POST-MEET
PROJECT

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GUIDE ON POSTING IN COSTRUCTION SECTOR

Introduction

Important notice and aims of the guide

This guide provides detailed information on the terms and conditions of employment and procedures applicable in the construction sector, including those related to postings.

Produced within the framework of the EU-funded Post-meet project (No. 101140103), it was published as part of a set of publications addressing Bulgaria, Italy, Poland, Slovenia, and Spain.

The Post-meet project aims to enhance the availability of information on posting targeting workers and employers, in this way supporting compliance with legislation. It also supports partner organisations in improving their communication channels. You can find more information on the project on the website of the organisations hosting this guide.

This guide does not provide legally binding information, nor is it intended as an exhaustive source of information on posting. Its structure was elaborated bearing in mind information already available in public portals, most notably the Your Europe web-page on posting, the practical guide on posting of the European Commission, and the leaflet "Posted workers in the construction sector" elaborated by the European Labour Authority, all available in the 'Useful contacts and sources' section at the end of this document. The idea was to complement existing official sources of information on this subject and to focus on country-level provisions related to posting in the construction sector.

The guide is thought to suit the standard situation whereby posted workers remain affiliated for social security purposes in the home country and are subject to the legislation of the host country for selected matters. As explained below, there are exceptions to this standard, for instance, in case the posting has a long duration or if the worker is sent to replace another person. It is also important to stress that the host country legislation applies only to the extent that it is more favourable for the worker. Otherwise, the worker shall remain subject to the provisions of their home country.

While recommending seeking customised advice in case of need, we recall that the provisions indicated in this guide may be subject to developments following amendments in the relevant legal sources, as well as in national and European case law, which can especially affect the boundaries of national provisions applicable in cases of posting.

Presentation of the authors of the guide

CNCE

The National Paritarian Committee for construction workers' funds (*Commissione Nazionale Paritetica per le Casse Edili*, CNCE) is the national paritarian organisation established by the social partners of the construction sector, with tasks of guidance, monitoring, and coordination of the system of funds for construction workers (*Casse Edili and Edilcasse*) across the country. Furthermore, CNCE cooperates with similar funds from other countries and, in accordance with Italian legislation, manages tools aimed at tackling undeclared work in collaboration with various public institutions.

The system coordinated by CNCE includes 112 Casse Edili and Edilcasse, which manage at the territorial level several elements of workers' pay, like the holiday pay, the thirteenth-month pay, and the sectoral seniority pay for construction workers (*Anzianità Professionale Edile*, APE). It works in close cooperation with the other paritarian funds of the construction sector, addressing vocational training and occupational safety and health (Formedil), complementary health insurance (Sanedil), and complementary pension insurance (Prevedi, Previdenza Cooperativa and Fondapi).

FORMEDIL

FORMEDIL is the national paritarian organisation for the promotion of vocational training, safety and labour market services. It coordinates a network of territorial organisations spread throughout the country. The FORMEDIL system provides a qualified vocational training supply, designed to support the lifelong learning and professional growth of various professionals in the construction sector. Furthermore, it facilitates labour market matchmaking through territorial helpdesks and supplies consultancy services to companies and workers to improve safety on construction sites.

FORMEDIL is also engaged in technical consultancy via its Observatory on construction site visits, supplying qualified support in the application of the Unified Text on Occupational Safety and Health (Legislative Decree No. 81/2008), and promoting the transfer of technologies and of good practices in organisational processes. Particular attention is paid to information and training of managers and of supervisors on safety (so-called *preposti*).

Vocational training

The territorial organisations of the FORMEDIL network offer a wide and diverse range of courses. This includes introductory courses, like the '16 hours course', necessary before starting to work in construction sites, refresher courses for blue-collar workers and technicians, and specialised courses in activities like restoration, environmental management systems, and business quality systems.

Consultancy in construction sites

Thanks to the territorial organisations of the FORMEDIL network, companies and workers registered at Casse Edili and Edilcasse can avail of free inspections and consultancy services to verify and improve safety in construction sites. This service aims to provide continuous support, identify specific risks, and propose practical solutions to prevent them.

International activities

FORMEDIL is a member of the European REFORME network, established in 1986, that promotes the sharing of good practices among youngsters, professionals and trainers of the construction sector. This cooperation helps to strengthen workers' competences and to incentivise innovation and professional growth at an international level.

What is the transnational posting of workers?

Under Directive 96/71/EC (as amended by Directive 2018/957/EU) and Regulation (EC) 883/2004, the notion of 'posting of workers' is used to define rules applicable in case of temporary mobility of workers in the framework of a provision of services in the European Union.

Requisites for posting are the existence and the prosecution of an employment relationship between an employer, to be typically established in an EU Member State (sending undertaking), and an employee therein habitually employed, who is sent to a company based in another EU Member State (host undertaking) to provide a service for a limited period. The two companies shall be linked by a contractual relation (for instance, subcontracting), by participation in the same group, or by a contract for the provision of temporary work, in case of posting by a temporary work agency.

As a rule, posted workers remain attached to the social security institutions of the sending country. Still, they are entitled to the remuneration defined in the legislation and collective agreements of the country where they temporarily work (referred to as the country of destination or the 'host country').

According to Directive 96/71/EC, as amended by Directive EU 2018/957, they are entitled to the application of the host country legislation under several matters, if more favourable, including:

- maximum work periods and minimum rest periods;
- minimum paid annual leave;
- remuneration, including overtime rates, and excluding supplementary occupational retirement pension schemes;
- the conditions of hiring of workers, in particular the supply of workers by temporary employment agencies;
- health, safety and hygiene at work;
- protective measures concerning the terms and conditions of employment of pregnant women or women who have recently given birth, of children and young people;
- equality of treatment between men and women and other provisions on non-discrimination;
- the conditions of workers' accommodation if provided by the employer, to workers away from their regular place of work;
- allowances or reimbursement of expenses to cover travel, board, and lodging for workers away from home for professional reasons.

Regarding supplementary occupational retirement pension schemes, in the light of Article 6 of Council Directive 98/49/EC, workers can still be covered by the host country provisions if they are not insured in the sending Member State.
According to Directive EU 2018/957, the requisite of 'limited duration' of posting shall be assessed based on the actual circumstances, for instance in the light of the nature of the implemented activities, or of the assumption that the worker will resume activities in the sending country after the completion of the service abroad.

Anyhow, Directive EU 2018/957 introduced a specific limit to the application of the host country's labour legislation only for selected matters. Suppose posting exceeds 12 months (so-called 'long-term posting'). In that case, posted workers are entitled to the complete set of labour law applicable in the host country, net of procedures, formalities, and conditions for the conclusion and termination of the employment contract (including non-competition clauses), as well as supplementary occupational pension schemes. Upon a motivated notification to the authorities of the host country, the sending undertaking can postpone the application of long-term posting rules up to a maximum of 18 months from the beginning of posting.

In the event of posting, companies must submit a preliminary declaration to the authorities of the host country before commencing works abroad. In accordance with Directive 2014/67/EU, this declaration includes details necessary to identify the company and workers involved, the place of work, and other complementary information. Following the principle of freedom to provide services in the EU, this declaration is not subject to any formal authorisation.
On the Your Europe web-page on posting linked in the 'Useful sources and contacts' section, it is possible to find national websites on posting, usually available at least in English, and including information on working conditions, valuable contacts and templates of the declaration.
Furthermore, to certify compliance with the minimum criteria necessary for maintaining affiliation in the sending country during works abroad, as per Article 12 of Regulation (EC) 883/2004, companies must request the release of the 'A1 form' to the social security authorities of the sending country, preferably before posting.
It is also possible to remain affiliated with the social security authorities of other non-EU countries in the presence of bilateral agreements with the relevant EU country of posting.
In other residual cases, for instance in case of posting from other non-EU country, in case of posting lasting more than the length of 24 months entailed by Article 12 of Regulation (EC) 883/2004 or if posted workers are sent to replace other persons, workers shall be affiliated as a rule to social security authorities of the host country. Upon request, the competent authorities of the sending and host countries can agree on exceptions, such as keeping insurance in the sending country for more than 24 months, in the interest of concerned persons (Article 16).

Regarding the taxation of posted workers' remuneration, relevant information should be sought in bilateral conventions to avoid double taxation. Typically, these agreements follow the so-called 183-day rule, which stipulates that taxation remains in the sending country, provided the period spent abroad does not exceed 183 days within a taxable year.

Terms and conditions of employment

What is the applicable minimum wage in Italy?

Italy does not feature a statutory minimum wage. Minimum levels of pay are demanded in the National collective agreements (CCNL), signed at the sectoral level. In order to identify applicable minimum levels, the legal category shall be identified first among those listed in Art. 2095 of the Civil Code, i.e.: Managers, Middle-Managers, Clerks and blue-collar workers.

Then, the contractual qualification shall be found, meaning the set of tasks sharing the same level of specialisation, responsibility and complexity. These qualifications are referred to as "contractual" because they are established by the specific collective agreements. In turn, the collective agreements link each qualification with minimum wages (so-called "minimi tabellari.

In particular, the construction sector features three CCNL: Industry and Cooperation, Craft, and Small Industry, defining conditions applicable to blue-collars, clerks and middle managers. Managers are excluded, as the cross-sectoral CCNL covers them and are not investigated in this guide.

Below are the minimum wages applicable as of 21/05/2025 for the different contractual levels in the construction sector.

Formally, the minimum wage is composed of three specific elements: the basic pay (periodically increased by collective bargaining), the cost-of-living allowance (*indennità di contingenza*) (for the automatic recovery of inflation costs, eliminated in 1992 and blocked at the level of that year), and the separate element of remuneration (Elemento Distinto della Retribuzione, EDR) (a lump-sum payment defined in 1992).

The following table summarises the amount of the three elements for the sake of simplicity.

However, posted workers are entitled to the full 'remuneration', a concept wider than minimum wage, as further described in the following questions. Remuneration is also largely integrated by territorial agreements, starting with the Territorial Sectoral Allowance (Indennità Territoriale di Settore), also called, for clerks, production bonus (Premio di produzione).

Job levels in construction collective agreements	Minimum wage – CCNL Industry and Coop.	Minimum wage – CCNL Craft	Minimum wage – CCNL Small Industry
Job level 1	1590,56	1585,21	1611,78

First-entry clerks (with less than 2 years of experience) with tasks of phone operator, data entry and transcriptions. Non-qualified blue-collar workers, able to implement simple tasks requiring knowledge obtainable in a few days, for instance, assembly of equipment, excavation and general unskilled works, or assistance to qualified and specialised blue-collar workers.			
Job level 2	1775,57	1765,50	1800,43
Technical or administrative clerks with operational tasks not covered by higher levels (phone operators, workers with simple secretarial tasks, data entry workers, workers checking accounting documents concerning movements of materials). Qualified blue-collar workers Workers able to implement works requiring specific skills, for instance non-specialised carpenters and bricklayers, scaffolders, painters and welders.			
Job level 3	1917,05	1909,40	1944,71
Technical and administrative clerks with operational tasks requiring basic job-related skills (staff implementing calculations or paying wages). Specialised blue-collar workers Workers able to implement particular jobs requiring specific practical skills acquired via internship or technical-practical preparation, for instance, carpenters able to make trusses or centring for special rebars, bricklayers able to build pillars, columns, arches, coatings, and able to read projects and to prepare works.			
Job level 4	2025,89	2015,68	2055,65
Clerks Technical assistant in works requiring basic professional experience or support to coordinators; IT programmer; Technical drawing officer; Architectonical recovery operator; Cultural heritage restoration operator; Administrative clerks and CAD Designers working with some degree of autonomy. Blue-collar workers performing high-specialised tasks among jobs indicated at the lower levels or others (drivers of complex machines or of tunnel boring machines), only as per definitions of the CCNL.			
Job level 5	2134,70	2126,78	2166,62
Technical and administrative clerks with limited coordination tasks (technical assistant, analyst, site manager on historical buildings, archaeologist, restorers, clerks in charge of purchases or of interpreting norms concerning pay, accountant).			
Job level 6	2461,19	2415,52	2499,48
Technical and administrative clerks entrusted with decision making tasks within the general coordination limits set by supervisors.			
Job level 7	2678,86	2691,82	2721,41

Clerks with coordination tasks that, beside features of level 6 and specific professional experience, are assigned particular responsibilities.			
Job level 7Q (Middle-managers)	2678,86	2691,82	2721,41
Workers, among these enlisted at level 7, that perform high-skilled roles or tasks on an ongoing basis, with responsibilities for activities of high specialisation, coordination and management and/or research and project development, supporting the definition of objectives of the company itself.			

Which other elements of remuneration apply to posted workers?

The Sectoral Collective Agreements of the Construction sector entails further elements of remuneration, for blue-collar or white-collar workers only (clerks and middle-managers), or standard for all the covered workers, as described below.

Whenever not specified, these elements shall be computed on the following elements of 'remuneration':

- the sum of the minimum wage, the Sectoral Territorial Allowance, and any potential individual bonuses (which could be absorbed by other elements in the event of posting) for blue-collar workers; the sum of: minimum wage; Production bonus (Sectoral Territorial Allowance); the possibly applicable allowances for unavailability of canteen service, cash handling, works in high mountains, works in pressurised caissons and tunnels, workers not subject to working time limitations; possible collective or individual bonuses (which could be absorbed by other elements in case of posting); plus commissions, profit-sharing bonuses or any other element paid on a continuous basis for white-collar workers.

  Blue-collar workers have the right to: (i) thirteen-month pay, and (ii) paid holidays. They are paid by the company via a cumulated 18,5% levy on remuneration (plus on the possible bonus for team leaders), out of which 8,5% is targeted for paid holidays, and 10% for the thirteen-month pay (also called the Christmas bonus, *Gratifica natalizia*). This amount shall be accrued at the *Cassa Edile* or *Edilcassa* paritarian fund.
  Among elements of remuneration linked to seniority at work, blue-collar workers receive the *Anzianità Professionale Edile* (APE) upon achieving at least 2,100 worked hours in the sector over the previous two years. Upon verification of this requisite, the Casse payout APE to workers based on an additional contribution paid by companies to the national paritarian fund FNAPE according to levies defined for each territory at the national level.

  White-collar workers are entitled to the following elements:

  - Thirteen months pay, paid directly by the employer, usually in December, in the amount of one monthly pay per year, according to the ratio of actual months of work at the company

(months are computed in full in case of 15 or more days of service and are not considered in case of less than 15 days of service);

- Paid holiday: four weeks a year;
- Annual bonus (fourteen month pay): for seniority at work accrued between 1 July and 30 June, a yearly bonus of the amount of one monthly pay, received in June and according to the ratio of actual months of work at the company (months are computed in full in case of 15 or more days of service and are not considered in case of less than 15 days of service);
- Access to company canteens or payment of an allowance in lieu, as defined by territorial collective agreements;
- Periodical seniority increases by a fixed amount for each two years of service.

In addition, both blue-collar and white-collar workers are entitled to:

- Paid leaves 88 hours per year of personal paid leaves (also called ROL), with one hour accrued every 20 hours of actual work. Workers have the right to a payment in lieu computed on remuneration (including the share of thirteen and fourteen months' pay) for leaves gained by the 31 December of every year and not enjoyed by the following 30 June;
- Severance pay, in compliance with Civil Code provisions entailing the payment upon termination of the employment relationship (possibly referred to the end of posting in Italy) of an amount equal to the remuneration due for each year of service, divided 13,5 (considering only shares of months with more than 15 days of service);
- The Sectoral Territorial Indemnity, defined by social partners at the territorial level (for instance between 188 € and 371 € per month, depending on the job level as per the currently in force amounts for Rome and the province);
- The Variable Element of Remuneration, agreed upon by territorial social partners, is a maximum of a 6% levy on the basic pay, and is based on specific territorial-level and firm-level performance indicators to be verified annually. EVR does not affect other elements of remuneration (allowances, severance pay…).

Finally, for middle managers (Job level 7Q), collective agreements entail also: insurance against civil responsibility risk towards third parties and a monthly €140 role allowance (*indennità di funzione*). Only 50% of this allowance can be absorbed by the possible individual bonus assigned due to the peculiarity of the task.

According to Directive 96/71/EC, compensation for expenses such as travel, accommodation, and meals from the sending country to Italy remains subject to the legislation of the sending country.

Does remuneration include other allowances due under specific circumstances?

Collective agreements of the construction sector set forth the following increases of remuneration for blue-collar workers:

- Daily overtime: 35%;

- Work during holidays[1]: 45%;
- Overtime during holidays: 55%;
- Night work not in consecutive shifts: 28%;
- Daily work in consecutive daily shifts: 9% for the CCNL Industry and Coop. and Small Industry – 12% for the CCNL Craft;
- Night work in consecutive shifts: 12% for the CCNL Industry and Coop. and Small Industry – 14% for the CCNL Craft;
- Night work of janitors: 8%;
- Continuous night work for workers implementing construction or renovation works only at night: 16%;
- Overtime night work: 40%;
- Night holiday work: 50%;
- Overtime night holiday work: 70%;
- Sunday work with compensatory rest, excluding workers enrolled on shifts: 8%.

As far as white-collars are concerned, the agreements set forth the following increases, applying to the remuneration, net of possible allowances (for cash handling, situations of hardships), commissions, and profit-sharing bonuses.

- Daily overtime: 35%;
- Holiday work: 45%;
- Overtime holiday work: 55%;
- Night work[2] not in periodical shifts: 34%;
- Night work in periodical shifts: 10%;
- Night overtime work: 47%;
- Night holiday work, except if included in periodical shifts: 50%;
- Overtime holiday night work: 70%.

In case of hardships, blue-collar workers have the right to an allowance, on top of remuneration, in a percentage amount computed on remuneration. The main situations of hardships and the related percentage allowances are enlisted below.

Blue-collar workers

[1] Holiday work means work performed during national holidays, on Sunday (except if Sunday work is balanced by compensatory rest), or on compensatory rests for work performed on Sunday.
[2] Hours between 22.00 and 6.00 are considered as night hours.

Type of works	Standard national amounts	Extraordinary clause[3]
Works in the rain or snow	4%	5%
Works implemented with pneumatic demolition hammers not assembled on a support (only for workers manoeuvring hammers)	5%	5%
Piling or drilling works only for workers subject to water or mudflows	5%	12%
Snow or ice removal for railroad equipment	8%	15%
Works on trestles, sling bars or similar	12%	20%
Excavation works with a set and narrow section with a depth higher than 3,50 meters and in situations of relevant discomfort	13%	20%
Building of inclined planes with an 60% or more slope	13%	22% (23% nel CCNL Piccola Industria)
Demolition of unstable structures	16%	23% (22% nel CCNL Piccola Industria)
Works in water (if the worker must immerse their feet in water or mud for more least 12 cm)	16%	28%
Work on lifting platforms	17%	35%
Works for new sewers in tunnels	19%	35%

Sectoral and/or territorial collective agreements set forth other allowances, such as those for works in tunnels, pressurised caissons, or in high mountains, each with amounts varying due to the specific type of work or the hardship of conditions.

Sectoral Collective agreements also set forth a specific allowance for team leaders (10% of remuneration, 14% if the activity of the team leader addresses more groups). In the Small Industry agreement, this allowance is equal to 10% of the difference between the basic pay of the 4° level and the one of the 3° level, following the promotion of the team leader job at the 4° level itself (the team leader is by default placed at the 3° level in the other two collective agreements).

Territorial collective agreements can define additional allowances, including allowances for work in high mountains, and revise the amounts of other allowances.

- Travel (*trasferta*): Blue-collar workers temporarily sent to a place different from their usual work are entitled to the reimbursement of the additional transport costs. If the worker is sent to a construction site beyond boundaries set by the territorial agreement, s/he is entitled to a 10% daily

[3] The 'extraordinary' clause concerns the following provinces: Bologna, Ferrara, Genova, La Spezia, Lecce, Modena, Parma, Piacenza, Ravenna and Savona.

allowance on remuneration or to the higher amount possibly set by territorial agreements. The daily allowance is not due if, as a result, the worker is closer to his habitual place of living. In the case of an overnight stay, the company shall cover the expenses instead of paying the daily allowance.

- In the event of breaks due to force majeure (for instance, due to adverse weather conditions), construction workers shall not be entitled to remuneration if the break lasts less than 30 minutes. Otherwise, the worker is entitled to remuneration for the full amount of the break. In the event of a break due to adverse weather conditions, the construction worker must remain on the construction site, unless the employer decides otherwise.

Main allowances for white-collar workers

- **Cash allowance**: clerks handling money with responsibilities in case of mistakes are entitled to an 8% allowance, computed on the minimum wage.
- **Personal transport allowance**: if clerks habitually use their personal means of transport for business activities, the company shall agree to reimburse the costs of use and maintenance.
- **Allowance for works in tunnels**: in the case of works in tunnels, the Industry and Coop. and Small Industry agreements set forth a € 25,82 monthly allowance, while the Craft agreement sets forth a €7,75 monthly allowance.
- **Travel**: clerks occasionally and temporarily sent on business trips have the right to reimbursement of actual transport, meals and accommodation costs, plus a 15% allowance computed on the meals or accommodation costs or a lump-sum payment to cover in advance.
- **Coverage of legal costs**: In addition to other allowances provided for clerks, middle managers are entitled to coverage of costs for legal support (by the employer) in cases of proceedings not due to gross negligence or wrongful misconduct, and connected to the implementation of their tasks.

Are there sectoral funds in place intermediating holiday pay or other elements of remuneration?

Yes, Italy features a system of paritarian organisations in construction organised at the territorial level via the so-called Casse Edili or Edilcasse. These “Casse” are tasked the management of sums concerning holiday pay and thirteen-month pay accrued by companies, the seniority pay in construction (APE) and further benefits defined at the territorial level. For additional details, see the section

Which other elements of remuneration apply to posted workers?

Furthermore, payments to the “Casse” include a variable share of remuneration (about 1%) for the national Formedil and territorial Formedil (known as *Scuole Edili* – vocational training centres for construction). This enables access to OSH courses and vocational training courses as well as free advice for companies on safety, with visits to construction sites by specialised technicians to identify risk situations and improve prevention and protection measures.

The following paritarian funds complete the system of paritarian organisations of the construction sector.

- **Sanedil (for blue-collar and white-collar workers)**

SANEDIL is the complementary health fund for the construction industry. It applies to blue-collar workers, clerks and middle managers covered by whichever of the three collective agreements of construction or any other hired by companies registered at the Casse Edili or Edilcasse. Sanedil covers also family members dependent on the worker for fiscal purposes (familiari "fiscalmente a carico").

The fund's objective is to ensure workers' access to complementary healthcare, social, and medical services in addition to the National Health Service. The fund entails three different health plans (sickness, accidents, and so-called Sanedil self-managed services).

Concerning insurance:

- For blue-collar workers, the insurance premium is 0,60% of the minimum wage and Territorial Sectoral Indemnity, paid on a minimum of 120 hours a month. This amount is paid via the Cassa Edile/Edilcassa.
- For white-collar workers, the insurance premium is 0,26% of the monthly remuneration (minimum wage and production bonus). Companies pay this amount via the Cassa Edile/Edilcassa or directly to the fund.

- **Complementary pension funds**

Complementary pension funds are meant to integrate public pension benefits.

The construction sector features three pension funds, applicable depending on the collective agreement in effect. They are: Prevedi (CCNL Industry and Coop. and CCNL Craft), Previdenza Cooperativa (for cooperatives covered by the CCNL Industry and Coop.), and Fondapi (CCNL Small Industry).

These funds entail a small compulsory contribution, paid by the employer via the Casse, that the workers can decide to increase, activating an additional contribution and/or opting to accrue severance pay at the fund.

It is worth recalling that access to most benefits paid out by the paritarian organisations of construction depends on the availability of the "codice fiscale" for the worker. This is the univocal Tax Identification number for physical and legal persons set forth by Italian legislation and to be requested from the Italian Revenue Agency (Agenzia delle Entrate) at this link.

Where can I find the most up-to-date and official information on applicable remuneration?

It is possible to find the official texts and up to date information on national collective agreements and national minimum wages on the links in the table below, as well as on the web-sites of the trade unions and employers' organisations signatory of the following CCNL (available in the 'Useful sources and contacts'

section) and on these of the affiliated territorial federations for elements of remuneration defined at local level.

CCNL	Employers' associations	Trade Unions
Construction – Industry and Cooperation (*Edilizia Industria e Cooperazione*)	Ance Legacoop produzione e servizi (link CCNL) Confcoperative lavoro e servizi Agci produzione e lavoro	Fillea Cgil (link CCNL) Filca Cisl (link CCNL) Feneal Uil (link CCNL)
Construction – Craft (*Edilizia Artigianato*)	Confartigianato Edilizia/Anaepa CNA costruzioni FIAE Casartigiani CLAAI edilizia	
Construction – Small Industry (*Edilizia Piccola Industria*)	Confapi Aniem	

What are the maximum work periods and minimum rest periods workers are entitled to?

Legislation also entitles collective agreements to define a maximum weekly length of working time, provided it does not exceed, on a weekly basis, 48 hours (including overtime).

Workers are entitled to 11 consecutive rest hours every 24 hours (Art. 7, Legislative Decree No. 66/2003). If the daily working time exceeds 6 hours, a compulsory break is required, as stipulated in the modalities defined by collective agreements (Article 8, Legislative Decree No. 66/2003). Specifically, sectoral collective agreements outline the following provisions.

- **Blue-collar workers**

Collective agreements in the construction set forth a standard working time of 40 hours a week, up to a maximum of 10 hours a day. Local working times can be defined by territorial agreements, in any case, complying with the average on an annual basis. Above this limit, workers are entitled to overtime pay. In case of work for six days a week, work performed on Saturdays is paid an additional 8% allowance.

- **Clerks (and middle managers)**

Collective agreements in the construction set forth a standard working time of 40 hours a week, up to a maximum of 10 hours a day, for clerks as well. Overtime is compensated with additional pay. In case of work for six days a week, work performed on Saturdays is paid an additional 8% pay. Clerks deployed on construction sites are subject to the same provisions concerning blue-collar workers.

The right to weekly rest for workers is set forth by Article 46 of the Constitution and detailed in Legislative Decree No. 66/2003, entailing that every worker shall have right to a weekly rest of at least 24 consecutive hours, usually on Sundays. The rest can be added to the 11-hour daily rest, as entailed by Article 7 of the

same legislative decree. In case of Sunday work, workers are entitled to a compensatory rest on another day of the week, and, unless they work in shifts, hours worked on Sundays are subject to a premium.

In addition, blue-collar workers have the right to remuneration for the following National holidays (computed also on the possible bonus for team leaders).In contrast, white-collar workers receive remuneration only if these holidays fall on Sunday (1/25 of monthly remuneration):

- 1 January – New year's Day
- 6 January – Epihany
- Easter Monday
- 25 April – Liberation Day
- 1 May – Labour Day
- 2 June – Republic Day
- 15 August – Assumption Day
- 1 November – All Saints' day
- 8 December – Immaculate Conception
- 25 December – Christmas
- 26 December – Saint Stephen's Day
- The Patron Saint Day of the place of the construction site or, as an alternative, of the company premises.

Limited to blue-collar workers, collective agreements entail the payment of remuneration also for 4 November, once a national holiday, the anniversary of the unification of Italy and the end of the 1st World War.

How long is the minimum annual paid leave?

Art. 36 of the Italian constitution sets forth that workers have the right to annual paid leave. In addition, the legislative decree No. 66/2003 (Art. 10) specifies that every worker has right to an annual paid leave of no less than four weeks. The sectoral collective agreements in the construction sector confirm a duration of four weeks, adding 88 hours of 'ROL', i.e., leaves that can be taken without any particular reason (see the question.

ed, allow for the minimisation of risks for workers, ensuring a working environment that meets the safety standards required by law and promoting a culture of prevention within the construction site.

In terms of occupational safety and health, which are the involved actors and which are the related responsibilities?

Conclude by presenting the various roles involved at both the construction site and company levels. Standing on the EU OSH Framework Directive and on the Directive on temporary or mobile construction sites, these shall involve the construction site coordinators for safety and health matters, the protective and preventive services, and workers' representatives. Please, stress workers' information and consultation rights.

According to information provided on the Italian national website on posting, the host undertaking is responsible for OSH prevention and protection duties concerning posted works, except for the duty on the sending undertaking to inform and train the workers on typical risks associated with tasks to be performed during the posting period. The sending undertaking must guarantee the safety of the workplace where the work is performed.

More in detail, the following actions are necessary:

- Agree with the sending undertaking the contractual arrangements and, in general, the way the posting shall take place;
- Implement a correct risk assessment, in line with Article 28 of Legislative Decree No. 81/2008;
- Inform workers whenever the specific tasks require a special medical surveillance or trigger particular risks;
- Train workers on how to behave in case of emergencies;
- Inform posted workers on the identity of the occupational health doctor, of the Prevention and Protection Service Manager, of personnel of the Prevention and Protection Service, and of the emergency personnel (first aid and fire emergency);
- Supply adequate personal protection equipment in light of the activities to be performed;
- Manage health surveillance visits, in case it is necessary to repeat them before the worker is assigned the new duties or in case they expire during the posting period;
- Guarantee the health and safety of the work environment, as well as of health facilities, equipment, plants and machineries;
- Prepare workers with adequate training if necessary;
- Supervise workers to ensure compliance with all prevention and protection measures.

It is essential to emphasise that the sending undertaking remains the employer in all its functions, responsible for the employment relationship, and the only entity that can modify the employment contract and discipline the worker. The host undertaking can report reasons and motivations linked with a sanction (for instance, for the failure to comply with OSH measures), but it cannot implement them.

The OSH figures required at the company level are as follows:

- Employer: S/he is primarily responsible for occupational safety and health and must take all necessary measures to eliminate or reduce risks. S/he shall be the first point of contact in case of problems.

- Prevention and Protection Service Manager (RSPP): A professional designated by the employer (internal or external) to identify and assess risks and plan prevention and protection measures, with possible support from additional internal or external prevention and protection service officers.

- Emergency personnel: personnel prepared to provide first aid and respond in the event of a fire.

- Occupational health doctor (*medico competente*): S/he Intervenes to evaluate job-related health risks and manage health surveillance.

- Workers' Health and Safety Representative (RLS): A person elected by workers to represent their concerns about OSH. S/he may receive reports from colleagues and request action.

Collective agreements in the construction sector also entail the role of the coordinator of the RLS, usually identified in the RLS of the main contractor. On large construction sites, this is referred to as the production site RLS, in accordance with Article 49 of Legislative Decree No. 81/2008.

Among the powers of the RLS, it is worth noting that s/he is consulted in advance on risk assessment and risk prevention activities, receives company information and documentation on risk assessment, prevention, and protection measures, and a copy of the accident register. S/he may make proposals to the company or report to the competent authorities if s/he believes that the measures taken by the company to protect occupational health and safety are inadequate.

In the absence of an RLS in the company, these powers are exercised by the territorial workers' health and safety representative, who can access the construction site in line with the company.

Within construction sites, contractors must coordinate with the main contractor to ensure consistency between their respective operational safety plans (OSPs) and the overall organisation of work activities. This coordination is essential to prevent interference between works and to ensure compliance with the safety measures required by current legislation, particularly Legislative Decree No. 81/2008 (Consolidated Act on Safety at Work).

Legislation requires specific verification of the technical and professional suitability of subcontractors, necessary to ensure they possess the appropriate skills and resources to carry out the activities safely. This verification is the responsibility of the main contractor or, in the case of public works, the contracting authority, and is typically conducted by the project supervisor, a role appointed by the client to ensure compliance with occupational health and safety provisions.

Legislation requires the presence of two key roles to ensure effective monitoring of health and safety in construction sites:

- The Coordinator for health and safety matters in the project phase (CSP): s/he is responsible for preparing the Safety and Coordination Plan (PSC), which identifies the risks associated with the different phases of work and establishes the preventive and protective measures to be taken. The CSP also prepares the Dossier of the project (*Fascicolo dell'Opera*), a document that collects useful information for safety management during the entire life cycle of the work, including post-construction maintenance.

- The Coordinator for health and safety during execution of works (CSE): s/he has the task of verifying that the contractors comply with the PSC and implement the planned measures. In addition, s/he must ensure the consistency and integration of the Operational Safety Plans (OSPs) drawn up by individual subcontractors, overseeing the adoption of safe procedures and the management of interference between different works.

The Safety and Coordination Plan (PSC) is a fundamental document that governs the organisation of safety on the construction site, indicating prevention measures for managing risks arising from the interaction between several companies. The PSC must be integrated with the POS of each contractor, so that all workers operate in a shared safety environment that complies with regulations.

In addition to preparing safety documents, legislation also requires periodic coordination meetings between the CSE, the project supervisor, company managers and workers' health and safety representatives (RLS) to monitor the progress of activities, update safety measures and resolve any critical operational issues.

These measures, if properly appli

Are there specific requirements under OSH legislation concerning subcontracting? How do they affect subcontracting to a foreign company?

Prosecute by describing possible other responsibilities and duties entailed in OSH legislation in case of subcontracting in construction (e.g., accreditation in the Register of Accredited Companies in the case of Spain). If information is available, you can conclude by stressing predominant practices widespread in public procurement or in the sector at large to promote responsible subcontracting (e.g., requirement of voluntary cards for workers or of specific certifications by contractors).

Information on compulsory cards shall, instead, be reported under the question “Which declarations duties are entailed in case of posting?” below.

As clarified by the National Labour Inspectorate (INL), the provision of services legitimising posting can occur through various contractual arrangements involving temporary services (e.g., joint ventures); however, subcontracting is the most common type in construction.

According to the law, the business risk and the organisation of means of production and staff deployed for the service shall stay with the subcontractor for subcontracting to be lawful.

Furthermore, sectoral collective agreements set forth an obligation upon the client to notify subcontracting to the Casse Edile/Edilcassa, the territorial employers’ organisations and social security institutions, as well as information to works councils (*rappresentanza sindacale unitaria, RSU*). The subcontractor must apply the protections entailed by the national and territorial agreement applied by the client and submit a declaration on the application of the contract to the Cassa Edile/Edilcassa competent for the place of works (Article 14 CCNL Industry and Coop., Article 17 CCNL Craft, Article 14 CCNL Small Industry).

Starting from Autumn 2024, the Italian legislation introduced the duty to one the so-called 'credit licence' (*patente a crediti*) for companies and self-employed workers active on temporary construction sites, except for roles performing only intellectual activities (engineers, architects...) or having a national certification to implement public works (so-called SOA) of III level at least (law decree No. 19/2024, as transposed into lawby law No. 56/2024).

The necessary requisites for the licence are: proof of registration at the Chamber of Commerce, proof of compliance with the main duties in the domains of occupational safety and health, payment of social security contributions and taxes.

Foreign companies shall have equivalent documentation or, if established outside the EU, documents recognised by Italian legislation. The application takes place via self-certification, on an ad-hoc website by INL, by the legal representative of the company or a delegated person (including accountants or labour advisors).

It is possible to work in Italy immediately after applying for the licence.

Credits are increased or lost due to virtuous behaviours or, vice versa, due to violations, particularly concerning legislation on OSH. The suspension of the licence, triggering the impossibility to work, takes place in case fewer than 15 points are available or following a precautionary measure adopted by the inspectorates for accidents causing death or inability of one or more workers for which the company is chargeable at least gross negligence. For more detailed information, it is possible to see the Decree of the Ministry of Labour 18 September 2024, No. 132 and the Communication of the National Labour Inspectorate 23 September 2024, No. 4.

Furthermore, workers in subcontracted work shall wear a personal card visibly. The card, in a free format, shall show: photo, personal information, date of hiring of the worker, names of the employer and the client, and authorisation for subcontracting (if required in case of public procurement).

What are the requirements applicable according to OSH legislation in Italy in terms of training and medical surveillance?

In Italy, legislation on safety and health is primarily regulated by Legislative Decree No. 81/2008, establishing key requisites about training and medical surveillance. A short overview of the main requirements follows.

Training on safety and health at work:

Training is compulsory for all workers and must be specific and tailored to the specific risks of the workplace.

Roles affected by the training requirement:

- Workers, including apprentices and trainees;
- Managers and supervisors (*Preposti*);
- Workers' health and safety representatives (RLS): ad-hoc training on the role and tasks;

- Emergency personnel (Addetti alle emergenze) (workers prepared to act in case of fire and to provide first aid);
- Employer: only if s/he takes over the role of the Responsible for the protection and prevention service (RSPP).

Duration and contents (defined in the State-Regions Agreement of 21 December 2011 and later integrations):

- **Workers:** Basic training (4 hours) + specific training (4, 8 or 12 hours depending on the level of risk: low, average, high).
- **Managers:** At least 18 hours of training, focused on coordination and organisational tasks;
- **Supervisors (*Preposti*):** Besides training targeting workers, they shall attend an additional training module of 12 hours.
- **RLS:** Basic training for at least 32 hours, with annual refresher courses (4 or 8 hours, depending on the number of employees).
- **Emergency officers (*addetti alle emergenze*):** Variable length of courses in reason of the level of risk in the company (for instance, in case of firefighting, 4 hours for companies with low risk and 16 hours in case of high risk).

Duty of refresher training courses

- Workers must refresh their training every 5 years.
- Supervisors (*Preposti*), managers, RLS and emergency officers (*addetti alle emergenze*) are subject to more specific and variable duties to refresh their training.

As for construction, Formedil developed, supported by social partners, the 16-hour project (16OreMics). The project was approved in the framework of the State-Regions Agreement of 21 December 2011 and has been recognised as fully compliant with the requisites of compulsory training for construction workers.

The follow-up activities of the project developed modules dedicated to the use of specific equipment. The certification issued at the end of the training at the Scuole Edili of the Formedil system is valid nationwide.

Health surveillance

Health surveillance is compulsory for circumstances defined in Legislative Decree No. 81/2008 and is implemented by the occupational health doctor (medico competente) to prevent and monitor health risks.

Health surveillance is compulsory when workers are exposed to:

1. **Specific risks:**
   - Chemical, physical and biological agents (eg.: exposure to dangerous substances, noise, vibrations).
   - Ionising and non-ionising radiations.
2. **Works requiring psychophysical ability:**

- Manual handling of loads.
- Use of equipment with particular requisites (e.g., forklifts, lifting platforms).
- Work at a height or in confined spaces.

3. **Night work and work on particularly demanding shifts**
4. **Display screens:** if there is a prolonged use of display screens due to the performed activities (at least 20 hours a week).

Compulsory medical visits

- Preventive visit: Initial assessment before employment or assignment to a risky task.

- Periodic examination: Frequency defined by the occupational health doctor (normally on a yearly basis, unless otherwise specified).

- Visit on request: If the worker reports work-related problems.

- Visit for task changes: In cases of assignments to new tasks with different risks.

- Visit on termination of employment: If there is exposure to long-term risks (e.g. asbestos exposure).

Health reports

- The occupational health doctor drafts the declaration on ability to work (*giudizio di idoneità*), with one of the following outcomes:
  - Able;
  - Able with limitations/prescriptions;
  - Unable (temporarily or permanently).

The assessment must be communicated to the employer and the worker.

Duties and sanctions

- Employers and managers:
  - They shall guarantee training and health surveillance of workers;
  - Sanctions in case of non-compliance: fines or detention (Art. 55 and 58 of legislative decree No. 81/2008)
- **Workers**: they must take part in training programmes and undergo periodic medical examinations.

Who are the main responsible persons to contact in case of problems in terms of occupational safety and health?

In the event of problems concerning occupational safety and health, there are different persons to contact and procedures to follow depending on whether the problem is reported by the company or by the workers

and on whether the risks are internal or identified by inspection bodies. A comprehensive overview of the duties and necessary actions is provided below.

Who to contact at the company

In case a risk is identified:

1. **Internal report**: workers shall inform their supervisor (*preposto*), if in place, or the employer/RSPP about the risk;
2. **Corrective action**: the employer, in cooperation with the RSPP and with the occupational health doctor, shall assess the risk and adopt the necessary measures to eliminate or manage it.

Public authorities with inspection and sanction duties

The main public authorities controlling occupational safety and health in Italy are:

- National Labour Inspectorate (INL) and Territorial Labour Inspectorates (ITL): They implement inspections in companies to verify compliance with provisions on occupational safety and health and apply sanctions in cases of violations. They can be contacted to flag situations of danger.
- Local Health Authorities (ASL) (Prevention Departments): They implement technical and health checks, also on safe conditions at the workplace;
- Fire and Rescue Service (Vigili del Fuoco): they are in charge of the prevention of fires and the related checks;
- National Institute for Insurance against Accidents at Work (INAIL): It verifies compliance with legislation on occupational safety and health, including the adoption of adequate measures to mitigate risks of accidents at the workplace.

How to involve the authorities

- **Workers or companies**: they can contact the ITL or ASL to report situations that are at risk, which have not been addressed;
- **Anonymous**: Reports can be submitted anonymously by workers.

Support by paritarian bodies

OSH paritarian bodies in construction (and in other sectors) represent an important ally for companies and workers. They supply:

- Technical advice: They assist companies and workers in managing risks and applying legal provisions.
- Training: They supply compulsory courses for workers, supervisors (*preposti*) and RLS.
- Mediation: They help resolve potential conflicts in OSH matters between the company and workers.

It is possible to find the paritarian bodies of the construction sector on the dedicated page on the website of Formedil.

What to do in case of an accident at work

Procedure for the company

1. **First aid**: intervene immediately to ensure the necessary assistance.
2. **Communication to INAIL**: Report the accident to INAIL using the provided template and platform. Please note that this declaration also applies to workers not registered with INAIL and, therefore, also to workers posted to Italy, who are normally insured against accidents at work and occupational diseases in their sending country.
3. **Record the case in the accident register**: This is compulsory for all accidents implying absences for more than 3 days.

Procedure for the worker

1. **Declare the accident to the employer**
2. **Medical certificate:** Provide the medical report of the emergency room (pronto soccorso) or by the general practitioner.
3. **Manage the accident via the insurance:** in case of transnational posting, insurance against accidents is normally made in the **sending country**, in line with European provisions (Regulation EC No. 883/2004).

In the light of the actual situation, key steps include:

1. Contact OSH figures of the company (RSPP, RLS, occupational health doctor).
2. Contact public authorities whenever necessary.
3. Seek support from OSH paritarian bodies for training and guidance.
4. In case of an accident, activate your insurance and follow the related procedures.

Which provisions shall be observed concerning the terms and conditions of employment of pregnant women, women who have recently given birth, children or young people?

The legislative decree No. 151/2001 safeguards women's and children's health in the workplace. In particular, the decree set forth the obligatory abstention from work during the two months preceding the presumed date of delivery and the following three months, without prejudice to the possibility for the woman to take flexible leave upon presentation of a suitable medical certificate. For maternity leave, the woman normally remains covered by the provisions of the sending country.

In the case of strenuous and unhealthy work, the prohibition is brought forward to three months from the presumed date of delivery, without prejudice to possible prohibition from work orders issued by the ASL or the inspectorate in the case of complications, detrimental working conditions and the impossibility of assigning the woman to other duties (Art. 17).

Child labour in Italy is forbidden for 'children', except certain service activities (advertising, shows, sports activities...), and regulated for 'adolescents', i.e. minors who have reached the age of 16 and have completed compulsory schooling (Art. 1, paragraph 622 of law No. 296/2006, and Art. 3 of law No. 977/1967). In the case of apprenticeship for a diploma, envisaged as a dual training modality, the limit for access to employment is reduced to 15 years of age.

The work of 'adolescent' minors is permitted subject to medical certification of ability to work and an appropriate risk assessment. Teenage workers are entitled to equal pay with adult workers and to special working time provisions prohibiting, among other things, overtime and, as a rule, night work.

Law No. 977/1967 (Annex I) does not, however, permit the employment of teenagers in activities that are considered hazardous, for example work involving the risk of collapse and the setting up and dismantling of scaffolding, excavation and tunnel work, and work characterised by high noise levels or exposure to particular toxic and harmful products.

What does 'non-discrimination' mean in Italy, and where can I find more information?

The Italian Constitution recognises equality and equal social dignity of citizens, without distinction of sex, religion, race (Art. 3) and equal rights in terms of work and pay for workers (Art. 37).

These principles are present in the Workers' Statute (law No. 300/1970), which censures as null and void any pact or act aimed at discriminating against a worker in the assignment of qualifications or duties, in transfers, in disciplinary measures, or at prejudicing him or her because of his or her trade union affiliation or activity, participation in a strike, or for the purposes of political, religious, racial, language or sex discrimination, disability, age, nationality or based on sexual orientation or personal beliefs (Art. 15), and the prohibition to grant more favourable economic treatment of a discriminatory nature (Art. 16).

In line with EU rules, national legislation entails specific provisions tackling discrimination at work on the ground of religion, personal beliefs, disability, age, sex, nationality, race, ethnical origin and sexual orientation (legislative decree No. 198/2006, legislative decree No. 215/2003, legislative decree No. 216/2003).

In particular, the Code of Equal Opportunities (legislative decree No. 198/2006) sanctions direct discrimination, meant as less favourable treatment reserved for one of the reasons mentioned to a person compared to another person in a similar situation, and indirect discrimination, such as apparently neutral conduct that may cause particular disadvantage, for example, with regard to posting, with reference to working conditions and remuneration (Art. 25 and 26 of legislative decree No. 198/2006).

This is without prejudice to differences in treatment due to characteristics that constitute an essential and determining requirement for the performance of the activity or differences in treatment justified by legitimate aims and proportionate to the purpose.

Legislation also sanctions harassment, such as unwanted conduct that violates the dignity of a worker, and creates an intimidating, hostile, degrading, humiliating or offensive climate, with or without sexual connotations. Acts, pacts or measures against workers who are victims of the behaviour mentioned above are null and void if adopted as a consequence of their refusal or submission to such behaviour. Unfavourable treatment by the employer, which constitutes a reaction to a complaint or action to obtain compliance with the principle of equal treatment between men and women, is also considered discriminatory (Art. 26).

As regards discrimination based on race or ethnic origin, on top of the above-mentioned legislative decrees No. 215/2003 and No. 216/2003, Art. 43 of the Consolidated Act on Immigration (legislative decree No. 289/1998) outlines discriminatory behaviour as any conduct that, directly or indirectly, entails a distinction, exclusion, restriction or preference based on race, colour, ancestry or national or ethnic origin, religious beliefs and practices, and that has the purpose or effect of destroying or compromising the recognition, enjoyment or exercise, on equal terms, of human rights and fundamental freedoms in the political, economic, social and cultural fields and in any other area of public life. With specific reference to employment, this form of discrimination includes any act or conduct of the employer or its principals that discriminates, even indirectly, against workers because of their membership of a race, ethnic or linguistic group, religious denomination, or nationality. There is also a specific definition of indirect discrimination: any prejudicial treatment resulting from the adoption of criteria that proportionately disadvantage workers belonging to a certain race, ethnic or linguistic group, religious denomination or nationality, and that concern requisites not essential for the work performance.

For discrimination disputes, workers may act in conciliation or court through a simplified procedure, also by delegating to the trade union, to the territorial 'equal opportunities advisers' or to the national adviser, or to organisations for the protection of the injured interest. These persons may also act independently in cases of collective discrimination.

Workers can receive information and support from trade unions and by contacting the National Office Against Racial Discrimination (UNAR).

The list of organisations authorised to act in defence of persons with disabilities is available, instead, on this webpage.

Are posted temporary agency workers subject to different conditions than other posted workers?

Yes, temporary agency posted workers have the right to full equality of treatment with employees of the same level employed by the host undertaking, and not only to the selective application of the matters envisaged for posted workers in general (such as remuneration, maximum working hours, and minimum rest periods, etc.). The host undertaking is obliged to inform the temporary work agency in writing of the applicable working conditions and to keep a copy of this information in Italian.

Other administrative and legal aspects

Which declarations of duties are entailed in the case of posting?

According to legislative decree No. 136/2016, companies posting workers to Italy are required to make a prior declaration through the Clic Lavoro portal. Any variations must be communicated within 5 days.

Through the same portal, it is also possible to notify the extension of the posting period from 12 to 18 months, for which it is possible to limit the application of the Italian legislation to the institutions dealt with in this guide (beyond which the posting is to be considered of 'long duration').

Please note that to certify the correct registration of the worker in the sending country and the authenticity of the posting for social security purposes, employers must request the A1 certificate from the authorities of the sending country. This certificate must be presented to the host country's inspection authorities upon request.

Moreover, in the case of subcontracting, the company must provide workers with an identification card that shows the worker's identity and employer, their photo, the date of recruitment, and, in the case of subcontracting, the relevant authorisation (if required in the context of public procurement).

Finally, from 1 October 2024, companies working on mobile construction sites, including foreign ones, are required to have a 'credit licence', as per the information provided in the question '**Are there specific requirements under OSH legislation concerning subcontracting? How do they affect subcontracting to a foreign company?**' The application must be submitted online on the National Labour Inspectorate's portal.

Which sanctions apply in case of non-compliance with declaration duties or failure to comply with legislation on posting?

Legislative decree No. 136/2016 entails a sanction ranging from €180 to €600 for each concerned worker in the event of failure to submit the prior declaration of posting (Article 12).

The authenticity of the posting is ruled in compliance with Directive EU 2014/67 by Article 3 of Legislative Decree No. 136/2016. This enlists several elements meant to identify the actual establishment of the sending company in the sending country, and not the mere implementation of purely internal management or administration activities, and that the sending country is the country where the worker is habitually employed, starting from the implementation of works there before the beginning of posting and the availability of the A1 certificate.

In case of non-genuine posting, Italian provisions entail the hiring of the posted worker by the host undertaking, as well as a sanction targeting both the sending

and the host undertaking for an amount of € 50 per worker per each day of employment, and, in any case, between € 5,000 and €50,000.

In the event of posting is implemented with the aim of avoiding the protections granted by law and collective agreements, the sending and the host undertaking are also punished with detention up to three months or a fine of € 100 per each concerned workers and per each day of posting (so-called "*somministrazione fraudolenta*", Article 18, paragraph 5 ter of legislative decree No. 276/2003). The sanction is increased by 20% in the case of recidivism, and is in any case, between € 5,000 and € 60,000.

Finally, failure to provide workers with an identification card is sanctioned for companies with a fine up to € 500 per worker, whereas workers who have the card but fail to wear it can be sanctioned up to € 300.

What are the reporting duties towards the "Casse Edili/Edilcasse" sectoral funds?

Foreign companies implementing construction works in Italy with posted workers must register and the "*Cassa Edile/Edilcassa*" which is competent in reason of the area of works.

To register at the *Cassa*, you can use the single multilingual form available at this link in the following languages: Italian, English, Albanian, Polish, Romanian, Slovenian, and Spanish.

Then, workers shall communicate their personal information and the number of their bank account for the benefits. They can also use a single multilingual form, available on the same page.

Companies shall submit a monthly declaration through their labour consultants, using the software to be communicated by the *Cassa* of registration. The declaration shall include the list of workers employed at the construction site and information on remuneration, working hours and absences remuneration useful to compute payments due to *Cassa*.

In the presence of reciprocal exemption agreements, foreign companies registered at BUAK (Austria), CI-BTP (France), Soka-Bau (Germany) and at the Cassa Edile Sammarinese (San Marino) are not supposed to register at Italian *Casse Edili/Edilcasse*. Instead, they shall require the exemption by reaching out directly to their affiliated fund in the sending country.

What are the specific rules and procedures concerning the posting of third-country nationals?

Posting of third country nationals (non-EU) to Italy is admitted in line with the Consolidated Act on Immigration (legislative decree No. 286/1998), following a request of absence of impediments ("*nulla osta*") to the Unified Office for Immigration (*Sportello Unico per l'Immigrazione*) of the Prefecture competent at territorial level, and release of the necessary permit of stay after entrance in Italy.

In particular, posting is permitted in the presence of a subcontracting agreement between the non-EU company and the Italian company (Art. 27, paragraph 1, letter i), and for the duration necessary for the execution of the service (up to a maximum of 2 years, with a possible 2-year extension). The employer is also obliged to send a communication of posting to the most representative territorial trade unions in the concerned sector of activity (Art. 40 of the Decree of the President of the Republic No. 394/1999).

Firms shall submit the M2 form, rather than request a "*nulla osta*" to the Unified Office for Immigration, if the third-country worker already holds a work permit valid in another EU country (Art. 27, paragraph 1-bis).

The Consolidated Act on Immigration also set forth the possibility of sending managers or highly specialised personnel to the Italian headquarters of a company with its head office in the European Union or a country belonging to the World Trade Organisation or a manager of the head office in Italy of companies established in Italy or another European Union country (Article 27, paragraph 1, letter a). The personnel must have been employed for at least six months in the area of specialisation. This posting is allowed for a maximum duration of five years. It allows for the stipulation of a fixed-term or open-ended employment relationship by the host undertaking seconding upon expiry (Art. 40 DPR No. 394/1999).
Finally, the intra-corporate transfer of managers, specialised workers or personnel undergoing training from a company with which the posted worker has an employment relationship for at least 3 months is allowed, for a maximum period of 3 years (1 year in the case of trainees) (Article 27 quinquies).
In the latter two cases, without prejudice to the mandatory nature of the nulla osta, the prior declaration of posting provided for by Legislative Decree 136/2016 is not due.

The same terms and conditions of employment that apply to workers posted from EU countries equally apply to posted workers from third countries.

Are there joint liability clauses that affect contractors in the event of failure to pay posted workers?

Yes, Italian legislation on posting extends the rules on joint and several liability applicable in the case of subcontracting and temporary agency work also to transnational posting (Art.4 paragraph 4 of Legislative Decree No. 136/2016).

The main contractor (if an entrepreneur), the host undertaking, and any other intermediate parties in the subcontracting chain are subject to the regime of 'joint and several liability' within a two-year period from the termination of the contract. They are liable for any wage, contribution and insurance claims of posted workers due in relation to the contract, including claims from the *Cassa Edile/Edilcassa*.

The posted worker may bring an action directly against the host undertaking or the main contractor (if entrepreneur).

In turn, these subjects may proceed against the defaulting sending undertaking to recover the sums paid to the workers.

Which information shall the employer give to posted workers before posting?

As per the EU Directive 2019/1152, companies must inform posted workers about the country of destination, expected duration, remuneration to which the worker is entitled and its currency (also by reference to the relevant rules), any benefits in kind or cash provided for the assignments, conditions for possible return, link to the official national web-site on posting.

The transposition of the directive at the national level may provide for additional requirements or limit the application of these provisions to postings of more than four consecutive weeks.

Glossary

ASL

Aziende Sanitarie Locali (ASL) are public authorities in charge of the provision of health services at the local level. They manage the registration of the National Health System and the choice of a general practitioner, possible in case of posting by showing the S1 certificate, confirming health insurance coverage in the sending country. ASL can have slightly different names depending on the region. Through their Prevention Departments, ASL are also tasked with inspection duties related to occupational safety and health.

Casse Edili/Edilcasse

In Italy, starting from 1946, a network of sectoral funds for the construction sector was established, inspired by the local experience of the Milan sectoral fund, which was founded in 1919.

Nowadays, the network is present throughout the country with 112 funds active at the local level and managed by social partners on a paritarian basis. These paritarian organisations are called *Casse Edili* or *Edilcasse*, depending on the governance structure.

Casse Edili and *Edilcasse* manage several elements of remuneration for construction workers (holiday pay, thirteen-month pay, and seniority pay (APE), and others) and work under the coordination of CNCE. They also intermediate payments for the sectoral paritarian vocational training funds (*Scuole Edili*), for the complementary pension funds established by social partners (Prevedi, Previdenza Cooperativa and Fondapi), and for the complementary health fund Sanedil.

CCNL

The National Labour Collective Agreements (*Contratti Collettivi Nazionali di Lavoro*, CCNL) are the main source of provisions regulating employment relationships and relationships between social partners in Italy. They are negotiated at the sectoral level and apply to the vast majority of employees, thanks to legislation supporting the extension of agreements signed by the most representative social partners. In this guide, they are also mentioned as national collective agreements or sectoral collective agreements.

Territorial collective agreement (Contratto collettivo territoriale)

Generally, legislation and CCNL delegate certain tasks to 'second-level' collective agreements, which integrate or amend provisions of the CCNL for specific matters. The construction sector boasts a widespread presence of these agreements, entailing the negotiation at the territorial rather than the firm level, in light of the fragmentation of employment in the sector.

Paritarian organisations (Enti Bilaterali)

Paritarian organisations are bodies established and administered jointly and on a paritarian basis by trade unions and employers' organisations. They can implement various activities and tasks in accordance with their aims and the rules defined by legislation and/or collective agreements. As in other EU countries, the construction sector in Italy boasts a historical presence of paritarian organisations. In some cases, they are established as paritarian funds, when tasked with the management of resources on a mutualistic basis, like in the case of complementary pensions.

OSH paritarian bodies (Organismi paritetici)

'*Organismi paritetici*' is the term used in the Unified Text on Occupational Safety and Health (legislative decree No. 81/2008) to identify paritarian organisations having specific tasks in the OSH field, among others, the resolution of disputes on rights of representation, information and training of workers, promotion of vocational training, and advice to companies to identify measures promoting safety at work. In construction, OSH paritarian bodies active at the territorial level, usually named *Comitati Paritetici Territoriali per la Sicurezza* (CPT), are generally established as part of the *Scuole Edili*.

Scuole Edili

Scuole Edili are paritarian organisations entailed by national collective agreements of the construction sector to promote vocational training of sectoral workers and OSH. They are active with courses and seats across the whole country and are coordinated at the national level by Formedil.

Useful sources and contacts

Your Europe webpage on posting:

https://europa.eu/youreurope/citizens/work/work-abroad/posted-workers/index_en.htm

Practical guide on posting of the European Commission:

https://op.europa.eu/en/publication-detail/-/publication/8ac7320a-170f-11ea-8c1f-01aa75ed71a1/language-en

Leaflet "Posted workers in the construction sector" by the European Labour Authority:

https://op.europa.eu/en/publication-detail/-/publication/b484c5e6-05af-11ee-b12e-01aa75ed71a1

Single official national website on posting:

https://distaccoue.lavoro.gov.it/it-it/

Official website with general information on living and working in the country targeting foreigners:

https://www.integrazionemigranti.gov.it/it-it/

The "integrazione migranti" portal, edited by the Italian government, hosts news and general-purpose information as well as targeted information concerning foreign people living in Italy.

Name of the organisation/website: Agenzia delle Entrate
Brief description of the organisation/website: Agenzia delle Entrate is the Italian Revenue Agency, responsible, among others, for the release of the personal identification number (codice fiscale).
Link: https://www.agenziaentrate.gov.it/portale/home
Other contacts: 800.90.96.96 (from landline) +39 06 97617689 (from a mobile phone); +39 0645470468 (only from abroad)

Name of the organisation/website: INAIL
Brief description of the organisation/website: Istituto Nazionale per l'Assicurazione contro gli infortuni sul lavoro is the national body managing compulsory insurance against accidents at work and occupational diseases. By means of its inspectors, INAIL also ensures adequate protection against OSH risks in the workplace.

Link: https://www.inail.it/portale/
Other contacts: +39066001

Name of the organisation/website: INL
Brief description of the organisation/website: The National Labour Inspectorate is the national authority that coordinates and plans monitoring on labour and social legislation, including on aspects concerning payment of compulsory social security contributions and insurance premiums. At the territorial level, inspectors are enrolled in the Ispettorati Territoriali del Lavoro (ITL) and the Ispettorati di Area Metropolitana (IAM).
Link: https://www.ispettorato.gov.it/it-it/Pagine/default.aspx
Other contacts: -

Name of the organisation/website: INPS
Brief description of the organisation/website: Istituto Nazionale per la Previdenza Sociale (INPS) is the national organisation managing social security contributions for employees and for several categories of self-employed workers.
Link: https://www.inps.it/
Other contacts: 8203164 (from landline); +3906164164 (from mobile phone)

Name of the organisation/website: CNCE
Brief description of the organisation/website: Commissione Nazionale Paritetica per le Casse Edili is the paritarian organisation coordinating the activities of Casse Edili and Edilcasse at national level, with regard both to benefits due to workers and to tasks concerning the promoting of fair competition at the labour market.
Link: www.cnce.it
Other contacts: +3906852614; info@cnce.it

Name of the organisation/website: Social partners of the construction sector
Brief description of the organisation/website: The construction sector is represented in Italy by the sectoral federations of the three largest unions (FILLEA CGIL, FILCA CISL e FENEAL UIL) and by the following employers' organisations: ANCE (Industry); ANAEPA Confartigianato, CNA Costruzioni, CLAAI,

Casartigiani (Craft), Confapi Aniem (Small Industry); Legacoop Produzione e Lavoro, Federlavoro e Servizi Confcooperative e AGCI Produzione e Lavoro (Cooperatives).
On the page indicated below, you can find the contacts for each organisation.
Link: https://www.cnce.it/parti-sociali/
Other contacts: -

Name of the organisation/website: Formedil
Brief description of the organisation/website: Formedil is the paritarian organisation that coordinates the activities of Scuole Edili active throughout the country, with tasks in the field of vocational training of workers and of advice on OSH for companies in construction.
Link: https://www.formedil.it/
Other contacts: +39 06 89414102; formedil@formedil.it

Name of the organisation/website: Sanedil
Brief description of the organisation/website: Sanedil is the paritarian organisation in charge of complementary health benefits in construction for all white-collar and blue-collar workers registered via the system of Casse Edili and Edilcasse
Link: https://www.fondosanedil.it/
Other contacts: -

Name of the organisation/website: Prevedi
Brief description of the organisation/website: Prevedi is a complementary pension fund established on a paritarian basis to guarantee complementary pensions to white-collar and blue-collar workers of industry and craft companies of the construction sector.
Link: https://www.prevedi.it/
Other contacts: +39 0688803520; info@prevedi.it

Name of the organisation/website: Previdenza Cooperativa
Brief description of the organisation/website: Previdenza Cooperativa is a complementary pension fund established on a paritarian basis to guarantee complementary pension to white-collar and blue-collar workers of cooperative firms, including those in the construction sector.
Link: https://www.previdenzacooperativa.it/
Other contacts: +39 0644292994; info@previdenzacooperativa.it

Name of the organisation/website: Fondapi
Brief description of the organisation/website: Fondapi is a complementary pension fund established on a paritarian basis to guarantee complementary pensions to white-collar and blue-collar workers in small industry firms, also in construction.
Link: https://www.fondapi.it/
Other contacts: +39 0422 1745981; fondapi@pec.fondapi.it