

## LABOUR LEGISLATION UPDATES\_03.2016

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### Workplace Legislation:

1. ELECTION LEAVE

In light of the forthcoming election the following rules regarding election leave are summarized below. For more information on specific cases, please contact the firm.

#### What the law provides:

When elections are held (including referendums), all employees who are called to serve at the polling stations have a right to be absent from work for the period in which they must fulfill their electoral duties at the polling stations.

In this regard, the law provides for the following:

Polling days that coincide with working days	Paid leave + the worker's regular compensation
Polling days that coincide with public holidays and non-working days (Saturdays in the case of a short week)	Compensatory leave <i>or</i> additional compensation on top of the employee's regularly expected salary
Polling duties that go past midnight, even for only a few hours	A day of rest the day after the polls close + the employee's regularly expected salary

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Compensatory rest should be enjoyed immediately, which means immediately after the employee's polling duties are fulfilled, unless a different agreement is reached between the employer and the employee. In addition, while an employee might cover a polling station for only a part of the day, his or her absence is justified for the **entire working day**. Therefore, the employee must be compensated in full.

## Worker Obligations

In order to take advantage of the leave, workers called on to work at polling stations must deliver the relevant certificate to the employer, with a copy of the certificate signed by the president of the polling station. The days (and hours) in which the employee was present at the polling station, and at which time the polling station closed, must be clearly displayed on the certificate.

## **2. CONTRIBUTION SAVINGS: NEWS**

Please note that contribution exemptions in 2016, as well as 2015, are prohibited only if the employer hires the same worker for which he has already claimed the before mentioned contribution exemptions. If, however, the worker complies with other legal conditions (not relevant if referred to 2015 or 2016), or has used the contributions while working at another company, contribution savings can be used.

Therefore, the compensation waiver may be legitimately used for a worker who has already benefited from contribution exemptions while working for a different employer.

## **3. 2016 TAX REDUCTION ON BONUSES: THE PUBLISHED DECREE**

On May 16<sup>th</sup> 2016, the Ministry of Labour published the Inter-Ministerial Decree of March 25<sup>th</sup> 2016 on its website regarding tax reductions that can be applied to employee bonuses. It detailed the application of rules and the criteria for measuring improvements in productivity, profitability, quality, efficiency, and innovation, which are tied to employee bonuses that are eligible for a reduced taxation rate of 10% (for more details on the regulation, please refer to the Labour Legislation Updates \_01.2016).

As detailed by the decree, the tax reduction applies to the following cases:

- Bonuses related to company results;
- Bonuses tied to company earnings;
- Vouchers for goods and social welfare services.

These vouchers, paper or electronic, cannot be used by someone other the owner and cannot be exchanged for money or sold to third parties. Please also note that the vouchers must cover the goods and services related to social welfare in full, and not in part.

The terms of these bonuses must be agreed upon with representatives of the trade unions; these agreements must be deposited and registered exclusively online. For agreements reached and signed in 2015, the deadline to deposit the agreements is June 15<sup>th</sup> 2016.

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## 4. UNUSED LEAVE: JULY CONTRIBUTIONS

Please note that the days of holiday accrued in 2014 must be used by June 2016. If the employee does not take his or her entitled leave, the employer is required to pay contributions regarding the leave accrued that has not yet been taken. This means that the aforementioned contributions will be recovered only when the employee actually takes the leave.

### Collective Bargaining Contracts

1. **COMMERCE CONTRACT:** increase in the minimum salary from 01/06/2016

### 2. USING LEAVE BY JUNE/JULY AND LIQUIDATION OF LEAVE

For the collective bargaining agreements detailed below, leave (ex-holidays and ROL) accrued up to the 31<sup>st</sup> of December 2015 must be enjoyed within the months of June / July 2016.

Collective Bargaining Contract (CCNL)	EX-HOLIDAY	ROL
Professional studios (Confprofessioni)	31 <sup>st</sup> of July	31 <sup>st</sup> of July
Trade contracts "Assolombarda" (ANCIS)	30 <sup>th</sup> of June	30 <sup>th</sup> of June
Gyms and sports facilities	30 <sup>th</sup> of June	30 <sup>th</sup> of June
Social cooperatives L381/91 (Service Industry)	31 <sup>st</sup> of Dec.	30 <sup>th</sup> of June
Public tourism (Confcommercio)		30 <sup>th</sup> of June
Service and transport (Confcommercio)	30 <sup>th</sup> of June	30 <sup>th</sup> of June
Travel and tourism agencies (CONFCOMMERCIO)	30 <sup>th</sup> of June	30 <sup>th</sup> of June
Travel and tourism agencies (FEDERTURISMO)	30 <sup>th</sup> of June	30 <sup>th</sup> of June
Construction industry (for white-collaronly)		30 <sup>th</sup> of June
Construction industry - artisans (for white-collaronly)		30 <sup>th</sup> of June

Leave not taken by the dates outlined above will be paid out according to the regulations in the respective collective bargaining agreements.

Employers can also reach an individual or collective agreement to postpone the deadline in which employees can use their leave (after the expiration of which the company would be required to pay out the leave), stipulating in this agreement that the unused leave remains available to the employee for future use.