

Department of Law

Tutor: Pro.ssa Elena Signorini

Description

Legislative Decree 15 June 2015, n. 81, entitled "Organic Discipline of employment contracts and review of the legislation on work" is an attempt to influence the discipline of work in a project working revirement respect to the position that, from 2003 onwards, the legislator "flexible" had taken with respect to this form of contract. To confirm this, art. 1 of the decree in question, the legislator wanted to emphasize that the employment contract is the common form of employment relationship, calling to mind the fact that his discipline is the reference for both the establishment and for the execution of a any employment contract (already with law 230/1962, the legislator argued, since art. 1, that "the employment contract shall be deemed open-ended"). Thus it is clear, since an early analysis of the heading of Article. 1, of the d. lgs. 81/2015 - "common contractual form", the timid attempt to apologize for the legislature reveals that will work, intending to confirm the role of prominence that the employment contract has and maintains over other forms of contract. This approach has a particularly important role in relation to SO-CALLED "Collaborations organized by the customer", which the legislator devotes the art. 2 of Legislative Decree. N. 81/2015, affecting the "protection and protection" system developed around the figure minted in 'art. 409 cpc. In this regard deserves to highlight how, in an unstable labor market characterized by some positive percentage of recovery arising solely by the faculty for employers to • work to hire using tax breaks, affect the project work therefore be repealed, without elaborating alternative and bringing back every "his" work event on the list of employment, perhaps it was a risky maneuver. Plural are the reasons behind this choice, the dispute developed on the subject, the will to overcome the codicistica logical processing of contracts for rigid and intangible regulatory types, also motivated by the propensity to adopt reconnaissance formulas that allow you to adapt to the changing rules protecting social reality. The project aims to highlight how the repeal of the project work does not produce benefit for that worker to act as self-organized collaboration with the client, because it would find no protection for those events that are unlikely to be due to the employee. The project aims to draw attention to the fact that, on one side you have the extinction of the project contract, such as contract type, on the other hand, you might witness a revival of cooperation under Article. 409 Code of Civil Procedure, which even may be concluded for an indefinite period. This study therefore intends to build right from the content of art. 2, co. 1, where it provides that "as from 1 January 2016, shall be subject of the employment relationship also to relations of cooperation that take the form of job performance exclusively personal, continuous and whose implementation shall be organized by the client also with reference to the times and to the workplace "to highlight the dubious effectiveness of the reform in the perspective of the 'occupation of the worker, since these are partnerships organized by the customer the" organize "may boast only a descriptive and not prescriptive as hoped by the legislature. the study will continue confronting the regime of exemptions contained in the second paragraph of the standard dedicated to the cd. "collaborations unassimilated." Particular emphasis will be given to issues of intertemporal law relating to existing contracts of the entry into force of the reform. The work plan therefore provides an analysis of the recent law (d. lgs. 81/2015), however, compared to the previous legislation so as to put an end result of the research that will be able to outline what are the mechanisms that push the legislature to standardize in such contrasting ways. In addition, the author of the research should first question whether the forms of semi-subordinate work hinder the positive trend in the labor market and in a

comparative perspective, analyzing the Europeans who come to the contractual terms para subordination, highlighting whether there are improvements compared to the Italian legal model , in compliance with the European union it has established about. The research aims to investigate the relevance of cooperation in our legal system, both with regard to the effects that the greater flexibility in it "hoped" he could bring to the labor market, both with regard to issues relating to the reconciliation of work demonstrations in the "contract types " , also he is paying particular attention to the reasons which led the legislature to enter the autonomous work activities organized by the client to the ranks of subordination. The analysis will also be developed at the regional level as the economic realities facing the Bergamo meets the demands of collaborations "traced" in paid employment. The author of the research will then have to face and to analyze whether the same para subordination, eviscerated in each type of contract in which the calls, the labor market or not have made as part of the doctrine argues, more precarious. You will therefore also need to highlight the progress of EU legislation on the subject, in order to show that the relapse has para subordination, also defined as economically dependent self-employment, considered to date not all Member States have such a figure but should be integrated in the various systems in order to improve the rates of growth and employment (in this regard, see the Opinion of the European economic and social Committee on 'New trends in self-employed work: the specific case of economically dependent self-employment', 2011 / C18 / 08). The proposed research, developed on the basis of what also highlighted in the "project description", aims a critical review of the case by mapping the application is at the local level, and national and European level. The intention is in fact also compare various EU models focusing on little elements analyzed by the doctrine to date. Conclusive research aims to offer an innovative point of view of content and proactive level in the difficult work to assume a different institute standardization of the collaboration to be reintroduced in our system.