



## JOB NEWSLETTER 02 – 2014

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## Contributions and taxation:

### **1. Dismissals: the INPS contribution (so-called dismissal ticket) has increased as of 1 January 2014**

The INPS contribution (so-called dismissal ticket) has increased as of 1<sup>st</sup> January 2014 in case of discontinuance of employment requested by the company.

The contribution goes from Euro 483.80 to Euro 489.61 for each year of seniority in the company (up to a maximum of 3 years).

It is worthy of mentioning that the contribution is due in all cases in which the discontinuance of employment provides the worker a theoretical right to receive ASPI benefits, regardless of whether or not worker benefited from said fund (refer to newsletter no. 3/2013).

### **2. Increase rates for coordinated and continued collaboration (CO.CO.CO/CO.CO.PRO) and coordinated and professional collaboration of retired persons registered under the INPS GESTIONE SEPARATA**

Effective as of 2014, the contributions payable to the INPS GESTIONE SEPARATA have three different options that correspond to three different contribution rates:

- *Persons registered in other forms of mandatory contribution schemes:* for those with a coordinated and continued collaboration contract, the contribution for 2014 increases to 22% (compared to 21% in 2013) and it will increase to 23.5% in 2015;
- *Persons registered only under the INPS GESTIONE SEPARATA who are holders of a VAT registration number:* no increase was set; therefore, for 2014, the contributions to pay will be calculated at the rate of 27.72% of their gross income;
- *Persons registered only under the INPS GESTIONE SEPARATA who are non-holders of a VAT registration number:* for coordinated and professional collaboration workers who are not registered under any other contribution scheme, the contribution rate increased to 28.72% (compared to 27.72% in 2013).

### **3. Enasarco**

Effective as of 1<sup>st</sup> January 2014, after the new rules on Institutional Activities Enasarco, the following amendments entered into force: The contribution rate increased from 13,75% to 14,20% (of which half is payable by the company/principal). The increase of the contribution is attained through the following gradual increase regime:

	Starting date and contribution rate							
	2013	2014	2015	2016	2017	2018	2019	2020
<b>Contribution rate</b>	13,75%	14,20%	14,65%	15,10%	15,55%	16,00%	16,50%	17,00%

The maximum allowances on which to calculate the contribution payments vary as follows:



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Type of agency agreement	Maximum commissions		
	2013	2014	2015
sole agent	€ 32.500,00	€ 35.000,00	€ 37.500,00
multi-firm agent	€ 22.000,00	€ 23.000,00	€ 25.000,00

The principal that relies on agents who conduct their activities as joint-stock companies or limited liability companies must pay a contribution calculated as follows:

Annual commissions	Contribution rate			
	2013	2014	2015	2016
Up to € 13.000,00	2,80%	3,20%	3,60%	4,00%
From € 13.000,01 to € 20.000,00	1,40%	1,60%	1,80%	2,00%
From € 20.000,01 to € 26.000,00.	0,70%	0,80%	0,90%	1,00%
More than € 26.000,00	0,20%	0,30%	0,40%	0,50%

#### **4. INAIL premium payment 2013/2014: the payment term was postponed from 17 February to 16 May 2014**

INAIL (National Institute for Industrial Accident Insurance) has postponed the payment term for accident insurance to 16 May 2014 with the information note dated 23 January 2014. Therefore, the premiums due by 16 February are postponed accordingly. This will allow INAIL to reduce the premiums set out by the Stability Law of 2014.

### **New law provisions**

#### **1. Fixed-term contracts changed to open-ended contracts and recovery of ASPI funds (social security unemployment benefits)**

The Fornero Law has introduced a supplemental contribution on fixed-ended contracts equal to 1.40%, to be allocated to finance ASPI. Said Law allowed the employer to collect the past six months of supplemental contribution in case the contract was changed in an open-ended contract.

If the contract is not changed and the open-ended contract took place within the following six months, the recovery of 1.40% could take place by deducting the months past between the end of the fixed-term contract and the subsequent recruitment. Given the amendments in 2014, if the contract is changed, the employer may recover the entire supplemental contribution paid for the entire length of the contract.



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### 2. Government: active labour market measures – the JOBS ACT

Italian Legislative Decree n. 34 of 20<sup>th</sup> March 2014, which came into effect on 21<sup>st</sup> March, contains urgent measures designed to boost employment and simplify the requirements to be fulfilled by employers.

#### **Fixed-term contracts:**

- The Legislative Decree does away with the need to motivate the stipulation of a fixed-term contract on technical, productive, organisational or replacement grounds (for any worker, including temp agency workers). Accordingly, fixed-term contracts may now be entered into without having to give any reasons (“a-causal” contracts) with the only restriction of an overall period of validity, including any extensions, not to exceed 36 months.
- Now up to 5 extensions are possible (subject to the 36-month limit) provided that they refer to the same job profile.
- The total number of fixed-term employment relationships established by an employer cannot exceed 20% of a company’s overall workforce, with the exception of companies providing work for no more than five people, which can always hire workers on fixed-term contracts. The collective bargaining clauses that amend such quantitative limit *in pejus* or *melius* remain in force.
- The fixed-term provision is not valid unless it is stated in writing in a document undersigned before the start date of the employment relationship.

### 3. Obligation for employees working in direct and regular contact with minors to reveal their criminal history records

Effective 6<sup>th</sup> April 2014, following the transposition of directive 93/2011/EU, employers hiring a person to engage in professional activities or organised volunteer work involving direct and regular contact with children must reveal their criminal history certificates to attest the non existence of a conviction for any of the offences as per articles 600-bis, 600-ter, 600-quater, 600-quinquies and 609-undecies of the Italian Criminal Code, or disqualification from exercising activities involving direct and regular contact with children.

With circular letter no. 9 of 11<sup>th</sup> April 2014, the Ministry of Labour and Social Policies provided the following clarifications:

1. The obligation applies solely to new employment relationships;
2. The obligation also applies to relationships with self-employed workers;
3. The obligation does not apply to volunteer work;
4. The criminal history certificate is not required for domestic work (e.g., baby-sitting);
5. The obligation also applies to temp agencies;
6. The obligation does not apply to managers, supervisors, or any other persons in charge of overseeing the activities carried out by a direct operator, who come in contact with the children only occasionally;



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7. The obligation applies solely to activities involving a direct and exclusive contact with groups of minors. It does not apply to activities involving non pre-determinable groups of recipients, i.e., targeting undifferentiated user groups;
8. If a certificate is not available, workers may be hired based on a self-executed affidavit to be submitted to the supervisory bodies.

## Updates on collective agreements

### **1. METALWORKING AND MECHANICAL ENGINEERING INDUSTRY (CBA METALMECCANICI) : updates**

1.1. Effective as of 1<sup>st</sup> January 2014, business trip allowances for the metalworking and mechanical engineering industry goes from Euro 40,00 to Euro 42,80.

1.2. Effective as of 1<sup>st</sup> January 2014, for actual on-call duty, companies shall pay the worker a specific salary of not less than the following amounts:

Rank	Daily salary			Weekly salary		
	16 hours (day worked)	24 hours (free day)	24 holiday hours	6 days	6 days with holiday	6 days with holiday and free day
<b>1 - 2 - 3 - 3 Super</b>	4,82	7,22	7,81	31,30	31,89	34,29
<b>4 - 5</b>	5,72	8,99	9,63	37,61	38,25	41,52
<b>Greater than 5</b>	6,58	10,81	11,40	43,71	44,30	48,52

1.3. Payment of the MètaSalute fund: it must be noted that the signatory parties of the metalworking and mechanical engineering National Collective Labour Agreement, have agreed to postpone the payment of the second tranche of Euro 24.00 per employee to January 2015, initially scheduled for January 2013 and was already postponed to 1<sup>st</sup> January 2014.

1.4. Basic salary as of 01/01/2014

Rank	Minimum
8 Manager	2.267,54
7	2.212,93
6	1.981,60
5 Super	1.847,11
5	1.724,89
4	1.611,65



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3 Super	1.578,14
3	1.545,50
2	1.396,02
1	1.266,57
1 Production	1.266,57

### 2. COMMERCE AND SERVICE INDUSTRIES (CBA COMMERCIO/TERZIARIO): EST fund

Effective as of 1<sup>st</sup> January 2014, the mandatory contribution payable by the company for part time employees, with open-ended contracts, will be equivalent to that for full time employees. The contribution will equal to Euro 10.00 per month for both categories of employees, to which Euro 2 payable by the employee will be added for a total of Euro 12,00

### 3. DOMESTIC WORKERS: minimum allowances as of 01/01/2014

Effective as of 1<sup>st</sup> January 2014, the minimum schedules are as follows:

Category	Cohabiting	Cohabiting (up to 30 hours/week)	Non-cohabiting (hourly values)	Night assistance	Night attendance
DS	1.173,83	---	7,93	1.349,92	---
D	1.117,93	---	7,60	---	---
CS	950,25	---	6,58	1.092,78	---
C	894,36	648,39	6,26	---	---
BS	838,45	586,91	5,93	964,22	---
B	782,55	558,97	5,59	---	---
AS	726,66	---	5,27	---	---
A	614,86	---	4,47	---	---
Sole level	---	---	---	---	645,61

#### Support to non self-sufficient people as substitute for the regular worker

Assistant workers of non self-sufficient people with limited services to cover for time-off of regular workers, have the following hourly values:

- € 8,61 for level DS;
- € 7,14 for level CS.

#### Occupational allowance

Effective as of 1<sup>st</sup> January 2014, occupational allowance to cohabiting workers of level DS and D increased to Euro 165,31.

#### Board and lodging allowance

Effective as of 1<sup>st</sup> January 2014, the fringe allowance for board and lodging is fixed at Euro 5,39 daily, which includes:

- € 1,88 for each meal;
- € 1,63 for each stay.



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## **Safety on the job services offered by our partner CO.META (Legislative Decree 81/08)**

In the wake of increasing reports and requests concerning safety in the workplace, we wish to inform you that our firm relies on a highly specialised partner to take effective action in any environment requiring either technical or legal interventions.

In view of the growing complexity of the legislative framework that spreads the liability among the company, the company physician, the employer and the RSPP (Prevention and Protection Supervisor), it has become imperative to resort to organisations that can effectively manage the requirements and tasks involved from both the organisational and the operational standpoints.

Our partner CO.META S.c.c.r.l. can meet such needs by supplying "turn-key" services, ensuring ongoing support in putting into place the technical and healthcare measures provided for by Italian Legislative Decree 81/2008, and ensuring a full range of safety-in-the-workplace services for SMEs.

In particular, the range of services offered by CO.META include:

### **COMPANY PHYSICIAN SERVICES:**

- Health monitoring
- Company physician appointment document
- Medical examination and instrumental exams (audiometry, spirometry, ergonomic assessments, vision, ECG, etc...)
- Annual workplace inspections
- Information to the workers on the significance of health monitoring
- Periodic meetings (companies with more than 15 employees)
- Annual health reports (collective results recorded in anonymous form)

### **PREVENTION AND PROTECTION SUPERVISOR (EXTERNAL RSPP) SERVICES:**

- Taking up the appointment of RSPP/ASPP (Prevention and Protection Supervisor/Operator) flanking the Employer
- Risk analysis and assisting the Employer in drawing up the assessment document pursuant to Italian Legislative Decree 81/2008
- Helping with the drafting of building site activity safety plans
- Drafting of Internal Emergency Plans (PEI)
- Implementation of Safety in the Workplace Management Systems (OHSAS 18001 – Occupational Health and Safety Standards)
- Worker training



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### **ADVISORY SERVICES AND SUPPORT:**

- Company-specific advisory services
- Assistance with audits by supervisory bodies
- Collaboration in updating risk assessment documents
- Instrumental tests for specific risk assessments (noise, vibration, chemicals, asbestos, etc.)
- Fire prevention practices and procedures
- Communication and management of medical examination schedules
- Worker information and training on specific and generic risks
- Notification of changes to legislative provisions

For any information you may require or to request a quote, please contact: Mr. Antonio Aprea  
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