



Alert | Labour

**Internships: first guidelines of the Italian
Labour Inspectorate with note no. 530/2022**

Internships: news of Italian budget law 2022

The Italian Labour Inspectorate («INL»), with the **Note no. 530/2022**, provided some important instructions concerning **internships**, in the light of the new provisions introduced by section 1, paragraphs 720-726, Law no. 234/2021 («**Budget Law 2022**»). This latter, in a nutshell:



- clarified that, **within 30/06/2022**, the so called «*Conferenza Stato-regioni*» shall adopt the **new guidelines for extracurricular internships**;
- defined the applicable **fin**es in the event of:
 - lack of payment of indemnity provided for extracurricular internships (*i.e.* an administrative fine ranging between Euro 1,000 and Euro 6,000);
 - unlawful internship, for the case where the internship is used in lieu of the employment relationship (*i.e.* a criminal fine of Euro 50 for each intern and for each day of internship, with the possibility for the intern to request the establishment of an employment relationship);
- defined the **obligations** of the **host companies** (*i.e.* mandatory communication to the authorities and full compliance with health and safety provisions).

The principles of the new guidelines for extracurricular internships

The Budget Law 2022, as mentioned, provided that, **within next 30/06/2022**, the so called «*Conferenza Stato-regioni*» shall define the **new guidelines for extracurricular internships** (to be incorporated in the specific regional legislations) according to the following principles:

- regulation limited to **individuals with social inclusion's issues**;
- definition of **an adequate internship indemnity**;
- establishment of a **maximum duration** (including possible renewals);
- **numerical limits** taking into account company's size;
- definition of **training standards**;
- **starting of new internships** subject to the **hiring as employees of a minimum number of interns**;
- prevention and **contrast** to internships' **misuse**.



Please note that until the enactment of the new guidelines for extracurricular internships and, therefore, the relevant incorporation in the regional legislations, the current regional provisions will still in force.

INL's clarifications: indemnity for extracurricular internships

With reference to the indemnity for extracurricular internships, the INL clarified that, despite the Budget Law 2022 repealed section 1, paragraphs 34-36, Law no. 92/2012, the **obligation** to pay **internship indemnity**, established, *inter alia*, by the repealed provisions, **remains valid and binding** (paragraph 721, letter b, Budget Law 2022).



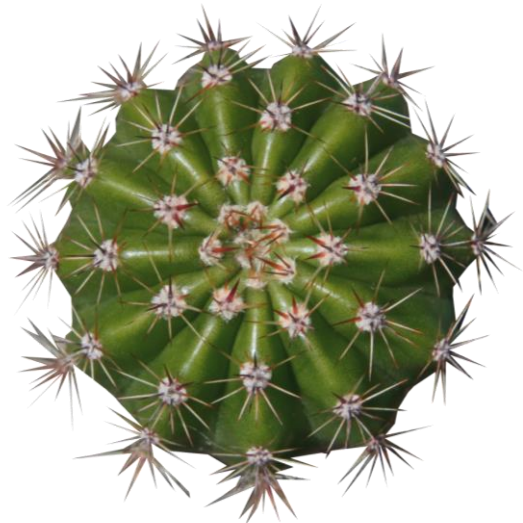
Therefore, the abovementioned **administrative fine** – already in force – to be applied in the event the internship's indemnity has not been paid (*i.e.* between **Euro 1.000 and Euro 6.000**) will be applied, as of today, for the case in which **the indemnity already provided by the current regulation will not be paid**.

INL's clarification: unlawful internship

As said, the Budget Law 2022 provided that **unlawful internships** may lead to the application of a criminal fine, equal to **Euro 50 for each intern and for each day of internship**, with the possibility for the intern to claim the establishment of an employment relationship.

The fact that the unlawful internship is punished with a **criminal fine** – despite, over the years, almost all the fines related to employment relationships were not more considered as criminal fines – shows the legislator's intention to strongly prevent the internship's misuse (*i.e.* hypothesis in which intern is treated and managed as an employee or used in lieu of the latter).

The INL clarified that these provisions **are already applicable** and that, since the provided fines have criminal nature, they are subject to the **mandatory prescription**, aimed at ending the existing relationship, without prejudice to the right of the (sole) intern to claim the existence of an employment relationship.



INL's clarifications: host companies' obligations

Lastly, the INL, in accordance with Budget Law 2022's provisions, which provides for the **obligation to communicate** internship's starting **to the competent authorities**, clarified that such obligation, as previously, will apply only to **extracurricular internships**.



With reference to the **host company's obligation to fully comply with health and safety provisions**, the INL specified that, interns are entitled to the **same protections of the employees**.



Experience the future of law, today

Today, you need smart lawyers who bring even more to the table than legal advice and memorandums. You need to work better, faster and with lower total cost. That takes someone who knows your business and your industry, yet thinks and works in new ways. A steady hand at the center of the transformation all around us. An expert in law, commerce and technology, who is able to serve you globally.

To make an impact that matters, you need an accomplished confidante who is both pragmatic and pioneering.

Deloitte Legal invites you to experience the future of law, today. Meet current obligations more effectively while anticipating future opportunities.

Automate complicated and time-consuming legal activities. Benefit from a commercial mindset that integrates legal, business and industry expertise. Draw upon our experience with business operating model transformation.

As you lead your enterprise through unprecedented complexity and change, we'll work with you not just for you. Working together, you're empowered to make confident decisions, guide your business and take advantage of possibilities.

Experience the future of law, today.

Key contacts Employment & Benefits

Luca Failla

Partner | Head of Employment and Benefit
lufailla@deloitte.it

Alessandra Maniglio

Partner
amaniglio@deloitte.it

Marika Curcuruto

Manager
mcurcuruto@deloitte.it

Federica Bernasconi

Lawyer
fbernasconi@deloitte.it

Ivana Azzollini

Partner
iazzollini@deloitte.it

Pietro Venerando

Partner
pvenerando@deloitte.it

Alessandro Meneghin

Lawyer
ameneghin@deloitte.it

Deloitte.

Legal

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited (“DTTL”), its global network of member firms, and their related entities (collectively, the “Deloitte organization”). DTTL (also referred to as “Deloitte Global”) and each of its member firms and related entities are legally separate and independent entities, which cannot obligate or bind each other in respect of third parties. DTTL and each DTTL member firm and related entity is liable only for its own acts and omissions, and not those of each other. DTTL does not provide services to clients. Please see www.deloitte.com/about to learn more.

This communication contains general information only, and none of Deloitte Touche Tohmatsu Limited (“DTTL”), its global network of member firms or their related entities (collectively, the “Deloitte organization”) is, by means of this communication, rendering professional advice or services. Before making any decision or taking any action that may affect your finances or your business, you should consult a qualified professional adviser. No representations, warranties or undertakings (express or implied) are given as to the accuracy or completeness of the information in this communication, and none of DTTL, its member firms, related entities, employees or agents shall be liable or responsible for any loss or damage whatsoever arising directly or indirectly in connection with any person relying on this communication. DTTL and each of its member firms, and their related entities, are legally separate and independent entities.