

August 11, 2022

Legislative Decree 104/2022 implementing directive (EU) 2019/1152 on transparent and predictable working conditions: the Transparency Decree

On July 29, 2022, Legislative Decree No. 104/2022 (the so-called “**Transparency Decree**”), implementing Directive 2019/1152 on **transparent and predictable working conditions**, was published in the Italian Official Gazette and will enter into force on August 13, 2022.

The Transparency Decree applies to all employment relationships already in force as of August 1, 2022.

In particular, the decree applies with reference to subordinate employment contracts (including fixed term and temporary agreements), self-employment relationships based on personal and continuous performance (so called *co.co.co.s*), occasional collaborations, domestic workers and maritime and fishing workers.

The Transparency Decree provides for a number of **specific and complete information to be mandatorily given by the employer to the employee** and, namely: the identity of the parties, the place of work, the type of the employment relationship, the length of the probationary period, the duration of vacation leave or of other paid leave, the schedule of normal working hours, the procedure/form/terms of notice in the event of termination, the applicable collective bargaining agreement and company contracts etc..

The above information is to be given prior to the commencement of employment, in written or digital format, and it shall be accessible to employees at any time during the employment.

Those who are already employed may request to be provided with the information specified in the decree and the employer will have 60 days to respond accordingly.

Compliance with the information obligations under the Transparency Decree could require the integration of existing and future employment contracts. More details are expected from the competent Authorities in the incoming weeks.

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In addition, the Transparency Decree strengthens **minimum protections for employees** with regard to multiple employments, work planning, stability of employment, mandatory training and probationary period.

As to the **probationary period**, its **maximum duration is confirmed at 6 months** (or the shorter duration provided by collective agreements). In case of fixed-term contracts, the probationary period should be determined in **proportion to the duration of the contract and the tasks**; in case of renewal, the relationship cannot be subject to a new probationary period.

Events such as illness, accident, mandatory maternity and paternity leaves extend the probationary period for a correspondent duration.

Regarding **multiple employments (with non-competing employer)**, Transparency decree provides for that it can be prohibited by the employer only if it is required by health and safety reasons, public service guarantee or conflict of interest.

As to the **stability of employment**, the Transparency Decree provides that an employee who has accrued at least **6 months of seniority** with the same employer or principal and has **completed** any **probationary period** may **request**, in writing, to be granted a **form of work with more predictable, secure, and stable conditions**, if available.

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Finally, the **Transparency Decree provides a number of protective rules in favor of employees who exercise their rights of information**, including, without limitation, prohibition of dismissal and discrimination as well as administrative sanctions.

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