



Labour Law Hits

Transparency Decree: information obligations for employees working abroad

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Information obligations for employees working abroad: Sec. 4, par. 1, lett. c) Legislative Decree 104/2022 («Transparency Decree»)

The Transparency Decree identified **specific information obligations towards workers**, even if the **working activity** must be **performed abroad** (for further obligations under the Transparency Decree:

["Transparency Decree": what's new?](#))

Information obligations for employees working abroad

In addition to any changes to the **«employment features»** provided, on an ordinary basis, by the Transparency Decree, the worker must be informed about:

- a. the country in which the assignment abroad has to be performed and its duration;
- b. the currency to be used for remuneration payment;
- c. the benefits in cash or kind relating to the assignment;

d. repatriation conditions, where applicable;

e. remunerations as established according to the law of the host Member State;

f. where applicable, any allowances specific to posting and any arrangements for reimbursing expenditure on travel, board and lodging;

g. the link of the Member State's website, where information on the posting is published.



In Practice

Timing and formalities

The information must be provided in writing:

- before departure, for new hires;
- upon written request, within 60 days for workers already hired, as workers already on mission or posted may reasonably include, even in the absence of a specification in this regard within the Decree.

Scope of application

- ✓ **Posted workers**, in a Member State/third country, in the context of a transnational supply of services;
- ✓ **Workers assigned** in another Member State/third country for more than 4 consecutive weeks, limited to points (a.) to (d.) and to the information concerning any changes to the ordinary *«employment features»* .

Exclusions

- ✓ employees of public administrations abroad;
- ✓ seafarers;
- ✓ workers in the fisheries sector.

Focus

Obligation to be fulfilled only in the case of posting in the context of a transnational services or mission abroad?

The Italian Labour Inspectorate («**INL**» - circ. no. 4/2022) would seem to refer to all the hypotheses of *«work performed abroad»* considering, by way of example only, the working activity performed abroad under the transnational posting regime.

In line with the provisions of Legislative Decree 136/2016 and taking into account the scope of the Transparency Decree (Sec. 1), the obligation should also be fulfilled by the temporary work agencies.

Particular attention should be paid to the communication of any changes of the **«employment features** provided, on an ordinary basis, by the Transparency Decree (e.g., working hours, automated systems, etc.).

The correct drafting of the information note due at the hiring date (or on subsequent request by the worker, if already hired) is a critical factor to correctly fulfil the obligations with reference to work performed abroad.

At this stage, in fact, it will be difficult to fill any **«gaps of information»**, since this phase is intended only for the communication

of changes triggered by the assignment abroad.



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