

## Posting of Temporary Agency Workers in Europe Country Fact Sheet

Country: **Italy**

Contact person(s): Name(s) Andrea Borghesi  
Email address a.borghesi@nidil.cgil.it  
Postal address via Palestro, 78 – 00185 Roma  
Telephone number(s) (+39) 06.88650937 – mobile (+39) 3479009289  
Organisation name Nidil CGIL

Contact person(s): Name(s) Antonio Bonardo  
Email address antonio.bonardo@gigroup.com  
Postal address Piazza IV Novembre 5 – 20122 Milano  
Telephone number(s) (+39) 02 444111 – mobile (+39)3346068906  
Organisation name Assolavoro

### National Regulation and provisions applicable to posted temporary agency workers

#### *1. Employment and Working Conditions for posted temporary agency workers coming into your country*

*If any of this information is not available or unclear in current legislation please indicate in the box. If you know of practical examples please give details below.*

<b>Element of national regulation</b>	<b>Qualitative information on your country</b>
<p>Definition of a posted temporary agency worker according to national legislation and collective labour agreements in the TAW sector.</p> <p>Does a temporary agency worker posted into your country have the same legal status as a temporary agency worker employed directly? If not please explain.</p>	<p>A posted temporary worker, as defined in the legislative decree no. 72/2000, which transposed European directive 96/71/CE, is “a worker habitually employed in a member state, which is not Italy, who for a limited period of time carries out his/her work within the Italian territory”.</p> <p>Yes. Posted temporary workers have the same legal status as TAW employed directly.</p>
<p>Relevant and applicable provisions on equal treatment &amp; equal pay for temporary agency workers. Do these apply to posted temporary agency workers?</p>	<p>Yes, all such provisions (made in the law no. 276/03 on temporary agency work) for TAW on equal pay and equal treatment also apply to posted temporary agency workers. The only difference is in the pension and social security contributions, which are paid according to regulations applying in the worker’s country of origin.</p>
<p>Maximum work periods per day and per week for posted temporary agency workers. Is night work permitted for posted temporary agency workers? If so how many hours are allowed?</p>	<p>As for all temporary agency workers, these provisions are made in the national collective contracts adopted by the user companies. As a general rule, working hours for all employees are regulated by legislative decree no. 66/2003, which</p>



	states that normal working hours are 40 per week, with a maximum of 48 including overtime. Night work is allowed, but it cannot exceed 8 hours on average within 24 hours.
Minimum rest periods per day and per week for posted temporary agency workers.	All dependent workers are entitled to at least 11 consecutive hours of rest every 24 hours.
Applicable minimum rates of pay hourly, weekly or monthly. Is this decided by a collective agreement or by law? How is it enforced?	Minimum rates of pay are stated by the national collective contracts adopted by the user companies.
Applicable wage supplements, sick pay, social security, overtime and night work rates & allowances for temporary agency workers.	See above (also regarding social security contributions).
Applicable provisions and legislations on health & safety at work. Whose responsibility is it to ensure these provisions/laws are enforced (user company or temporary agency)? Which organisation is responsible for the health and safety of the workers?	As for all temporary agency workers, agencies have the duty to inform workers on health and safety risks, and to train them on the use of their work equipment. However, this duty can be performed by the user company if so stated by the commercial contract between agency and company. It is the company's responsibility to ensure that the health and safety regulations are enforced. The organization responsible for health and safety of workers is INAIL (Italian Workers' Compensation Authority).
Minimum paid annual holiday (no. of days, rates) posted temporary agency workers are entitled to.	As stated by national collective contracts. The law provides for a minimum period of 4 weeks of paid holidays per year. Holidays are paid the same as working days.
Main, general provisions of collective labour agreements concluded in the TAW sector that are relevant to posted temporary agency workers	All the provisions made by the national collective contract on TAW apply to posted workers, with exception to social security contributions.
Specific provisions on posted temporary agency workers in the collective labour agreements in the TAW sector	There are no specific provisions in collective labour agreements for posted workers.

## **II. Conditions for temporary work agencies to post a temporary agency worker in your country**

<b>Element of national regulation</b>	<b>Qualitative information on your country</b>
Requirement to obtain a license	Agencies do not need to obtain a license or any other form of authorisation if they can demonstrate that they operate in their country under administrative regulations equivalent to those required by Italian law (stated by the law no. 276/03, art. 5 par. 2).
Requirement to establish in the receiving country	None for EU companies.
Mandatory Declarations	None.
Sectoral bans for temporary agency work activities	There are no sectoral bans for TAW in Italy.



Applicable reasons for use of temporary agency work services	As for every fixed term contract, companies must specify the “technical, production, organizational or substitution reasons” for the use of a non-permanent contract.
Applicable minimum and maximum length of temporary agency work assignments	There is no minimum length for assignments. Periods worked as fixed term TAW are counted towards the reaching of the 36 month limit for a fixed term contract with the same user company.
Restrictions on labour contracts to be offered to posted temporary agency workers	None.
Which services (if any) do you provide for the posted temporary agency workers? Are these workers charged any fees for these services?	We provide to posted workers all the services that we provide for temporary agency workers. No fees are charged for these workers.

### **Additional Information – Useful public sources**

Do you know the country of origin of the posted temporary agency workers in your country/organization? If so please give details.	We do not have this information.
Useful websites (Labour inspectorate, Ministry of Labour, Trade Union information etc...)	<p>Ministry of Labour: <a href="http://www.lavoro.gov.it/Lavoro">http://www.lavoro.gov.it/Lavoro</a></p> <p>The inspection activity is up to the local labour directorates: <a href="http://www.lavoro.gov.it/lavoro/direzioni/">http://www.lavoro.gov.it/lavoro/direzioni/</a></p> <p>Inps (National Authority of Social Security): <a href="http://www.inps.it/">http://www.inps.it/</a></p> <p>Inail (Italian Workers' Compensation Authority): <a href="http://www.inail.it/">www.inail.it/</a></p>
Contact people from the national social partner associations in the TAW sector	
Relevant publications	

### **If you have any questions on this factsheet, please contact the European Sectoral Social Partners:**

<p>UNI Europa Secretariat Giedre Lelyte <a href="mailto:Giedre.Lelyte@uniglobalunion.org">Giedre.Lelyte@uniglobalunion.org</a> Tel. +41 22 365 21 49</p>	<p>Eurociett Secretariat Sandro Pettineo <a href="mailto:sandro.pettineo@ciett.org">sandro.pettineo@ciett.org</a> Tel. +32 2 421 15 82</p>
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