

S.L.A.I.

Sindacato Lavoratori Autorganizzati Intercategoriale
(Labour Union of Self-organized Workers)

Base Committees For the class syndicate

Vademecum

Edited by :
Edizioni Lavoro Liberato – Mira VE
2007

Printed in January 2007
Edizioni Lavoro Liberato – CP 101 – 30034 MIRA VE
per richieste copie 334-3657064 fax 041-5600143

INDEX:

1. What is the wage packet?
2. Elements of the pay
3. Prescription of salaried work credits
4. Canteen and the board wages
5. other benefits / allowances
6. Maternity
7. Sick leave
8. Industrial injury
9. Working time
10. abolished festivities
11. Paid holiday
12. the thirteenth month's salary or Christmas Bonus
13. Summer Bonus or ferial Bonus
14. (T.F.R) Trattamento di Fine Rapporto or Severance Pay
15. Allowance for holidays stipulated by contract
16. Family Allowances
17. Services charged to the firm and to the worker
18. CUD
19. Immigrant workers and the dependent relative allowance
20. Salary and contributions
21. Deductions
22. Redundancy fund
23. Mobility
24. Ordinary Unemployment
25. Disciplinary sanctions
26. Individual Dismissal

1. THE WAGE PACKET / THE PAY ROLL (PR):

The firm must convey in writing to the worker all the conditions established by the CCNL contract (place of work, relations between employer and employee, trial period, life of a contract, organization of staff in a firm, level, qualification, salary, working hours, paid holidays, etc..) which is applied within 30 days from the hiring.

The worker have always to keep this document.

The right of salary and of wage packet accrues from the date of hiring.

The firm is under obligation (according to the law: legge 5 gennaio 1953, n°4) to entrust to the worker the salary together with a wage statement, in which all the elements that concur to determine the pay must be indicated in the clearest way:

gross pay and net pay, worked hours- and days, the paid days (which include both the worked days and the festivities, paid holidays, permits, sick leave, industrial injury), paid holidays and leaves used and the remaining ones, the number of the people in the family to provide for, which determine the amount for the dependency benefit.

The Pay Roll expresses the complex of relations between worker and:

- firm (the exact pay)
- Social security department (for example: INPS deductions for the pension fund)
- State (taxes and duties).

The pay roll must have signature, initials or stamp of the employer or guardian.

On receipt of the pay roll, it is necessary that the amount paid equals the pay reported on the pay roll itself and that working-days and hours indicated are correct (including the ones indicated for sick-leave, holidays, leaves and industry injury).

The wage packet must be checked in all its items. It is the basics on which one can lay claim to differences in the application of the contract or of the company/individual agreements, begin legal proceeding or suits, have the possibility of obtaining a loan from the bank and to receive the accredit of INPS superannuation payment. Therefore the pay roll must be kept.

STRUCTURE OF THE PAY ROLL:

Besides personal details, hiring day, the organization of staff in the firm and period of pay time, the pay roll includes:

Salary elements-
social security contributions-
tax deductions-
family income supplement.

THE SALARY: is made up of three parts:

-direct, relative to the work carried out by the worker:

-Indirect, due to specific contractual institutions (holidays, festivities, the thirteenth month's salary and other month's salary, maternity, sick-leave, industrial injury, redundancy fund, etc.)

-deferred, relative to the part of the salary that the firm sets aside and which will be entrusted to the worker at the end of the employment contract under the name of TFR (severance pay).

2- THE ELEMENTS OF SALARY:

THE BASE PAYMENT OR THE CONTRACTUAL MINIMUM is the minimum payment according to the national collective labour agreement of category for the different qualifications.

In order to know what the personal base payment is, the worker can refer to the CCNL and to his own category which had been assigned at the hiring moment (or the one acquired later) or to the one gained thanks to the duties he carried out.

THE ANNUAL INCREMENTS represent the part of the salary linked to the permanence of worker in the same firm and in the same professional category.

They are calculated in fixed figure or in percentage on the base payment plus the contingency (in some cases only on the base payment). They are regulated by the category contracts.

PIECE RATE/ PIECE WORK (OR ALLOWANCES OF NON- PIECE RATE) is the institution which links part of the pay to the performance of a single worker or of a group of workers.

OVERTIME- AND EXTRATIME WORK, HOLIDAY, NIGHT-WORK AND SHIFT WORK:

The prolongation of the working hours over the (daily or weekly) limit fixed by the contract, or the prolongation over the reduced working hours in case of part-time contract, or shift work, holiday or night-work are paid with an increase of the payment set by national contracts.

COMPANY WAGE: is the part of the pay negotiated in the firm and differs according to the different companies.

It can be:

- collective (e.g. production bonus, 3^o element, efficiency bonus, attendance allowance etc.) linked to the level of attendance;
- changeable or based on targets arranged during the company bargaining;
- Productivity bonus / personal bonus; it can be soaked up in case of category transfer.
- Allowance.

3- BARRED DEBT / PRESCRIPTION OF CREDITS:

The credits of the worker for any differences of contractual and legal institutions must be demanded within 5 years from the end of the claim.

In the firms with less than 15 employees, it is possible to demand any differences of contractual and legal institutions built up during the whole period of work, within 5 years from the termination of the relations of work;

Any anomaly in the computation of the TFR (Severance Pay) must be demanded within 5 years from the termination of the relations of work, otherwise they lapse.

BLACK-MARKET WORK:

The black-market work is an irregular relation of work;

It is normally required by the firm and is subjected to sanctions charged to the businessman who uses it.

The worker has the right of demanding the regularization of the working relation. In this way he can recover the pay differences and the non- payment of social security contributions.

In order to achieve the regularization, it is necessary that the worker demonstrate the number of worked days and hours, the amount of the pay for the work carried out.

Moreover the worker must have the use of proofs about the period of work. The worker has to be able to demonstrate in the most precise way that he does or he did an irregular work.

The regularization can be achieved also after the end of the black-market work.

4- CANTEEN AND BOARD WAGES:

During the post-war years the right of the workers to have a meal in the canteen with costs charged to the firm has consolidated.

The canteen is managed directly by the firm or entrusted to any third party.

During the last years, if there isn't any "canteen service", the firm is supposed to give to the workers a ticket.

Where there is a canteen-service, in case of non-use because of festivities, sick-leave, industrial injury, holidays, etc., the worker has the right to receive an allowance for the non-use of the canteen with an amount of money defined by the province.

According to the law n° 359 of 1992, the amount of the non-use of the canteen service is not included in the pay and doesn't affect any institution.

The conventional value of the canteen is useful to calculate social security contributions.

5- OTHER ALLOWANCES:

The national collective labour agreements provide allowances: for destitute or uncomfortable sites, high mountain or underground, cash, etc..

COST-OF-LIVING BONUS

With the agreement of 31st July 1992 between government and Confindustria (General Confederation of Italian Industry) and CGIL-CISL-UIL, the system of wage indexation (contingency) has been abolished with the increase of prices.

No contingency increment has been realised since May '92, indeed. The current amount is the one in force from the agreement and in some contracts it has been included in the base payment.

EDR (ELEMENTO DISTINTO DELLA RETRIBUZIONE)

Distinct element of salary.

The agreement which abrogates the "sliding scale" provide the expenditure of a lump sum consisting in 10,33 monthly pays per 13 monthly payments. In some contracts it is included in the base salary.

6- MATERNITY AND MATERNITY LEAVE:

In case of maternity the worker has the right of compulsory abstention for 2 months that precede the presumptive date of childbirth and for the 3 months that come after it.

The right to the compulsory abstention is applied also to the home-based workers and to the domestics.

The duration of the compulsory abstention consists of 5 months. It is possible to use only 1 month before the birth and 4 months after the birth.

If the birth occurs earlier than the presumptive date, it is possible to add to the 3 post-partum months the days of compulsory abstention not used before the birth, within the maximum limit of 5 months.

Salary.

The workers have the right to a daily allowance equivalent to 80% of the global average salary received during the monthly pay period, which precedes the one of compulsory abstention, including thirteenth month's salary, bonus, etc.

Some contracts include the integration charged to the firm up to 100% of the salary.

The period of compulsory abstention is considered useful both for the right and for all the calculations of pension.

Worker's performance. Before the beginning of the compulsory abstention period, the worker has to file to the firm and to INPS (or to the corporation by which she is insured) the doctor's certificate of pregnancy, indicating the month of gestation (at the date of the medical examination) and the presumptive date of childbirth.

Advance compulsory abstention. The worker can ask for the advance compulsory abstention to the "Direzione provinciale del Lavoro" (provincial labour management) since the beginning of the pregnancy in the following cases:

Serious complications in the gestation or pre-existing disease symptoms which could get worse with the pregnancy:

If the working or the ambient conditions are damaging to the woman's and child's health;
When the worker can't be moved to less hard tasks.

Daily rests. During the 1° year of the child the mother-workers are entitled to 2 paid work permits of 1 hour rest, that can also be accumulated during the day. The rest is of 1 hour if the daily working hours are inferior to 6 hours.

Optional abstention. Both parents are entitled to the optional abstention until the child will turn 8 years old, for a global period of 10 months, continuative or fractionate;

Every parent won't go over 6 months of fruition (for example if the mother uses 6 months, the father can use 4). The father has the right to the optional abstention even if the mother hasn't got the right (because she is unemployed, domestic, home-based worker), and if the father uses this right for a non-stop period not lower than 3 months, his 6 month limit turns to 7 months and the global maximum limit of fruition becomes of 11 months (7 months for the father and 4 months for the mother).

Worker's performances: the worker (both man and woman) must give notice in writing to their own employer 15 days before the beginning of the abstention.

Different notice periods can be set by the CCNL.

Measure of allowance. The allowance for optional abstention appertain for a global period of 6 months, in the measure of 30% of the salary (global daily average of the month that precedes the compulsory abstention, excluding the accrual of the additional month's pays and of prospective bonus) till the child will turn 3 years old.

For the period of fruition over 6 months and for the ones subsequent the child's 3rd year of age till the 8 year of age, the previously indicated allowance is valid only if the applicant's personal income is 2.5 time inferior to the amount of the minimum pension treatment.

The period of 6 month optional abstention paid at 30% and used within the child's 3rd year is covered by imputed contribution which is valid for the pension efficiencies.

Permits for child's illness. During the illnesses of the child till his 8th year of age both the parents can be absent from work alternatively with no pay.

Until the child's 3rd year of age there aren't temporary limits of fruition, from the 3rd to the 8th year of age the limit is set to 5 days pro year for each parent.

The child's illness must be certified by a specialist of the SSN or of the medical insurance plan.

Until the child's 3rd year of age the periods of abstention from work because of illness of the child are covered by imputed contribution.

The child's hospitalization interrupts the period of paid holiday.

Children's adoption or foster care. The workers who adopt children up to 6 years old for national adoptions and superior to 6 years for the international ones have the possibility to use the compulsory abstention and the allowance in the 3 months after the welcome of the child in the new family.

According to the laws of the optional abstention, the parents can abstain from work if in the act of adoption or of foster care the underage is between 6 and 12 years old, during the first 3 years from the welcome to the underage himself in the family.

Disabled children in difficult situations: In addition to the compulsory abstention the parents (also foster parents) of handicapped children who are in a situation recognised as difficult and serious, are entitled to:

The uninterrupted prolongation of optional abstention at 30% of the pay until the child's 3rd year of age, under the condition that the child doesn't have to be full-time hospitalized in a specialized Institute;

A 2 hour daily permit, until the 3rd year of age, normally paid;

3 days of monthly permit from the child's 3rd year of age, which can be used also continuously, and normally paid (legge 104).

7- SICK- LEAVE:

In case of illness the worker has to:

Go to the family doctor for the doctor's certificate, and inform the firm within the first day; send the doctor's certificate to the firm and to INPS within 2 days from the beginning of the leave; the employees of the industry have to send the doctor's certificate only to the firm.

During the Sick-absence the worker has to be available at his home every day of the week, from 10,00 to 12,00 and from 17,00 to 19,00.

The worker on sick-leave has to inform the firm about any change of habitual domicile (that is the place in which he is during the sick-leave).

The worker has the right to hold down a job for a period fixed by the law, by the collective labour agreement; the duration depends on the seniority (length of service) or on the qualification.

As such a period goes by, in case of serious diseases, the worker can ask for a non-paid leave; in the other cases the firm can decide for the dismissal with paid warning.

The period of the keeping of the job must be interpreted in a continuative way in case of a single sick-leave; in case of more sick-leaves the period must be interpreted as the sum of the single absences for disease within a period of time fixed by the CNL (Contratto Nazionale del Lavoro) (30/36 months).

Because of the absence from work for disease the worker (factory worker, wage-earning and services worker) has the right of a daily allowance charged to INPS paid by the firm. To this must be added an economic supplement charged to the firm. This economic supplement is regulated by the CNL.

The economic allowance charged to INPS follows these measures of daily global mean pay: the first 3 days with no allowance; from the 4th to the 20th day at 50%; from the 21st to the 180th day, 66,66%.

The economic allowance to the industry employees is paid directly by the firm depending on the amount established by the CN (National agreement).

The diseases appeared before the beginning of the paid holiday don't determine the holiday course, but the pay of the sick-benefit.

The disease appeared during the paid holiday suspends its course. The disease interrupts the duration of the trial period and of the warning.

Apprentices are excluded from the INPS economic treatment and receive the supplements set by the collective labour agreement.

8- INDUSTRIAL INJURY:

All the employees are compulsorily insured by the firm by INAIL against industrial injuries and occupational disease.

The insurance serves the purpose of guaranteeing the workers the necessary physical, health and economic protection, in case of industrial injury and occupational disease.

The worker has immediately to communicate to the firm any injury which occurs to him, even if it is not serious.

The firm must attend the injured to INAIL ambulatory or to the first-aid and register the injury in the appropriate book.

The firm is supposed by law to pay to the worker who is absent for injury an INAIL supplement to the allowance which can reach the 100% of the net pay that the worker should have received if he had worked.

During the injury there isn't the obligation of availability at home.

9- WORKING HOURS AND REDUCTION OF THE HOURS OF WORK:

The normal working hours is fixed up in 40 hours per week. The collective labour agreement can establish a minor duration.

The fighting actions developed during the national and business collective bargaining has achieved reductions of the working hours on equal salary.

The reduction of the working hours can occur:

In a collective level, through a reduction of the daily or weekly hours of work, with collective closings on the occasion of extended-holidays, with individual permits.

The collective labour agreement establishes the entity of the working hour reductions, the weekly maximum duration of working hours. The average duration of working hours can't in any case go over 48 working hours, including the hours of overtime work, for every period of 7 days.

The worker has the right to a period of rest of at least 24 consecutive hours for every 7 days, normally coinciding with Sunday.

10- FESTIVITIES ABOLISHED BY THE GOVERNMENT OF "NATIONAL SOLIDARITY":

During the period of the most intense social class conflicts, while the working class still expressed high levels of autonomy and self-organization that the confederate Trade Union couldn't suppress, the bourgeois regime, with the help of the revisionist group of the "Italian Communist party", tried to persuade people that the workers must sacrifice to "save the country". The abolition of numerous festivity days meant more work and exploitation, followed by the demagogic and non-realized "startup of work" for the youth, that in some parts is similar to the current "professional formation" ..

According to the Law of 5 March 1977, n 54, 4 festivity days was abolished and the festivities of 2nd June and 4th November were set to the first Sunday of June and to the first Sunday of November. Later the festivity of 2nd June and 4th November were reinstated.

As a replacement for the 3 abolished festivities, the workers use 3 groups of 8 hours of collective- individual paid permits, to the ex festivity of 4th November is applied the measure set for the festivities on Sundays.

11- PAID HOLIDAY:

According to the legislative decree n°66 of 2003, the worker has the right to an annual period of paid holiday not inferior to 4 weeks. This decree introduced for the first time in Italy the prohibition to monetize the period of holiday, except for the case of resolution of the working relations during the year.

As regards the fixed-term contracts, with a duration inferior to one year, it is always admissible to monetize the holiday.

There are different modalities of using holiday:

-At least 2 weeks, that one can use non-stop during the year of accumulation, on request of the worker. If the year comes to an end and the worker doesn't have obtained the holiday period of 2 non-stop weeks, the firm might incur legal sanctions.

The remaining weeks of paid holiday can be used in fractionate way and must be used within 18 months from the expiry of the maturation, except for different periods set by the national bargaining.

Who has the right to have more than 4 weeks of holiday can use them also in fractionate way, but within the deadline fixed by the contracts.

Each month of work gives right to 1/12 of the total amount of holiday due in one year.

Holidays are paid by global pay.

12-THE THIRTEEN MONTH'S SALARY OF CHRISTMAS BONUS : is paid out normally in the month of December and is levelled to a month's pay or to 173 working hours.

The amount necessary for the payment of the thirteen month's salary is determined by the collective labour agreement.

13-SUMMER BONUS OR FERIAL BONUS: is set by some collective agreements (e.g. trade) or by the company bargaining.

14- TFR (TRATTAMENTO FINE RAPPORTO) OR SEVERANCE PAY:

The worker has the right to an appropriation equivalent to the gross annual wages over 13.5. TFR is due to each month fraction, including the trial period.

From the TFR amount is deducted a sum equivalent to 0.5%, calculated on the gross taxable income to finance the institute fund by INPS for the TFR guarantees in case of business failure.

At the end of every year the company revalues the appropriations of the previous years in compliance with a fix percentage of 1.5% plus 75% of the inflation obtained from ISTAT.

The worker has the right to ask for an advance non superior to 70% of the TFR which has accrued, under the condition that:

- the worker has a seniority for service at least of 8 years;
- the requests comply with the annual limits of 10% among the ones who have the right or of the 4% of the total number of employees;
- the advance is justified by the necessity of onerous health expenses, of incurring heavy expenditure on the wedding of the children or on the purchase of the first house, etc..
- advance can be required only once during the course of the same working contract.

TFR must be paid at the end of the working relations.

Form for the worker's declaration of refusal to TFR transfer:

Modulo per la dichiarazione di rifiuto del lavoratore al trasferimento del TFR da consegnare a mano all'ufficio maestranze in doppio originale, uno sarà trattenuto, l'altro dovrà essere restituito firmato anche da chi riceve la comunicazione e custodito dal diretto interessato; oppure da spedire senza busta, piegato e graffiato, con raccomandata a ricevuta di ritorno.

Il sottoscritto _____
Nato a/ _____ il _____
Residente _____
in via-piazza _____
dipendente _____
per quanto disposto dalla legge N°243 del 23 agosto 2004, ed in vigore dal 6 ottobre 2004, Vi comunica la volontà esplicita, di diniego al silenzio assenso.
Quindi con la presente lettera intende dichiarare di volere conservare la propria liquidazione (TFR) ad uso strettamente personale. Pertanto non autorizza la destinazione della stessa, essendo di propria esclusiva appartenenza, a qualsiasi tipologia d'investimento come ad esempio fondi pensionistici o altro, salvo i casi già previsti per legge a mia richiesta.
Data _____
Firma _____
Firma di chi riceve _____

15-CONTRACTUAL HOLIDAYS ALLOWANCE:

In case of non- renewal of the national contract, the workers have the right of drawing a wage increase equivalent to 30% of the expected inflation rate after 3 months from the expiration of the contract.

After 6 months of contractual holiday the amount reaches the 50% of the expected inflation rate.

The contractual holidays allowance ceases to be paid from the beginning of the agreement of contract renewal.

16-FAMILY ALLOWANCES: are social benefits in support of families with incomes lower than specific limits, set every year by the legislation.

All the employees, the unemployed who receive the jobseeker's allowance, the workers in mobility, the temporary lay-off workers, the members of a cooperative, the pensioners are entitled to this benefit.

From 1st January 1998 parasubordinates, and so the ones who are admitted to a separate management, are entitled to, as well. (law 335/1995).

Autonomous agriculture workers and ex autonomous worker pensioners are excluded. They have the right to receive the old family income supplement.

It is a right for the family composed of:

- the applicant of the allowance
- the partner who is not legally split
- children (legitimate, legitimize, foster, adopted, natural, legally recognized, born in the previous marriage with the other partner)
- disable children who have come of age, who can't dedicate to a work because of mental or physical problems.

- underage descendants who are taken in charge by a direct relative (grandmother or grandfather) and who need to be maintained.
Brothers, sisters and descendants of the applicant (brother's or sister's children, underage children or disables of age, under the condition that they don't have the right to the pension to the survivors and that they are parentless).
In order to have the right to receive the family allowance, the family must have an income composed of at minimum 70% deriving from dependent work (or deriving from pension, unemployment benefit, maternity allowance, sick allowance, etc).
The apply for the family allowance must be filed:
 - to the firm by the most of the employees
 - directly to the INPS central office by pensioners, employees detached from trade-union or of failed or closed companies; housekeeping workers; agriculture workers; parasubordinates.

The request can also be filed through patronages, that are authorized by law to give assistance, or can be sent by mail.

To the request must be enclosed self-certification as a replacement for the state of family.
The claim to arrears of wages lapses after 5 years from the maturation of the right.

17- WELFARE AND SOCIAL-SECURITY SYSTEM CHARGED TO THE FIRM AND THE WORKER:

The pay roll relates the contributions charged to the employee deducted and later paid by the company to the welfare system for pension, sick-leave, maternity, family allowances, redundancy fund, mobility and unemployment. The entity of these deductions is defined by law.

18- CUD (ANNUAL CERTIFICATION OF THE PAYMENT):

The firm certifies annually to the worker through the CUD form, which is issued within March:

- salary for taxes and deductions (Irpef);
- gross pay and social contributions deducted, weeks covered by contributions, weeks covered by imputed contributions (sick-leave, CIG, industrial injuries etc)
- the amount of the TFR set aside.

The CUD form is the document essential to certify the payment of duties and is fundamental to fill in the 730 or unico, if necessary. For this reason the CUD form must be kept.

19- IMMIGRANT WORKERS AND THE DEPENDENT RELATIVE ALLOWANCE:

In order to use the dependent relative allowance (that is the possibility of obtaining reductions of duties for relatives who are not resident in Italy), Immigrant workers must file the documentation regarding the personal data, which must be effectively released by the mother country and translated into Italian. It must be authenticated by the Italian consulate in the mother country.

As regards the relatives who are resident in Italy, they have to entrust the withholding agent (firm) the certification of the family status released by the corporation service.

20-REFERENCE PAY ON WHICH SOCIAL AND WELFARE DEDUCTIONS ARE CALCULATED:

All the sums and amounts which constitute employment income must be subjected to income tax.

The following elements are excluded from the taxable base for contribution targets:

TFR, incentives, sick-leave, industrial injury, maternity, CIGS (CIG straordinaria) and business bargaining wage that is subjected to a de-contribution and to "tickets". The wage linked to the productivity, quality, economic trend of the business is subjected to reduced social deductions. The wage is subjected to a solidarity contribution equivalent to 10% instead of 33%, charged to the firm which have to pay it to the pension managements through an amount not superior of 3% of the annual pay.

21 - DEDUCTIONS:

In addition to the social and welfare deductions, the firm calculates taxes and duties in order to withhold them and to pay them to the state, on behalf of the employee. Taxes and deductions are calculated on the pay of the employee, the so called "taxable income", which is net of social and welfare deductions.

If the worker has other incomes or has expenses which are tax-deductible (mortgage, medical expenses, or other allowable expenses), he is supposed to declare his income through the 730 form or Unico.

22-REDUNDANCY FUND (CIG: CASSA INTEGRAZIONE GUADAGNI):

The employers has often obtained through this measure the closing of the industrial premises in a gradual way.

Trade-union have normally accepted this form of nearly-full salary, but the problem of no-work remained unsolved. The reason was that trade-union considered that the collection of salary satisfied the right of the workers, without considering that the concession to the employers to act in this way, represented a fundamental instrument for the employers for their business and for the break-up of the production property.

In some cases, (FIAT Torino during the beginning of '80's) the non-work signified to the workers "civil death" and so the loss of civil rights. This phenomenon increased in such a drastic way that it could be related to the rise of a significant percentage of suicides (200 over some dozens of thousands among CIG workers).

So the struggle must consider the permanence in the factory in the collective rooms, so that the CIG can't become itself a form of civil death and of mobbing for the workers.

The partial or the entire reduction of the working hours decided by the firm determines the starting of the CIG.

The wage subsidy (ordinary or extraordinary) can't go over the duration of 36 months in a quinquennial.

There are different ways of starting:

Ordinary CIG: it is paid to workers, employees and suspended first-line managers or at reduced working hours because of temporary events which can't be attributable to the firm or because of temporary crises situations of the market.

Duration:13 continuative weeks; in some cases it can be extended every 3 months till a maximum of 52 weeks in a two year period.

From the Ordinary CIG are excluded apprentices, employee drivers, home-based workers, managers.

Companies allowed: companies in the industrial sector, mutual companies or cooperatives that exercise an activity of changing, manipulation and marketing of agricultural products.

Extraordinary CIG: it is paid to workers, employees and managers, including part-time or fixed- time workers with a seniority of 90 days minimum, for:

-industrial reorganization, redecoration, or reconversion, for a maximum duration of 2 years plus 2 periods of prolongation of 12 months each.

-industrial crisis, for a maximum of 1 year, except for a prolongation of 6 months.

-Failing industries or controlled administration with a duration of 1 year, except for any prolongation of 6 months.

Company allowed: factories or industrial companies, building enterprises, agricultural cooperatives, farming or leasing enterprises of cleaning services, train services, crafts, which give work to more than 15 employees. Businesses with more than 50 employees. The wage subsidy should be equivalent to 80% of the global salary (including the additional month's wages).

Actually, it is highly inferior because the maximum wage subsidy amount is set annually by the government.

In 2005 the amount corresponded to :

For pays up to 1773.19:

819.62

774,21

For pays over 1773.19

985.10

930.53

23- WORKFORCE MOBILITY / JOB MOBILITY:

The mobility allowance is an economic supplement which is assigned to workers dismissed from a job because of staff reduction, transformation or closing down of business linked to the CIGS or with more than 15 employees, that are not included in the applications of CIGS, for the companies the occupational limit is of 50 employees.

The worker must have a seniority of at least 12 months: 6 months of the total of work really done.

The periods of mobility are necessary in order to calculate the pension.

Duration.

The period of the mobility allowance expenditure varies depending on the age of the worker in the moment of dismissal, on the location of the production unity linked to the dismissals and the business seniority.

The period of mobility allowance expenditure

Age

Middle-North

South

Until 39 years old

12 months

24 months

From 40 to 49 years old

24 months

36 months

Over 50 years old

36 months

48 months

The period of the mobility allowance expenditure can't go over the business seniority that is connected to the employee by the firm.

In the presence of particular requirements of age and contributions, the mobility allowance is protracted until the pension ("long mobility").

The allowance is suspended when the worker is hired according to a fixed-time or part-time contract and decays in case of permanent job or right to the pension.

Request.

After having received the communication of dismissal, the worker must file the request to INPS within 68 days. For the first year the amount of the mobility is the same of the allowance of CIGS; from the second year it is reduced to 20%.

Expenditure

The allowance is paid every month directly by INPS.

It can be paid in a single solution if the worker asks for it in order to begin an independent business or to associate to a cooperative.

24- ORDINARY UNEMPLOYMENT: is an allowance which is paid to the dismissed workers.

The allowance is valid also for resignations if they are recognised to be for good cause (non-payment of salary, sexual harassments, change of tasks, mobbing).

From 17 March 2005 the workers who have been suspended by firms hit by temporary events that are not caused either the workers or the employer are entitled to the allowance.

Requirements.

The unemployment benefit is paid to the employee who demonstrate:

- at least 2 years of insurance for unemployment
- at least 52 weekly contributions during the previous 2 year period.

Duration and amount.

The unemployment benefit up to 31st December 2006 is paid for 7 months to the employees of age inferior to 50 years old and for 10 months for the ones over 50.

The benefit up to 31st December 2006 is calculated in the following way:

- the workers who are less than 50 years old receive an allowance equivalent to 50% of the pay for the first 6 months and to 30% for the 7th month;
- the workers who are 50 years old or over-50 have a benefit calculated at 50% of the pay for the first 6 months, at 40% for the three subsequent months and at 30% in the 10th month.
- It is paid monthly by INPS by check.

UNEMPLOYMENT BENEFIT IN CASE OF REDUCED REQUIREMENTS:

The workers who have this claim are:

the workers who don't have 52 week contributions in the last 2 years but have worked minimum 78 days during the previous year and so they can have at least one week contribution before the 2 year period preceding the request.

Paid festivities and the days of leave with allowance (sick-leave, maternity etc.) are considered working days.

The amount of unemployment benefit with reduced requirements is equivalent to 30% of the pay and depends on the number of working days equal to the ones really worked during the previous year, to a maximum of 156 days.

25- DISCIPLINARY SANCTIONS:

The company must make public the clauses of the contract and the laws concerning the behaviour that can incur legal sanctions, the amount of sanctions, the procedure of contention for disciplinary reasons.

According to the law, the sanctions provided for the contract are:

A verbal or written telling-off; penalty (never over 4 hours); work stoppage; dismissal.

The disciplinary sanction can't be imposed if the firm hasn't communicated in writing to the worker the contentions and if (within 5 days) the worker doesn't act to defend his own right by appealing to trade-union (which he adheres to).

26-INDIVIDUAL DISMISSAL:

The dismissal can be effectuated for justified reason or for good cause.

The dismissal must be communicate in writing.

The dismissal is considered "individual" if it doesn't involved more than 3 employees.

In the event of impugment the company is supposed to demonstrate the legitimacy of the dismissal.

The law provides for two sorts of tutelage and protection of the worker:

- A) the tutelage provided by art.18 della legge n.300/1970, compels the firm to reinstate the dismissed workers who lost their job in an illegitimate way and to pay them the salary from the moment of verdict of guilty to the moment of real reinstatement.

The tutelage is applied towards the firms which give employment to a minimum of 15 workers in the production unit or in the communal district or to 60 in the national one.

As regards the factory farms, the limit over which the real tutelage is considered applicable is of 5 employees).

- B) Under 15 employees (excluding the previously indicated case) the tutelage applicable allows the firm to reinstate the worker who was unjustly dismissed or to pay a compensation payment as a replacement for the reinstatement.

The severance wage can go from 2.5 to 6 month's salaries from the last pay.

Housekeeping workers have no tutelage in case of dismissal.

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