

newsletter  
**FEBRUARY 2019**

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**REGULATION  
AND PRACTICE**



Studio  
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CONSULENZA  
DEL LAVORO E FISCALE

### **Code of company crisis: publication on the official gazette**

Legislative Decree no. 14 of January 12, 2019, including the Code of company crisis and insolvency, has been published on issue no. 38 of the Official Gazette. The Code regulates situations of crisis or insolvency of a debtor (consumer, professional figure or entrepreneur) who performs a commercial, artisan or agricultural activity.

For what concerns labor regulations, the following regulations have been amended:

- art. 5, section 3 of Law no. 223/1991 on collective dismissals;
- Legislative Decree no. 23/2015 on permanent employment contracts and “increasing protection” regimen for unlawful termination of employment;
- art. 47 et seq. of Law no. 428/1990 on transfer of company.

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### **Night work: calculation of reference period for limits**

With an interpretation of February 14, 2019, the Ministry of Labor clarifies upon the correct detection of the reference period for the calculation of the limit of average night hours of work.

Pursuant to art. 13 of Legislative Decree no. 66/2003, the average cannot exceed 8 hours on 24.

Lacking an explicit regulatory framework, the Ministry clarified that calculation must be on the work week (6 days), even if the employee works on a 5-day schedule. Therefore, if the employee works on 5 days in a week, the sixth day must be considered as a 0-hour workday.

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### **INPS separate management: minimum and maximum salaries for 2019**

INPS, with circular message no. 19 of February 6, 2019, specified rates, minimum and maximum income for the calculation of social contribution due by all subjects enrolled under its separate management pursuant to art. 2, section 26, Law no. 335/1995. Values are applicable for 2019.

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### **Re-employment check: suspension**

ANPAL, on February 5, 2019, informed that the suspension of re-employment checks up to December 31, 2021, only applies to subjects who have been NASpl recipients for at least 4 months.

Employees under CIGS salary integration treatment involved in re-employment agreements (pursuant to art. 24-bis of Legislative Decree no. 148/2015) may still request the check.

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### **Employment of blind switchboard operators: redefinition of penalties**

The Ministry of Labor, with departmental decree no. 13/2019, redefined the amounts set as penalties for violations on the employment of blind switchboard operators (art. 10, Law no. 113/85). Specifically, the amounts set for:

- failure to notify the Province on the details of switchboards and on the installation or transformation of switchboards within set terms are increased from € 128.82 to € 131.65 and from € 2,576.18 to € 2,632.86;
- failure to hire blind operators are increased from € 25.73 to € 26.30 and from € 102.73 to € 104.99.