

Collective dismissal in the Jobs Act unconstitutionality and violation of EU principles; Jurisdictional scenario

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The purpose of the research is to detect the jurisdictional scenario as a result of the unequal treatment of the worker in relation to the date of hiring, according to the new regulations of the institution of collective dismissal provided for in Legislative Decree no. 23/2015 (Jobs Act); examination of the profiles of unconstitutionality and violation of European legislation;

With Legislative Decree 2015, the so-called Jobs Act, the structure of worker protections was reduced to encourage the development of businesses through the flexibility of human resource management. In reality, the economic effects are still unproven while a precarious reality has been produced.

The Courts have found violations of fundamental principles have referred to the Constitutional Court and the European Court of Justice, the latter has not yet ruled on the application profiles in stark contrast with the principles of the Charter of Fundamental Rights of the European Union and of Directive 70/1999 EC.

The application effects of the JOBS ACT, were limited in the COVID period, in favor of the worker since the automatic renewal of employment relationships was provided in the Dl to recover the suspension period due to the lockdown, confirmed in the part of the contract renewal without causal.

Search for sentences of the Supreme Courts, orders for the transfer of legislative texts, European directives, European treaties, Italian Constitution.

The conclusion will be on comparison between the rulings of the Supreme Courts in progress and on the jurisprudential limits with respect to the concrete application of the Jobs Act.