



Press Office of the Constitutional Court

Press release of 24 February 2021

REINSTATEMENT IS COMPULSORY IF THE FACTS SUPPORTING ECONOMIC DISMISSALS ARE CLEARLY UNFOUNDED

The Constitutional Court, meeting in chambers today, examined the question as to constitutionality raised by the Ordinary Court of Ravenna concerning Article 18 of the Workers' Statute, as amended by the so-called Fornero Law (Law No. 92 of 2012), insofar as it establishes that courts have the option – and not the duty – to reinstate workers who have been dismissed arbitrarily without an objective and fair cause.

Pending filing of the judgment, the Press Office of the Constitutional Court informs that the question has been declared well-founded with reference to Article 3 of the Constitution.

Whenever facts supporting economic dismissals are unfounded, the Court ruled unreasonable the disparity of treatment with just cause. In the latter case, the law establishes a duty to reinstate, while in the former, the choice between reinstatement or payment of compensation is left to the court's discretion.

The reasons for the judgment will be filed in the coming weeks.

Rome, 24 February 2021