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# EMCC

European Monitoring Centre on Change

## Italy: Public authorities information and consultation on dismissals

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Italy

Phase:

Anticipation

Type:

Public authorities information and consultation on dismissals

Last modified: 30 September, 2019

Native name:

**Legge 23 luglio 1991, n. 223, Norme in materia di cassa integrazione, mobilità, trattamenti di disoccupazione, attuazione di direttive della Comunità europea, avviamento al lavoro ed altre disposizioni in materia di mercato del lavoro**

English name:

**Law 23 July 1991, no. 223, Rules on the Wage Guarantee Fund, redundancies, unemployment benefits, enforcement of European directives, job placement, and other labour market provisions**

### Article

4 and 24

### Description

The mandatory procedure foreseen by law no. 223/1991 in case of collective dismissals (i.e. the dismissal of at least five workers within 120 days in companies with more than 15 employees) foresees that the employer needs to give a written preventive communication to company employee representatives (RSU or RSA), trade unions, and to the local branch of the Ministry of Labour and Social Policies, that is the territorial labour inspectorates (Ispettorati Territoriali del Lavoro).

If the redundancies concern production units located in various provinces of the same region or in several regions, the communication must be sent directly to the Ministry of Labour and Social Policies. After the mandatory communication, under request of the trade unions, a first consultation phase between the management and unions begins, lasting up to 45 days. After this deadline, the company communicates the results of the consultation and the reasons for any negative outcome to the relevant territory labour inspectorate.

When the joint examination has given a negative outcome or has not taken place because it was not requested by the trade unions, the territory labour inspectorate has the power to convene the parties for further examination and can formulate proposals for reaching an agreement. This further examination must be completed within 30 days.

After these two procedures, lasting 75 days in total, employers can proceed with the collective dismissals.

### Comments

In the current framework, trade unions play an important role. Nevertheless, employers are not obliged to conclude an agreement.

#### Cost covered by

Not applicable

#### Involved actors other than national government

Regional/local government

Other

#### Involvement others

Territory labour inspectorates

#### Thresholds

Company size by number of employees:

16


Number of affected employees:


5

### Sources

 [Law 23 July 1991, no. 223](#)

 [Law 28 June 2012, n. 92](#)

 F. Carinci, R. De Luca Tamajo, P. Tosi, T. Treu, 2016, Diritto del lavoro, Volume II. Il rapporto di lavoro subordinato, Utet;

 [Ispettorato Nazionale del Lavoro](#)

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