

Italy

Staff information and consultation on business transfers

Phase	Law 29 December 1990, no. 428, Provisions for the fulfillment of obligations deriving from Italy's membership of the European Communities
Native name	Legge 29 dicembre 1990, n. 428, Disposizioni per l'adempimento di obblighi derivanti dall'appartenenza dell'Italia alle Comunità europee
Type	Staff information and consultation on business transfers
Added to database	08 May 2015
Access online	Click here to access online

Article

47

Description

In the case of a transfer of business or part thereof, in companies staffed with more than 15 workers, the information and consultation procedure contained in article 47 of law no. 428/1990 should be complied with in order to protect workers' collective interests. The notice of a transfer of business or part thereof shall be provided 25 days before the legal act finalising the transfer becomes effective. It has to mention:

- the date or proposed date of the transfer;
- the reasons of the planned business transfer;
- its legal, economic, and social consequences for the workers; and
- possible measures for the benefit of the workers.

The unions are involved insofar as the company has to inform the works councils ('Rappresentanze Sindacali Unitarie', RSU) or company works councils ('Rappresentanze Sindacali Aziendali', RSA) about the transfer of business, as well as the sectorial unions that

have signed the collective labour agreement applied by the companies involved in the transfer. In case there are no RSA, the company (or its representative association) is obliged to inform the comparatively more representative sectorial unions.

Within seven days, trade unions can ask for a joint examination with the employers; consultation is considered to be concluded should an agreement not be reached within 10 days.

The law clearly states that an anti-union behaviour is to be found not only if information obligations are breached, but also if the company and the trade union have not carried out the joint assessment procedure.

Commentary

Trade unions note that, in some cases, business transfers could be used as a way to impose worse working conditions or to prepare the ground for collective dismissals of the workers being moved.

Additional metadata

Cost covered by	None
Involved actors other than national government	Trade union Works council
Involvement (others)	None
Thresholds	Affected employees: No, applicable in all circumstances Company size: 15 Additional information: No, applicable in all circumstances

Sources

- [National law database](#)~~~ Law 29 December 1990, no. 428, art. 47~~~ Carinci, M. (2013), Utilizzazione e acquisizione indiretta del lavoro: Somministrazione e distacco, appalto e subappalto, trasferimento d'azienda e di ramo. Diritto del lavoro e nuove forme di organizzazione dell'impresa, Giappichelli, Torino ,~~~ Zilio Grandi, G. and Biasi, M. (2016), Commentario breve alla riforma 'Jobs Act', CEDAM, Padova~~~

Citation

Eurofound (2015), Italy: Staff information and consultation on business transfers,
Restructuring legislation database, Dublin