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Italy: Employers obligation to support redundant employees

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Italy

Phase:

Management

Type:

Employers obligation to support redundant employees

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 5

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.

There is no statutory obligation upon employers to support redundant workers, except for the reemployment obligation in case of new hirings.

Nevertheless, in the framework of collective dismissal procedures, the unions and the management might agree on entitlements for workers leaving the company. Those can consist of incentives or benefits which are additional to those entailed by law or, more rarely, outplacement services. The latter might be provided with the support of regional governments as those have competencies over the setup and implementation of active labour market policies.

Comments

As to collective agreements entailing the commitment of employers to support redundant workers, see [Intesa San Paolo](#) and [TirrenoPower](#) cases reported in the European Restructuring Monitor events database.

Cost covered by

Employer
National government

Involved actors other than national government

Public employment service
Regional/local government
Trade union

Thresholds


Company size by number of employees:

16

Number of affected employees:

Sources

 [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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