

## The Constitutional Court ruled on the constitutionality of the Job Act related to the scaled protection raised by the employment Tribunal of Rome

*By Stefano Trifirò*



Last September 2018 the Constitutional Court ruled on the constitutionality of the Job Act related to the scaled protection raised by the employment Tribunal of Rome, says employment lawyer Stefano Trifirò of the firm Trifirò and Partners.

More to the point the Court declared unconstitutional the

section that sets out that the counting of the indemnity for dismissal must be based on global retribution and be quantified on the base of seniority that is two monthly payments for every year of seniority.

According to the Court the provision for scaled indemnity based on seniority alone is contrary to the principal of reasonableness and equality and goes against articles 4 and 36 of the Constitution. Short of mechanisms of calculation based on seniority the Judge may determine compensation indemnity taking into account other parameters.

Another Tribunal in Bari reached the same conclusion before the decision of the Constitutional Court which declared illegitimate automatic calculation of the indemnities for wrongful dismissal.

Lawyer Trifirò explained the employment Tribunal of Bari in view of the wrongful dismissal quantified the indemnity for the employer. The Tribunal set out an indemnity of 12 monthly payment regardless of the seniority of the worker. Without the decision of the Constitutional Court the worker would have only received 4 to 6 monthly payments, concludes lawyer Trifirò.

## Robot at new work place

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John Nasbitt the scholar of international fame invented the term of globalisation 30 years ago. His book “Mind Set” suggests the mental attitude necessary to foresee the world to come and teaches us that the direction the world is going and its will are rooted in the past and the present.

These observations may apply to the evolution and the automation of labour market. Indeed, the debate on automation and economic progress are not new issues in microeconomics.

Recently, it was said for example, that robots and automation in general should pay taxes equal to the amount of money paid to workers they replace.

It is well known that the same observation were made at time of the first and second industrial revolution and also during the economic boom after the second world war, all characterised by the phasing out of forms of labour, but compensated by the emergence of other requests of labour also more qualified and qualifying.

It is true that the labour market in Italy is characterised by millions of jobs not provided for owing to the absence of competent workers no longer requested. The problem is not the progressive automation of labour, but the poor flexibility the labour market adapts to the new necessities, and also the fiscal and contribution policies.

Rather than adopting punitive fiscal policies like additional taxes on companies which buy robots , it would be better to adopt taxation policy based on the redistribution. In other words to incentivize companies that invest in automation to offer new employment and growth prospects.