



[Login](#)

EMCC

European Monitoring Centre on Change

## Italy: Definition of collective dismissal

[Go to list page](#)

Italy

Phase:

Management

Type:

Definition of collective dismissal

Last modified: 21 June, 2021

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; Decreto Legislativo 8 aprile 1004, n. 110, Modifiche ed integrazioni alla legge 23 luglio 1991, n. 223, in materia di licenziamenti collettivi; Decreto legislativo n. 149 14/09/2015 Disposizioni per la razionalizzazione e la semplificazione dell'attività ispettiva in materia di lavoro e legislazione sociale, in attuazione della legge 10 dicembre 2014, n. 183; Decreto Legislativo n. 61 del 18 maggio 2018 (Marittimi)**

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; Legislative Decree 8 April 2004, no. 110, Modification and integrations to Law 23 July 1993, no. 223, concerning collective dismissals; Legislative Decree n. 149 14/09/2015 Provisions for the rationalisation and simplification of inspection work and social legislation, in implementation of the law of 10 December 2014, n. 183; Legislative Decree no.61 of 18 May 2018 (seafarers)**

### Article

Law no. 223/1991, article 24; Legislative Decree 8 April 2004, no. 110 , article 1; Legislative Decree n. 149 14/09/2015 whole decree; Legislative Decree no.61 of 18 May 2018 whole decree.

### Description

The rules on collective dismissals apply to companies and private employers staffed with more than 15 people. To fall within the scope of the legislation, the dismissals must involve at least five workers within a time span of 120 days. Legislative Decree of 8 April 2004, no. 110 enlarged the scope of Law no. 223/1991 to employers who are not entrepreneurs, also pursuant to judgement of the Court of Justice of the European Union (CJEU) C-32/02 of 16 October 2003.

Rules on collective dismissals apply as well in case companies having activated the Extraordinary Wage Guarantee Fund (Cassa Integrazione Guadagni Straordinaria, [CIGS](#)) decide to proceed with one or more dismissals.

Collective dismissals are subject to a triple control mechanism (collective dismissal procedure or mobility procedure) implemented by union, administrative institutions, and judicial authorities. In detail, the unions and, whereas an agreement is not reached during the first negotiation phase, the Ministry of Labour and Social Policies or its local branch, the territorial labour inspectorates (Ispettorati Territoriali del Lavoro) take part in the collective dismissal procedure. In addition, the judicial authorities can be appealed after the conclusion of the procedure. The national legislation requires proposed collective dismissals to be justified in terms of a reduction, change, or cessation of activity.

According to Legislative Decree no. 61 of 18 May 2018, seafarers are covered by collective dismissals procedures.

### Comments

The freedom of the employer to proceed with a collective dismissal derives directly from the constitutional guarantee to exercise economic initiative (article 41 of the Italian constitution). This is the reason why the court does not scrutinise the choices made by the employer, while the prior checking is entrusted to the trade unions. The court can only verify in the second instance whether the motivations for collective dismissals were unlawful.

**Cost covered by**

Not applicable

**Involved actors other than national government**

Trade union  
Works council  
Other

**Involvement others**

Ispettorati Territoriali del Lavoro

**Thresholds**










Company size by number of employees:

16

Number of affected employees:

5

**Sources**

-  [Law 23 July 1991, no. 223](#)
-  [Legislative Decree 8 April 2004, no. 110](#)
-  [F. Carinci, R. De Luca Tamajo, P. Tosi, T. Treu, 2016, Diritto del lavoro, Volume II. Il rapporto di lavoro subordinato, Utet;](#)
-  [Ispettorato Generale del Lavoro](#)
-  [Zilio Grandi, G. and Biasi, M. \(2016\), Commentario breve alla riforma 'Jobs Act', CEDAM, Padova](#)
-  [National law database](#)
-  [Legislative Decree 18 maggio 2018, n. 61](#)
-  [Legislative Decree n. 149 14/09/2015](#)
-  [Legislative Decree no.61 of 18 May 2018](#)

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

## 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

