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## Italy: Notice period to employees

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Italy

Phase:

Management

Type:

Notice period to employees

Last modified: 30 September, 2019

Native name:

**Codice Civile; Contratti collettivi nazionali di settore; 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:

**Civil code; National sectoral collective agreements; 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

Civil code, articles 2118 and 2119; Law no. 223/1991, article 24

### Description

Generally, the party exercising the right to withdraw from the employment contract must comply with a notice period.

The obligation to give a notice period concerns almost all cases of termination of the employment relationship (dismissal and resignation), with some limited exceptions regarding the hypotheses of:

- just cause, that is, for an event or behavior that does not allow the relationship to continue, even provisionally;
- consensual resolution, that is when the parties have formally agreed differently.

Failure to give notice leads to compensation for damages, financially quantified in the remuneration that would have been due to the worker for the period of work not carried out.

The civil code demands the regulation of the duration of the notice period in case of individual dismissals to collective agreements, which normally set it on the basis of seniority and staff level, and on the size of the company. Variation, therefore, exists in different sectors of economic activity.

A specific regulation exists in case of collective dismissals (i.e. the lay-off of at least five workers within 120 days in companies with more than 15 employees). In case of collective dismissals, the Italian law envisages the recourse to a collective procedure lasting 75 days, in which the decision to collectively dismiss workers is jointly examined between the employer and employee representatives (45 days) and, in case of failure to reach an agreement, also by public institutions (in the form of the territory labour inspectorate). Once this procedure is concluded, the employer can legitimately dismiss the redundant workers even in the absence of an agreement. Employees to be made redundant in the framework of collective dismissals need to be informed in writing. As it is the case also of individual dismissals, the notice period for permanent employees is fixed by collective agreements. An indemnity can be paid in lieu of the notice period as well. Temporary employees are not covered by the notice period but their contracts cannot be terminated in advance on economic grounds.

### Comments

No information available.

#### Cost covered by

Not applicable

#### Involved actors other than national government

Regional/local government  
Trade union

### Thresholds

Company size by number of employees:

16


Number of affected employees:

5

### Sources

 [Civil Code](#)

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

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

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