

Labour/employment law data for Italy

1.	Is it a legal requirement that employees must receive an employment contract?	No, a contract can be oral or in writing. However, any special terms or restrictions that are not normal (and fixed term contracts), must be in writing. (e.g. contract in restraint of competition)
2.	What factors constitute a fair dismissal i.e. legally justifiable reasons to terminate employment without the need to pay compensation?	A substantial reason or breach of terms that prevents the continuance of the contract. The reason has to be related to personal facts, which breaches the trust of the employment relationship, always considering the criterion of the promptness.
3.	What is good practice with regard to dismissal procedures to minimise the risk of claims for unfair dismissal?	Notice must be provided - employee has 5 days to ask for a reason- employer must reply in 7 days or the notice is void. The employee can justify himself in 5 days.
4.	If an employee is dismissed unfairly what is the financial range of compensation that can be made to employees?	If a dismissal is judged as unlawful an employer (of more than 15 employees) must reinstate an employee within three days. Alternatively the employee can choose compensation equal to 15 month's wages. If the employer has less than 15 employees, reinstatement or compensation of between 2.5 to 6 month's wages is possible.
5.	Do employees have the right to be members of a trade union?	Yes and the employee cannot be discriminated on the basis of political reasons or because he is member of a trade union
6.	Is there any legal requirement for an employer to contribute to a pension for employees?	Yes, to the national pension system
7.	What are standard maternity rights?	<p>A pregnant employee cannot be dismissed in the year after the birth of the child. Maternity leave: from two months before the expected birth to three months after the birth - 80% of salary paid by the employer.</p> <p>Parental leave: Until the child is one year old, the mother has the right to two daily rest periods of one hour each - fully paid. Until the child is eight year old, the parents can take up to 10 months leave, each of them not more than six months, but if the father takes at least three months, 11 months leave is possible. Until the child is three, eligible to 30% salary, up to six months maximum.</p>
8.	When are employees eligible for redundancy payments?	When employment is terminated as a result of crisis, reorganisation, conversion or reconstruction of a business with more than 15 employees.

9.	What are the statutory redundancy payment limits?	on the extent of 80% of the monthly salary, but not exceeding € 983,54 per month.
10.	Can existing employees be dismissed if you buy a business with employees?	No, not within EU law. The existing employees go on with the transferee and they maintain their rights (art. 2112 c.c.).
11.	Any other general legislation?	The 'Employees' Statute' (1970), regulations rights of the employees e.g. trade union activity, right of reinstatement if unlawfully dismissed. Other legislation concerns sexual discrimination, employment procedures in relation to strikes and redundancy funds.