HReview

A digest of Italian HR Management

N°05

SEPTEMBER 2026

HReview Magazine

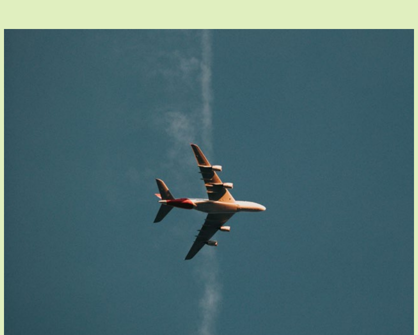
Framework and perspectives

Our latest issue of HRreview offers a practical overview of key developments shaping employment law, HR management and business operations in Italy.

The articles share a common theme: balancing flexibility, compliance and workforce planning in an increasingly complex legal environment. We begin with the hiring of non-EU workers and the role of the "asseverazione", a certification required in procedures such as the EU Blue Card and Decreto Flussi. We then turn to remuneration and labour costs: revised rules on company car fringe benefits, the new definition of overall remuneration package for fair wage purposes, and the sectoral NCBA as a benchmark for pay adequacy, particularly for foreign companies operating in Italy. The issue also covers staff secondment, including greater flexibility in situations of temporary difficulty and new VAT implications following recent EU and Italian tax developments, plus the transparency obligations under Article 50 of the EU AI Act for employers using AI in HR, recruitment or communication.

Health and safety is examined through recent case law on riders and the limits of relying on workers' self-assessment. Finally, public procurement is analysed in light of a Corte di Cassazione ruling confirming that, where tender documents require a specific sectoral NCBA, the contractor cannot apply a different agreement to reduce labour costs.

Hiring Non-EU Employees in Italy: the certification required under immigration law



As globalisation reshapes the labour market, companies are increasingly looking beyond national borders to attract the skills they need. Italy offers several routes for hiring non-EU nationals. Under two of the most widely used procedures, the EU Blue Card for highly qualified professionals and the "Decreto Flussi" quota system, employers must meet an additional requirement designed to protect the foreign employee's position: the so called "Asseverazione". Required under Article 24-bis of Legislative Decree No. 286/1998, the "Asseverazione" is a formal certification confirming that the proposed employment complies with Italian law and the applicable collective agreement, and that the employer has sufficient financial and organisational capacity for the request.

The certification is issued after checks by an authorised professional, such as a Labour Consultant, and submitted as part of the Visa authorisation procedure. Specific exemptions or simplified arrangements may apply in certain cases. Although technical, the "Asseverazione" is a key step in the legal framework enabling Italian businesses to recruit highly qualified professionals through the EU Blue Card and other non-EU workers under the Decreto Flussi.

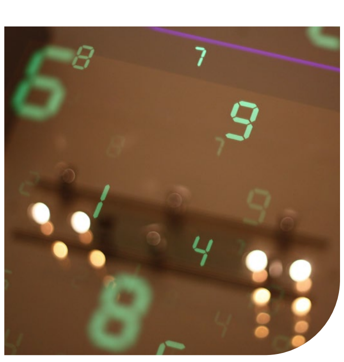
Company car fringe benefits –
How the criteria for determining value have changed

The mechanism for determining, in monetary terms, the value of the fringe benefit represented by a car granted by the employer to the worker for mixed business and private use has been subject to significant legislative changes in recent years. With reference to cars granted from 1 July 2020, four different taxation percentages apply, corresponding to different carbon dioxide emission thresholds. Subsequently, by the 2025 Budget Law, the legislature amended those percentages, grading the value of the benefit no longer on the basis of the emissions produced by the vehicle, but according to the type of fuel or power supply. Accordingly, from 1 January 2025, the value of the company car fringe benefit is equal to 50% of the amount corresponding to the notional mileage of 15,000 kilometres, calculated on the basis of the ACI tables (20% for plug-in hybrid electric vehicles and 10% for exclusively battery electric vehicles).On that occasion, a transitional regime was also introduced, under which the tax regime in force as at 31 December 2024 applies to vehicles: i) granted for mixed business and private use during the period from 1 July 2020 to 31 December 2024; ii) ordered by the employer by 31 December 2024 and granted to the worker for mixed business and private use during the period from 1 January 2025 to 31 December 2025. Lastly, Legislative Decree No. 148/2026 introduced further criteria for determining the value of the benefit, also linked to: i) the age of the vehicle itself, whereby, after the fifth year following the car's first registration, the value is increased by 50%; ii) the presence of optional extras not valued in the ACI tables and not purchased directly by the worker, in which case the overall value is further increased by 5%.

Italy Reforms Staff Secondment: Greater Flexibility for Employers, New VAT Obligations

Two significant developments are reshaping the legal treatment of employee secondment in Italy. Inter-company secondment: from mid-2026 until the end of 2029, a company will be able to second employees to another business — even one in a different sector or governed by a different NCBA — during periods of temporary difficulty, without needing to demonstrate a proprietary interest in the arrangement (a requirement previously in place). The aim is to safeguard employment, though practical implementation depends on forthcoming ministerial guidance. Tax treatment: since 2025, secondment has fallen within the scope of VAT (standard rate of 22%), following a ruling of the Court of Justice of the European Union holding that even a simple reimbursement of personnel costs, without any margin, constitutes a taxable supply of services. The Italian tax authority has clarified that VAT applies where: the seconding party is acting as a taxable person (which may include non-commercial entities, where the activity is ancillary); some payment, however modest, is made; and there is a sufficient territorial connection to Italy or the EU. Secondments carried out entirely free of charge remain outside VAT. These rules apply to agreements concluded or renewed from 1 January 2025; earlier arrangements are generally unaffected, save where tax assessments have already become final.

Fair wage and application of the overall remuneration package



Fair wage and application of the overall remuneration package. The legislative definition of overall remuneration package (TEC), introduced by art. 7, para. 4-bis, of Decree-Law No. 62/2026, converted into Law No. 112/2026, is of particular importance in the practical determination of a fair wage, adequate to the quantity and quality of the work performed by the worker.

The employer is required to verify the adequacy of remuneration by taking into account not only the contractual minimum wage, but also the full range of economic components, whether direct, indirect or deferred, granted to the worker. The TEC therefore becomes the benchmark for assessing the appropriateness of the remuneration package applied and its consistency with that provided for by the reference NCBA, entered into by the employers' and workers' organisations that are comparatively most representative at national level.This gives rise to the need for the undertaking to reconstruct the remuneration structure accurately, distinguishing between the various remuneration items and verifying their overall value.

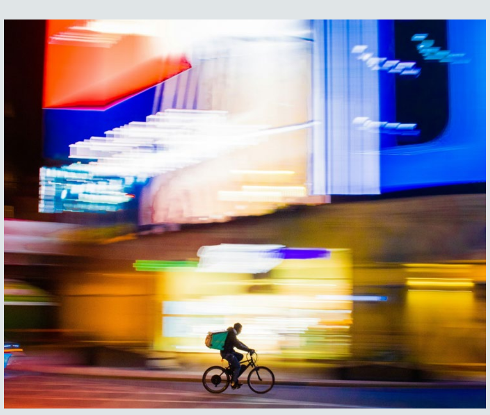
From the perspective of industrial relations, this development strengthens dialogue with trade union representatives on the composition of the economic treatment.

AI systems and transparency obligations in force since 2 August 2026

Art. 50 of EU Regulation 2024/1689 became applicable on 2 August 2026, introducing transparency obligations that are also relevant for the deployer-employer using AI systems.

Where an AI system interacts directly with natural persons – e.g., a virtual assistant used in HR management or recruitment - the person concerned must be informed, unless this is already obvious from the context. For systems generating synthetic content, the provider must mark it as artificial, except where the function is purely assistive editing. Where AI generates text on matters of public interest, its artificial origin must be disclosed, unless there is genuine human oversight of the content. In any case, disclosure must be given at the latest at the time of first interaction.

Finally, intellectual property remains a key issue: marking does not exempt liability for copyright or patent infringement, so it is advisable to update contractual clauses on AI use to protect trade secrets and third-party rights.



Riders and risk assessment: is self-assessment enough?

The prevention obligations placed on the employer cannot be entirely transferred onto the worker's self-assessment, even in a work context characterised by strong autonomy such as that of riders: compliance with these obligations cannot be left to the individual employee's choice, nor can fulfilling them impose financial costs on the worker.

This is specified, by the Turin Court (ruling of 4 August 2026, RG 5811/26), which sets out the employer's safety obligations towards riders, the requirements of the risk assessment document (DVR), and the personal protective equipment to be provided, particularly during periods of high temperatures.

A Turin-based rider, through an urgent application under Article 700 of the Italian Code of Civil Procedure, complained of daily distances of 50-80 km with loads of up to 25 kg in the height of summer without adequate protective equipment, requesting technical clothing, suitable footwear, anti-smog masks, a vehicle suited to reducing the risk of manual load handling, a first-aid kit, sun protection, and access to toilet facilities.

The Court partially upheld the application: it ordered a ban on outdoor work during the time slots rated "high risk" on the Worklimate map, the provision of technical clothing, sun protection, masks, footwear and rainproof clothing, a shelter to be identified in the risk assessment document, a first-aid kit compliant with Ministerial Decree 388/2003, and access to toilet facilities. It dismissed, however, the claims relating to the risk of assault and robbery, musculoskeletal overload, and a smartphone mount, for lack of specific supporting allegations.

The ruling states that these obligations cannot be shifted onto the worker's self-assessment, nor can they impose financial costs on the worker, pursuant to Article 15, paragraph 2, of the Consolidated Safety Act: the risk assessment must be carried out in light of the subordinate nature of the employment relationship, rather than relying on the worker's own judgement.

Rules and case law map out the risks for those operating in Italy without applying a CCNL

Foreign companies establishing an operating presence in Italy tend to replicate remuneration policies designed for other legal systems, underestimating the systemic role played by the national collective bargaining agreement (CCNL) within the Italian legal framework. Although the CCNL is not formally binding in the absence of the employer's membership in the signatory trade associations, case law, on the basis of Article 36 of the Constitution, elevates it to an essential benchmark: the tabular minimums set by the leading CCNL for the relevant sector constitute the reference point for judicial review of pay adequacy, regardless of which collective agreement, if any, the employer applies.

Corporate policies remain instruments of unilateral self-regulation, whereas the CCNL is a negotiated collective source that ensures uniformity of treatment and non-derogable protection, from which internal policies may not depart to the employee's detriment, on pain of nullity. A company that fails to meet the minimums of the most representative CCNL risks being ordered to pay the resulting pay differentials, with retroactive effect and related statutory accessories. This is further confirmed by Article 7 of Legislative Decree No. 62/2026 on the "fair wage", which defines overall economic treatment by reference to the CCNLs entered into by the comparatively most representative organisations, and by Supreme Court order No. 23222/2026, which reaffirms the principle of the minimum taxable wage against so-called "pirate" agreements. The correct strategy for foreign investors is therefore not to transpose remuneration models developed elsewhere wholesale, but to carefully assess personnel costs against the collective agreement that is comparatively most representative of the sector in which the company actually operates.

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