

newsletter
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**REGULATION
AND PRACTICE**



Studio
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CONSULENZA
DEL LAVORO E FISCALE

Surveillance activity: unlawful intermediation and exploitation of work

INL, with circular message no. 5 of February 28, 2019, determined guidelines for surveillance on unlawful intermediation and exploitation of work pursuant to art. 603-bis, Criminal Code.

The authority observed that the unlawful behavior of companies pursuing a profit via unlawful intermediation of workers, with a huge cut of labor costs to the detriment of employees and social security institutions, is becoming increasingly frequent.

Specifically, investigations must be planned, unless the offence is detected while it is committed, with competent Magistrates and Carabinieri of the work protection department and must be aimed at checking the existence of criminal evidence. The message also clarifies applicable fines and criminal measures, which include arrest in case of flagrante delicto.

Quota 100 pension: verification of termination of subordinate employment

INPS, with message no. 1008/2019, allowed – as an exception to general regulations and exclusively for “quota 100” pensions from April 1st, 2019 – to proceed with the provisional payment of pensions also without the employer’s certification of the termination of employment, notified via UNILAV form. Payment of pension will be based on the declarations stated in the request, as long as requisites are met. Upon submission of the Unilav termination form, paid pensions will be checked and any sum unduly paid will be reclaimed by INPS.

Voluntary contribution for 2019

INPS, with circular message no. 42/2019, specified the amount of social contribution due for 2019 in case of voluntary payment of pension contribution, following the annual change of the ISTAT index of consumer prices for families of workers and employees.

Repeated infraction on irregular work and safety

INL, with note no. 2594/2019, provided clarifications on the detection of repeated infractions, doubling the amount of fines to be applied in case of violations on irregular work and health & safety regulations, pursuant to new regulations brought by 2019 Budget Act.

The authority specifies that the perpetrator of the repeated infraction is the person who acts on behalf of the company; therefore, no repeated infraction is to be configured in case the infractions, although indirectly referred to the same company, are perpetrated by different persons.

Infractions are relevant for this purpose when definitively ascertained in the three years prior to the new infraction.