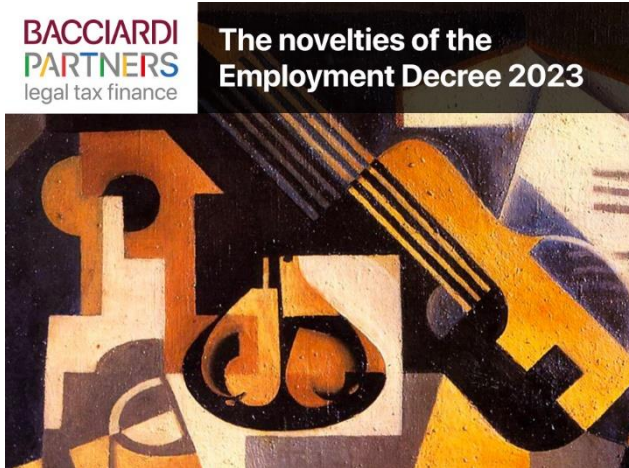




News – June 21, 2023

THE NOVELTIES OF THE EMPLOYMENT DECREE 2023



The recent “Employment Decree 2023” No. 48/2023 supplemented the regulation of fixed-term contracts.

For contracts with a term of up to 12 months, the possibility of concluding contracts without a specific cause is reaffirmed.

For contracts with a term between 12 and 24 months, the government has essentially institutionalized the referral to any rules provided for by national, territorial or company collective bargaining agreements.

For such contracts:

- on the one hand, the legitimacy of contracts with a duration of more than 12 months remains intact if they are intended to replace an employee who is entitled to keep his job;
- on the other hand, the 'temporary and objective needs unrelated to ordinary activity and needs connected to temporary, significant and non-programmable increases in ordinary activity' previously provided for can no longer be invoked.

However, a transitional regulation is established: until 30 April 2024, certain “needs of a technical,

organizational or production nature” may be invoked, if they are identified by the parties.

The problem is that to date there are still very few collective bargaining agreements that regulate the subject of fixed-term contracts: the hope is therefore that the social partners will take steps before the deadline of 30 April 2024 to fill any regulatory gaps.

In essence, this is a very little courageous reform which, pending the appropriate supplementary agreements of the CCNL, will not change much the current landscape of fixed-term contracts: employers will continue to prefer contracts of less than 12 months - for which no reason is required - in order to avoid the risk of litigation which, given the not entirely unambiguous jurisprudential orientations, would have an uncertain outcome.

Our [Employment Law department](#) can provide comprehensive advice, suitable for identifying the needs of your company and the paths to take.