

newsletter
APRIL 2018

**REGULATION
AND PRACTICE**



Studio
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CONSULENZA
DEL LAVORO E FISCALE

Competent Physician: cannot be an ASL employee

The Ministry of Labor, with response no. 2 of April 12, 2018, pronounced itself on the interpretation of art. 39, c. 3 of Legislative Decree no. 81/2008, which forbids employees of public structures, assigned to vigilance positions, to perform the duties of competent physician.

According to the Ministry, the prohibition is applicable to all prevention structures of ASL and is applicable to all its inspectors. This because the prevention department, in the legislator's intentions, is a single structure assigned to several activities, aimed at providing a constant increase of health and life quality conditions.

New requisites for retirement from 2019: INPS instructions

With Circular message no. 62 of April 4, 2018, INPS recaps new requisites for access to old age, seniority and early pensions, adjusted to the increase in life expectancy pursuant to decreto direttoriale December 5, 2017 and effective on January 1, 2019. Starting on January 1, 2019, pension access requisites are increased by 5 months and combined values of age and work seniority, provided by law for those who reach pension requirements with the so-called "quotas system", is increased by 0.4 units.

Babysitting vouchers: clarifications from INPS

With message no. 1428 of March 30, 2018, INPS recaps regulations on babysitting contribution vouchers experimentally granted to employed mothers (art. 4, c. 24, Law no. 92/2012; Law no. 232/2016). The mother may request, at the end of maternity leave and within the following 11 months, as an alternative to parental leave, vouchers for the purchase of babysitting services or a contribution to cover expenses for public infancy services (or affiliated private services), for up to 6 months. Specifically, the Institute specifies subjects entitled to the benefit, grant and submission terms, as well as changes/cancellation of the request and waivers.

Illness, maternity/paternity and tuberculosis allowances: average salaries

With Circular message no. 61 of April 4, 2018, INPS specified the measure, for 2018, of minimum salary limits and other values for the calculation of social contribution for subordinate employees.

Minimum daily taxable salary has been updated considering the 1,1% increase of consumer price index for families of workers and employees for 2016 and 2017.

INAIL: minimum taxable salary for 2018

With circular message no. 20 of April 18, 2018, INAIL specified minimum limits of daily taxable salary for the calculation of 2018 insurance premiums.

The institute confirms that premiums, in general terms, are to be calculated on actually paid salaries. However these salaries, if lower than the daily minimum salary, have to be increased accordingly. Peculiar conditions set for agricultural workers, specific payments and availability allowance for work-on-call employment relationships are also confirmed. In specific circumstances, INAIL premiums may be determined, as well as upon actual salaries, also on conventional ones.

APE Social pension and early workers

With message no. 1481 of April 4, 2018, INPS provided instructions for access to APE social benefits and anticipated pension for early workers.

Specifically, the Institute observes that having performed physically demanding work for at least 6 or 7 years in the legally requested period is verified upon presentation of the request for admission of requisites and must still exist upon presentation of the request for access to the benefit. It is further clarified that the payment of contribution unrelated to physically demanding work following the first useful date for access to the benefit, stated in certification documents, may imply the loss of entitlement to the benefit.

Concerning the requisite of 7 or 6 years of physically demanding work, it is clarified that these are to be intended as periods of contribution accrued by the employee in the period stated by law. Therefore, for the entitlement to the benefit, the employee must have performed at least 7 or 6 years of physically demanding work within a timeframe of 10 or 7 years.

Further clarifications have been provided upon:

- subjects with an invalidity rate of at least 74% and subjects who assist and live with persons affected by grave handicap;
- presentation terms for requests of access to the benefit for subjects "certified" in 2017;
- cumulative application of APE social pension, benefit for early workers and access to pension;
- reaching contribution requisites for access to APE social pension/early worker benefit;
- submission and acceptance of annuities, coverage of study/military leaves and joint pension payment;
- integration of documents for requests of access to APE social pension and anticipated pension for early workers.

Maternity/paternity leave in case of adoption for employees enrolled under INPS separate management

With circular message no. 66 of April 20, 2018, INPS clarified some details for the payment of maternity/paternity leaves for employees enrolled under separate pension management, who took covered leave periods for adoption or pre-adoptive foster care (art. 2, Ministerial Decree 4/4/2002).

The Institute, specifically, confirms that employees enrolled under separate management may take maternity leave (5 months) regardless of the minor's age upon adoption or foster care. Furthermore, in case of adoption or international pre-adoptive foster care, said employees may use the covered period also for time spent abroad and certified by the institution authorized to follow the adoption procedure.