

newsletter
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CASE LAW



Studio
Arlati Ghislandi

CONSULENZA
DEL LAVORO E FISCALE

Transfer of company: loss of benefits for “mobilità”

Corte di cassazione, sentenza 27 April 2017 n. 10428

Corte di Cassazione, with judgement no. 10428/2017, has stated that the incentive for hiring employees in mobility treatment is not to be applied in case of transfer of company (even if within a bankruptcy procedure). The incentive is instead to be granted in case of transfer of specific company assets.

Termination of disabled employees

Corte di Cassazione, sentenza 28 April 2017 n. 10576

Corte di Cassazione, with judgement no. 10576/2017, confirmed that, in order to terminate the employment relationship of disabled subjects due to a developed unfitness to perform their duties, such unfitness must be certified by the medical commission as per Law 104/1992. The opinion of the doctor appointed by the company is not sufficient.

Family check for the separated father

Corte di cassazione, sentenza 11 May 2017 n. 11569

Corte di Cassazione, with judgement no. 11569/2017, confirmed that INPS must provide family check also to the separated father who did not obtain custody of children.

Unlawful project-based employment contract: evasion of social contribution duties

Corte di cassazione, sentenza 13 March 2017 n. 6405

Verification of the existence, between parties, of a subordinate employment relationship instead of a project-based contract configures a case of evasion of social contribution duties and not the milder case of omission to pay social contribution.

Injury: notion of “occasion of work”

Corte di cassazione, sentenza 3 April 2017 n. 8597

An injury may be work-related also when it happens fortuitously, without any liability for the employer, and still be deemed to have happened in connection with work. What matters, for this purpose, is that the injury takes place while the employee is actually performing work activities in the moment of injury.