

Italy

Algorithmic management

Phase	Legislative Decree 104 of 2022, Implementation of Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union; Legislative Decree 48 of 2023 Urgent measures for social inclusion and access to employment
Native name	Decreto Legislativo 104 del 2022, "Attuazione della direttiva (UE) 2019/1152 del Parlamento europeo e del Consiglio del 20 giugno 2019, relativa a condizioni di lavoro trasparenti e prevedibili nell'Unione europea" Decreto Legislativo 48 del 2023 "Misure urgenti per l'inclusione sociale e l'accesso al lavoro".
Type	Algorithmic management
Added to database	29 January 2024
Access online	Click here to access online

Article

Legislative Decree of 27 June 2022, n.104 Legislative Decree 48 of 2023

Description

The Legislative Decree No. 104 of June 27, 2022, aligns Italian law with the EU directive on transparent and predictable working conditions. This decree broadly addresses various employment conditions, including its implications for automated decision-making and algorithmic management. The decree mandates that employers must be transparent about the use of automated systems and algorithms that affect workers' roles and decisions concerning their employment. This includes ensuring that employees understand how such technologies might influence their work environment and the terms of their employment.

Before employment begins, employers should detail:

- Which job aspects these systems affect.

- The systems' purpose, logic, and function.
- Data used, including performance evaluation mechanisms.
- Automated decision measures, data security, and EU Regulation 2016/679 compliance measures.

Workers can access and request more information on this data, with a 30-day response time from employers. Any changes impacting work conditions based on this data must be communicated to workers 24 hours in advance. Information should be transparently and digitally shared with workers and union representatives. The Ministry of Labor and other relevant bodies can request this information.

Subsequently, Legislative Decree 48 of 2023, brought some changes to the decree 104/2022, especially with regard to automated systems and algorithmic management: the employer's obligation to inform applies only when these systems are entirely automated and are significant in making decisions regarding employment matters.

Commentary

The CGIL (Italian General Confederation of Labour) has voiced strong opposition to recent amendments in the labor decree concerning transparency in the use of automated decision-making systems. The union criticizes the revisions for narrowing the scope of mandatory employer disclosures to only fully automated systems, excluding systems protected by industrial or commercial secrets. This change, according to the CGIL, is a significant step back from the advancements made by the transparency decree and the European Directive on transparent and predictable working conditions. The union believes that these revisions weaken the workers' right to transparency in algorithmic systems, potentially leaving workers and their representatives without essential tools to enforce their rights, especially in a landscape where the use of algorithmic systems is becoming increasingly prevalent.

Additional metadata

Cost covered by	Employer
Involved actors other than national government	None
Involvement (others)	None

Thresholds

Affected employees: No, applicable in all circumstances

Company size: No, applicable in all circumstances

Additional information: No, applicable in all circumstances

Sources

- [DECRETO LEGISLATIVO 27 giugno 2022, n. 104](#)~~~ [DECRETO-LEGGE 4 maggio 2023, n. 48](#)~~~ [Cgil: male cancellazione trasparenza algoritmo](#)~~~

Citation

Eurofound (2024), Italy: Algorithmic management, Restructuring legislation database, Dublin