

newsletter
SEPTEMBER 2017

CASE LAW



Studio
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CONSULENZA
DEL LAVORO E FISCALE

Hire for the substitution of employees in maternity leave and right to change the employee's duties

Corte di Cassazione, August 31, 2017 n. 20647

Corte di Cassazione, with Judgement no. 20647 of August 31, 2017, confirmed that employees hired with a fixed-term contract in substitution of employees in maternity leave can be assigned to duties different from those of the absent employee.

Work during illness: legitimacy of dismissal

Corte di Cassazione, July 3, 2017 no. 16332

Corte di Cassazione, with judgement no. 16332 of July 3, 2017, confirmed that it is possible to work during illness if this doesn't hinder or delay healing, as long as this does not violate correctness and good faith principles.

EU Court of Justice: contract amendment and termination of employment

The EU Court of Justice specifies that the unilateral amendment, by the employer, of essential details of the employment contract is to be included in the notion of dismissal. It is therefore necessary to proceed to consultation with trade unions if the amendment involves a number of employees higher than the threshold set by collective bargaining agreements.

Mobbing: persecutory intent is relevant

Corte di Cassazione, September 14, 2017, no. 21328

With Judgement no. 21328 of September 14, 2017, Corte di Cassazione ruled that, in order to configure a case of mobbing, damages to the employee's health and persecutory behaviour, as well as their connection, are not sufficient, but require the existence of a persecutory intent unifying all damaging actions.

Demotion: existential damage can be presumed

Corte di Cassazione, September 25, 2017, no. 22288

Corte di Cassazione, with judgement no. 22288 of September 25, 2017, confirmed that, in case of demotion, non-pecuniary damage (including existential damage) must be restored when it is consequent to a damage against inviolable rights, constitutionally guaranteed. Such damage can also be proved via simple presumptions.