed date of the transfer;
- the reasons of the planned business transfer;
- its legal, economic, and social consequences for the workers; and
- possible measures for the benefit of the workers.

The unions are involved insofar as the company has to inform the works councils ('Rappresentanze Sindacali Unitarie', RSU) or company works councils ('Rappresentanze Sindacali Aziendali', RSA) about the transfer of business, as well as the sectorial unions that have signed the collective labour agreement applied by the companies involved in the transfer. In case there are no RSA, the company (or its representative association) is obliged to inform the comparatively more representative sectorial unions.

Within seven days, trade unions can ask for a joint examination with the employers; consultation is considered to be concluded should an agreement not be reached within 10 days.

The law clearly states that an anti-union behaviour is to be found not only if information obligations are breached, but also if the company and the trade union have not carried out the joint assessment procedure.

### Comments

Trade unions note that, in some cases, business transfers could be used as a way to impose worse working conditions or to prepare the ground for collective dismissals of the workers being moved.

#### Cost covered by

Not applicable

#### Involved actors other than national government


Trade union  
Works council


#### Thresholds

Company size by number of employees:  
15

## Sources

 [National law database](#)

 [Law 29 December 1990, no. 428, art. 47](#)

 Carinci, M. (2013), Utilizzazione e acquisizione indiretta del lavoro: Somministrazione e distacco, appalto e subappalto, trasferimento d'azienda e di ramo. Diritto del lavoro e nuove forme di organizzazione dell'impresa, Giappichelli, Torino

 Zilio Grandi, G. and Biasi, M. (2016), Commentario breve alla riforma 'Jobs Act', CEDAM, Padova

Useful? Interesting? Tell us what you think. 

## Eurofound welcomes feedback and updates on this regulation

Your name \*

E-mail \*

More information?

Homepage

Subject

Comment \*

Save

Preview

European Monitoring Centre on Change - EMCC

### About EMCC

#### European Restructuring Monitor

-  [About the European Restructuring Monitor](#)
-  [Restructuring events database](#)
-  [Restructuring support instruments](#)
-  [Restructuring related legislation](#)
-  [Restructuring case studies](#)
-  [ERM publications](#)

#### European Jobs Monitor

[Labour market research](#)

[Case studies](#)

[Future of Manufacturing in Europe \(FOME\)](#)

[European Observatory on Quality of Life - EurLIFE](#)

[European Observatory of Working Life - EurWORK](#)

## Quick links

- [Legal information](#)
- [Data protection](#)
- [Environmental policy](#)
- [Cookies](#)
- [Subscriptions](#)
- [Multilingualism](#)
- [Templates for Eurofound reports](#)
- [Eurofound style guide](#)
- [Management Board extranet](#)
- [Map - how to get to Eurofound](#)
- [FAQ](#)
- [Sitemap](#)



## Contact us

Eurofound, Wyattville Road, Loughlinstown, Co. Dublin, D18 KP65, Ireland

Phone: (00) 353 1 2043100

E-Mail: [information@eurofound.europa.eu](mailto:information@eurofound.europa.eu)

Press: [media@eurofound.europa.eu](mailto:media@eurofound.europa.eu)



MEMBER OF THE NETWORK OF EU AGENCIES



EUROFOUND ACHIEVES EMAS REGISTRATION



EUROFOUND IS AN AGENCY OF THE EUROPEAN UNION



[Access to internal documents](#) | [Financial information](#) | [Archives](#) | [Information centre](#) | [RSS feeds](#)

© EUROFOUND 2023

