

Dear clients:

Object: Voluntary resignation, how to submit it online and what to know

Resignation is an act by which an employee can unilaterally end the contract with his employer.

Giving voluntary resignation means communicating to the employer the desire to leave the workplace: this choice is free, but the worker must respect the notice period provide for in the contract.

Since 12 March 2016, with the "Jobs Act" reform, voluntary resignations must be sent only electronically, i.e. online.

This rule was created to oppose the procedure of "blank resignations", in which weaker workers were penalized.

Before 2016, resignations were submitted with a paper letter, but now they must be communicated online to the Ministry of Labor and Social Policies, otherwise they are invalid.

In particular, the Ministerial Decree of 15 December 2015 establishes the rules for this electronic procedure: in the private sector, resignations must be sent via an online form, otherwise they have no effect.

Furthermore, it is forbidden to change the date of resignation, and if employers try to alter online forms, they risk a fine of 5.000 to 30.000 Euros.

The worker can send his resignation online independently or get help from patronages, unions, labor consultants or other authorized organizations.

The procedure for submitting voluntary resignations takes place online via the website of the Ministry of Labor and Social Policies or with apps for smartphones and tablets available for iOS and Android devices.

If the worker is under 18 years of age, he/ she must submit his/her resignation with the help of a parent or legal guardianship.

Some workers do not need to use the online system, including:

- Public employees;
- Domestic workers;
- Those who have terminated the employment relationship through out-of-court conciliation;
- Workers with coordinated and continuous collaboration or internship/training contracts;



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- Working parents in the cases of validation at the ITL envisaged by the art. 55, paragraph 4, Legislative Decree 151/2001;
- Workers in probationary period.
- Self-employed workers (VAT number)
- Workers in maritime sector.

These categories must use a paper form, following the procedures of their collective labor contract or the specific rules for their sector.

As already mentioned, this online procedure was introduced to oppose "blank resignations", a procedure in which the worker signed the resignation at the time of hiring.

A procedure that favored the employer to the detriment of the employee, particularly problematic, especially for women, whose negotiating power in the workplace is often lower.

To submit the online resignation, the worker can:

- 1) Access the Ministry website (www.cliclavoro.gov.it) with SPID or CIE digital identity and fill in the online form;
- 2) Asking experts from Caf or Patronati to send form on his/her behalf.

Filling out the form is simple and, once completed, the worker will receive a document with all the information.

It is important to enter the end date correctly, respecting the notice periods provided for in the contract, unless otherwise agreed with the employer.

The online form is made up of **4** sections:

1. Worker's data
2. Employer data
3. Information on the employment contract (starting date and type of contract)
4. Type of request being made: voluntary resignation, revocation for just cause or consensual termination, with the reason and starting date.

Once the form has been saved, it will not be possible to edit it any longer and the communication will be ready for submission, confirming the entered data. If the message "revocation outcome" appears, it means the procedure has been successfully completed and the employer has received the notification.

The sent resignation receipt will be available in PDF format, which can be viewed and downloaded. This file will have an additional section with the sending data, the identification code and the transmission date.



If the employment relationship for which it is intended to submit the resignation does not appear in the system list, it can be entered manually by clicking on "Insert resignation for an employment relationship not in the list".

Workers hired before 2008 will have to enter some data manually, while for those hired after 2008, the information from the first two sections will already be present.

The calculation of the days' notice required depends on the type of contract, seniority, qualification and classification level; if the notice is not respected or the resignation is not sent, the employer is entitled to receive an allowance in lieu of notice in proportion to the not-worked days.

Resignations can be revoked within 7 days of form sending, after this period, they become definitive, and the employment relationship will end from the day following the last day of actual work.

To revoke resignation, it is necessary to access the reserved area and click on "Revocation". If the button is colored, revocation is possible, if it is grey, more than 7 days have passed, and it can no longer be cancelled.

Finally, some contracts provide a notice period for resignation, and this is not changed by the online procedure. The worker must, however, comply with the notice periods set out in his contract.

October 22 2024

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