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Internal Limits of the Right to Strike and Summary Dismissal in Essential Services

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ABSTRACT
This article examines Judgment No. 22927/2026, in which the Labour Section of the Italian Supreme Court of Cassation addresses the internal boundaries of the right to strike in disciplinary dismissal proceedings involving a school teacher who joined an indefinite strike in essential public services. Construing Article 4(1) of Law No. 146/1990, the Court holds that the statutory bar on dismissal penalties applies solely to procedural breaches of Article 2 (advance notice, mandatory disclosures, and minimum indispensable services) and does not shield conduct that impairs the collective essence of industrial action by leaving individual employees free to choose when to abstain. The analysis further evaluates the denial of automatic employment suspension for lacking COVID-19 green certification, the doctrinal reclassification of removal from provincial substitute teaching lists under Ministerial Ordinance No. 112/2022 as a non-disciplinary regulatory requirement, and the dismissal-stage application of the most straightforward ground doctrine to defective service.

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Internal Limits of the Right to Strike and Summary Dismissal in Essential Services

The Boundaries Between Statutory Protection in Essential Public Services and Individual Contractual Breach in Italian Supreme Court of Cassation, Labour Division, Judgment no. 22927 of 8 July 2026

MG Maria Di Giorgio Labour & Employment Law & Trade Union & Collective Labour Law 8 July 2026

Reading time 15 min

Current Legal Framework as of 18 November 2026: By Judgment no. 22927/2026, the Labour Division of the Italian Supreme Court of Cassation excludes the statutory bar on dismissal penalties under Article 4 of Law no. 146/1990 where industrial action in essential public services breaches constitutional internal limits through indefinite duration and individualised discretion over participation.

ABSTRACT

This article examines Judgment no. 22927/2026, in which the Labour Division of the Italian Supreme Court of Cassation addresses the **internal boundaries of the right to strike** in disciplinary dismissal proceedings involving a school teacher who joined an indefinite strike in essential public services. Construing Article 4(1) of Law no. 146/1990, the Court holds that the **statutory bar on dismissal penalties** applies solely to procedural breaches of Article 2 (advance notice, mandatory disclosures, and minimum indispensable services) and does not shield conduct that impairs the **collective essence of industrial action** by leaving individual employees free to choose when to abstain. The analysis further evaluates the denial of automatic employment suspension for lacking COVID-19 green certification, the doctrinal reclassification of removal from provincial substitute teaching lists under Ministerial Ordinance no. 112/2022 as a **non-disciplinary regulatory requirement**, and the dismissal-stage application of the most straightforward ground doctrine to defective service.

Key Takeaways

- **Scope of the dismissal bar (Article 4 of Law no. 146/1990):** statutory protection against termination measures covers solely breaches of the external procedural limits under Article 2(1)–(3), and does not extend to abstentions incompatible with collective action under Article 40 of the Constitution.
- **Indefinite strike and individual choice:** a continuous trade union proclamation that leaves the individual worker free to choose the days of abstention distorts the collective nature of the strike and permits dismissal for just cause under Article 2119 of the Civil Code.
- **Emergency rules and suspension of the employment relationship:** the lack of COVID-19 green certification did not operate as an automatic suspension *ipso iure* in the absence of formal notification, entry checks, or a headteacher's measure from the fifth day.
- **Removal from GPS lists as a regulatory requirement:** permanent exclusion from provincial substitute lists under Article 6(2)(e) of Ministerial Ordinance no. 112/2022 constitutes a non-disciplinary access requirement, outside the time-bars and limits of Article 535 of Legislative Decree no. 297/1994.

CASE DOSSIER

JURISDICTION
Italy (Civil Law)

SUBJECT AREA
Labour & Employment Law & Trade Union & Collective Labour Law

LEADING DECISION
Italian Supreme Court of Cassation, Labour Division, Judgment no. 22927 of 8 July 2026 — Excludes application of the dismissal ba

Legal Principle / Editorial Headnote

In essential public services, the statutory bar on dismissal penalties under Article 4 of Law no. 146/1990 does not shield an indefinite abstention left to individual choice, which falls outside the internal limits of Article 40 of the Italian Constitution.

COMPARATIVE & EUROPEAN LEGAL FRAMING

Institutional & EU Nexus: In the Italian constitutional order, the right to strike under Article 40 is conceived as a collective entitlement whose exercise in essential public services is regulated by Law no. 146/1990 and overseen by the Guarantee Commission (*Commissione di Garanzia*), aligning with Article 28 of the EU Charter of Fundamental Rights and Article 11 ECHR as interpreted by the European Court of Human Rights. **Comparative Common Law Lens:** Unlike UK or US labour law—where industrial action operates through statutory immunities from tortious liability and strict balloting rules, and unendorsed or individualised work stoppages generally constitute a repudiatory breach of contract justifying summary dismissal—Italian law distinguishes between procedural breaches of essential-service rules (*limiti esterni*), which preserve immunity from dismissal, and structural deviations from collective action (*limiti interni*), which expose the worker to dismissal for just cause (*giusta causa*).

01. INTRODUCTION: ITALIAN SUPREME COURT OF CASSATION, LABOUR DIVISION, JUDGMENT NO. 22927/2026

Judgment no. 22927 of 8 July 2026 of the Italian Supreme Court of Cassation, Labour Division[1], addresses a central tension in balancing collective trade union self-protection against individual contractual accountability. Its reconstructive focus centres on the **internal limits of the right to strike in dismissal** proceedings within **essential public services**. Where a trade union proclaims a continuous work stoppage while leaving individual employees free to choose their days of abstention, the constitutional bond dissolves. Statutory protection falls with it.

The point of friction involves the systematic interpretation of Article 40 of the Constitution and Article 4 of Law no. 146/1990. It must be determined how far the **shield against dismissal measures** extends in employment litigation. In sectors safeguarding primary personal rights, such as school education, statute permits conservative disciplinary sanctions alone. Yet that barrier presupposes conduct still attributable to genuine **collective action**, albeit procedurally flawed.

The 2026 ruling draws a sharp boundary between procedural unlawfulness and **individual contractual breach**. The analysis moves from the disciplinary charges and emergency green-pass rules to test the stability of that boundary against **disguised and spontaneous strikes**. It finally examines the non-disciplinary classification of removal from teaching lists and the ensuing defensive implications in court.

02. THE SCHOOL DISPUTE, LOWER COURT RULINGS, AND THE EMERGENCY FRAMEWORK

2.1 — Disciplinary Charges, Managerial Warning, and Rejection in the Lower Courts

The dispute concerns the **dismissal for just cause** served on 29 April 2022 upon a fixed-term special-needs music teacher engaged for the 2021/2022 school year[1]. The disciplinary notice rested on **three distinct charges**. The first concerned participation on 10, 11, 12, and 15 November, and subsequently on 25, 26, 29, and 30 November 2021, in an **indefinite strike** called by the trade union FISI. Additional charges alleged an unauthorised school entry on 24 November 2021 evading green-pass checks with disrespectful remarks toward a colleague, as well as a false residence declaration for extraordinary leave. Permanent exclusion from the second tier of the **provincial substitute lists (GPS)** and the third school-level tier followed.

On 10 November 2021, the teacher had declared his intention to join the strike for four days. Already on 11 November, the headteacher warned him of the ascertained unlawfulness of the action by duration and modality, outlining the disciplinary consequences. That warning went unheeded. The employee continued his absence on 12 and 15 November, submitting a second strike declaration on 24 November for four further days. The **Guarantee Commission** observed that the proclamation for 1–15 November followed without interruption those of 15–20 and 21–31 October 2021. Because the action spanned an entire month while leaving each worker free to pick the days, the authority deemed it extraneous to Article 40 of the Constitution.

Both the Court of Taranto, on 27 March 2023, and the Court of Appeal of Lecce, by judgment of 28 February 2025, dismissed the teacher's challenges. Both courts denied the applicability of Article 4 of Law no. 146/1990 and ruled out **blameless reliance**, stressing the six days of absence following the formal warning. Repetition rendered summary dismissal proportionate. The remaining charges were thus absorbed, whereas removal from the teaching lists was grounded in Article 537 of Legislative Decree no. 297/1994.

Before the Supreme Court, the Labour Division declares the third and fourth grounds of appeal inadmissible. The third alleged a breach of the **immutability of the disciplinary charge** under Article 2106 of the Civil Code and Articles 54 and 55-septies of Legislative Decree no. 165/2001. The Court notes that the lower judges had encompassed all eight days within the original charge, treating the 11 November notice merely as a **subjective aggravating factor**. Equally inadmissible is the fourth ground under Articles 494 and 495 of Legislative Decree no. 297/1994, aimed at factual findings and lacking legal interest with respect to absorbed misconduct.

2.2 — The Relationship Between Lack of Green Certification and Unjustified Absences

Under the first ground, the appellant argued that lacking a valid green pass from 24 September to 29 November 2021 had already rendered him absent *ipso iure* without disciplinary relevance. In his submission, a prior **automatic suspension of the relationship** under Article 1 of Law Decree no. 127/2021 barred dismissal. The plea fails. The Labour Division reconstructs the diachronic sequence of **emergency school legislation**, ruling out any automatic mechanism.

As of 24 September 2021, Article 9-ter of Law Decree no. 52/2021, converted by Law no. 87/2021 and amended by Law Decree no. 111/2021, was in force. No vaccination mandate existed, since green certification remained obtainable through a **negative salivary swab** under Article 9(2)(c). Suspension was triggered only on the **fifth day of absence**, subject to daily verification and not immune from sanctions. Even the text amended by Law no. 133/2021 required, as of 29 November, an express managerial order. Moreover, from 15 October 2021, Article 9-quinquies inserted by Law Decree no. 127/2021 excluded disciplinary consequences only upon **prior formal notification** or a failed entry check, neither of which was established below.

The rejection reveals a clear parallel with the analysis published in this journal on defensive monitoring in disciplinary dismissals[D1]. In both instances, an attempt is made to shield material conduct by invoking a **formal exemption rule**. Yet where the factual predicates specified by statute are missing, protection does not attach. Here, moreover, the teacher had attributed his absences to the strike rather than to any health impediment.

Emergency Rules and Suspension from Service in the School Sector

Between September and November 2021, lacking COVID-19 green certification did not trigger an automatic permanent suspension of school employment: the measure required reaching the fifth day of daily-verified absence and a managerial order, while the disciplinary exemption under Article 9-quinquies of Law Decree no. 52/2021 presupposed prior formal notification or a failed entry check.

03. INTERNAL LIMITS OF THE RIGHT TO STRIKE IN DISCIPLINARY DISMISSAL UNDER ARTICLE 4 OF LAW NO. 146/1990

3.1 — Statutory Construction of Articles 2 and 4 of Law no. 146/1990: Scope of the Dismissal Bar

The doctrinal core of Judgment no. 22927/2026[1] stems from the textual cross-reference linking Article 4(1) to Article 2 of Law no. 146/1990. Statute does not confer blanket immunity upon every union protest. Rather, the safeguard operates within a **strictly defined statutory perimeter**. Article 4(1) subjects those who abstain *"in breach of the provisions of paragraphs 1 and 3 of Article 2"* to *"disciplinary sanctions proportionate to the gravity of the infraction,*

excluding measures terminating the employment relationship or entailing permanent changes thereto". That reservation covers solely **external procedural rules** in essential services.

The first three paragraphs of Article 2 delineate this **protected sphere** with precision. Paragraph 1 mandates at least ten days' advance notice and a written statement specifying *"the duration and modalities of implementation, as well as the reasons, for the collective abstention from work"*. Paragraph 2 entrusts collective agreements with establishing indispensable services, conciliation procedures, and *"minimum intervals to be observed between the carrying out of one strike and the proclamation of the next"*. Paragraph 3 further prescribes that organisers and workers *"are required to ensure the provision of indispensable services, as well as compliance with the modalities and procedures for their delivery"*.

The statutory scheme thus presupposes an abstention already conforming to the baseline features of Article 40 of the Constitution. Where those features exist yet the action breaches **external procedural limits**, the employee faces only **conservative sanctions**. Any financial penalties are then remitted by the employer to INPS. In the presence of infractions confined to Article 2(1)–(3), dismissal remains barred.

Conversely, when the conduct falls outside the constitutional notion of a strike at its root, Article 2119 of the Civil Code regains full force, coordinated in public employment with Articles 55 et seq. of Legislative Decree no. 165/2001. In fixed-term contracts, the provision allows a party to *"withdraw from the contract before the expiry of the term, if the contract is for a fixed term"* upon *"a cause that does not permit the continuation, even provisional, of the relationship"*. Repeated absence then severs the **fiduciary bond** and justifies **summary termination**.

3.2 — Indefinite Proclamation, Individual Choice, and Erosion of the Collective Bond

The second ground of appeal advanced two distinct complaints. First, the teacher invoked **blameless reliance** on the earlier October strikes and on Article 2(7) of Law no. 146/1990. That complaint fails as inadmissible, since it challenges an adverse factual assessment already grounded in the 11 November warning. Second, the appellant contested the disapplication of Article 4, reviving the issue of the internal limits of the strike in dismissal for just cause.

The structure of FISI's proclamation of 29 October 2021 explains the dismissal of the appeal. The third tranche from 1 to 15 November followed without interruption those of 15–20 and 21–31 October, totalling an entire month. Even more decisive was the option granted to each worker to abstain for one or more days or for the whole fifteen-day period. According to the Guarantee Commission, such **individualisation of the abstention choice** breached both external limits on service continuity and the **internal limits of Article 40 of the Constitution**. Having declared itself lacking competence, the authority left employers free to pursue ordinary remedies for contractual breach.

At paragraph 14 of its reasoning, the Supreme Court makes a deliberate choice of **decisional economy**. The Bench expressly declines to determine in the abstract whether a strike called by a union yet left to individual discretion constitutes a "non-strike" proper. To reject the ground, a dispositive point suffices. The conduct was unlawful for reasons **graver than procedural breaches** under Article 2(1)–(3), eroding the **collective nature of the abstention** and precluding **conservative protection**.

> When a trade union proclamation fragments abstention into a day-by-day individual choice, the action loses its collective foundation and leaves the employee exposed to dismissal for just cause.

3.3 — The Boundary with Disguised Strikes, Spontaneous Strikes, and Trade Union Duties

The principle stated in 2026 gains full clarity when compared with the Labour Division's rulings on deviations from standard strike physiology. In twin judgments of 14 May 2024, no. 13181[2] and no. 13206[3], the Court examined mass absences in Rome's Municipal Police on the night of 31 December 2014 to 1 January 2015. Faced with 745 sick-leave reports—over five times the average—and a doubling of leave requests, the Court identified a **disguised strike**. The concealed abstention remained subject to Law no. 146/1990, rendering the municipality's recourse to on-call standby duty irrelevant.

Judgment of the Labour Division of 15 May 2024, no. 13537[4], defines the further dimension of **trade union protective duties**. Calling assemblies between 21:00 and 03:00 on New Year's Eve, later revoked while maintaining a state of agitation, amounted to a surreptitious stoppage. Under Article 2 of the Constitution, unions bore an **active duty of vigilance** and public dissociation, sanctioned in practice under Article 4(2) with EUR 20,000 within the EUR 2,500–50,000 statutory bracket. In the 2024 cases, therefore, the **unitary collective matrix** drew the sanction onto the union; in 2026, the Commission's lack of competence shifts the burden onto the individual.

A mirror confirmation outside essential services arrives from Judgment of the Labour Division of 30 April 2025, no. 11347[5]. Three out of five employees had spontaneously stopped work for less than an hour over pay slips, without formal call or advance notice. The Court upheld the **nullity of the dismissal** under Article 15 of Law no. 300/1970 with **full reinstatement protection**. Outside Law no. 146/1990, a spontaneous strike is lawful if collectively decided and harmless to plant productivity.

Cross-reading these authorities yields a coherent geometry. In spontaneous strikes within ordinary sectors, the **collective bond** cures the absence of formalities. In disguised or assembly-based strikes in essential services, unitary action engages Law no. 146/1990. In an indefinite proclamation left to individual choice, by contrast, the dissolution of the collective phenomenon leaves room for **individual contractual breach**.

Judgment / Authority	Holding	Core Principle
Supreme Court of Cassation, Labour Division, no. 22927/2026	Excludes Art. 4 shield	In essential services, indefinite abstention left to individual choice distorts the collective nature of the strike and forfeits the dismissal bar under Article 4(1) of Law no. 146/1990.
Supreme Court of Cassation, Labour Division, no. 11347/2025	Reinstatement protection	Outside essential services, a spontaneous strike carried out collectively is lawful even without proclamation or advance notice; dismissal is void under Article 15 of the Workers' Statute.
Supreme Court of Cassation, Labour Division, no. 13181/2024	Disguised strike	Collective absences via fictitious medical certificates for protest purposes constitute a strike in essential services subject to Law no. 146/1990 and union sanctions under Article 4(2).
Supreme Court of Cassation, Labour Division, no. 13206/2024	Consistent ruling	Breach of the procedural framework under Article 2 of Law no. 146/1990 renders a disguised strike unlawful regardless of actual service disruption or union membership of participants.
Supreme Court of Cassation, Labour Division, no. 13537/2024	Duty to dissociate	Even after formally revoking irregular assemblies, unions maintaining a state of agitation are liable under Article 4(2) if they omit vigilance and unequivocal dissociation.

04. EXCLUSION FROM TEACHING LISTS AND PROCEDURAL ECONOMY ON DEFECTIVE SERVICE

The fifth ground of appeal challenged the lawfulness of the measure excluding the teacher from the GPS and school-level lists. Defence counsel alleged a breach of Article 535 of Legislative Decree no. 297/1994 and Article 55-quater(1)(b) of Legislative Decree no. 165/2001. In his submission, removal constituted an **autonomous disciplinary sanction**, time-barred after 120 days and inapplicable once employment had ended. The appeal also invoked Presidential Decree no. 487/1994, whose Article 2 did not list dismissal among general disqualifying grounds.

Judgment no. 22927/2026[1] rejects the complaint while effecting a clear **doctrinal correction of the appellate reasoning**. Dismissed from a fixed-term contract under Articles 55 et seq. of Legislative Decree no. 165/2001, the appellant had not been subjected to the sanctions under Article 535 of Legislative Decree no. 297/1994. Exclusion therefore did not stem from Article 537 of that decree, as the Court of Appeal had held. Instead, it derived from Article 6(2)(e) of Ministerial Ordinance no. 112 of 6 May 2022, which bars from the lists anyone **dismissed for just cause** or justified subjective reason.

The Court validates that source by citing Judgment of the Labour Division of 7 May 2024, no. 12416[6]. As clarified with respect to Ministerial Ordinance no. 60/2020, ordinances adopted under Article 2(4-ter) of Law Decree no. 22/2020 possess **substitutive regulatory status** replacing the regulation envisaged by Law no. 124/1999. That formal classification is decisive. It empowers the administration to establish **additional access requirements** beyond Presidential Decree no. 487/1994.

Substantively, the disqualification serves an advance safeguard for the school service. The educational function rests upon the heightened trust demanded of teaching staff duties. Once removal from the GPS lists is classified as a **regulatory access requirement** rather than a disciplinary penalty, the objections regarding time-bar, termination of employment, and the subsequent enactment of Ministerial Ordinance no. 112/2022 fall away.

On the procedural plane, finally, the appeal suffered from nullity of service, having been served at the District State Attorney's Office in Lecce rather than the Office of the Attorney General of the State under Article 11 of Royal Decree no. 1611/1933. Invoking the **most straightforward ground doctrine** articulated in Italian Supreme Court of Cassation, Civil Division, Order of 18 April 2019, no. 10839[7], the Court dispenses with renewal of service upon the Ministry. Dismissal on the merits renders that step inconsequential and contrary to the **reasonable duration of proceedings**.

05. CRITICAL ASSESSMENT, BORDERLINE CASES, AND LITIGATION STRATEGY

5.1 — Demarcating the Ratio Decidendi, the Grey Zone of the Non-Strike, and Sanctioning Asymmetry

Isolating the *ratio decidendi* of Judgment no. 22927/2026[1], the major premise rests squarely on Article 4(1) of Law no. 146/1990. Because the provision confines the shield to breaches of Article 2(1) and (3), denying it where the collective bond under Article 40 of the Constitution is absent remains internally coherent. Yet the choice at paragraph 14 to leave the "non-strike" classification unresolved generates a systematic tension. Once the Commission declines competence, the **collective trade union sanctions** under Article 4(2) vanish.

A pronounced **sanctioning asymmetry** thus emerges compared with the case law on disguised strikes. In Judgments no. 13181/2024[2] and no. 13537/2024[4], framing the conduct within Law no. 146/1990 allowed unions to be fined EUR 20,000—for covert organisation in the former ruling and for failing to exercise vigilance in the latter—while shielding employees from dismissal. Here, conversely, the Commission's refusal to examine the proclamation spares the calling union and shifts the entire **dismissal risk onto the worker**. A nomophylactic clarification on **trade union liability** for proclamations lacking statutory cover is still missing.

A stress-test on a **borderline scenario** highlights a second critical issue. In any multi-day strike, each employee remains free to join even a single shift. Loss of collective character therefore stems not from individual freedom to participate, but from the absence of unitary duration limits in the call. In the present proceedings, the Court did not have to decide whether the first two days alone—10 and 11 November, prior to the warning—would have sufficed for termination of a fixed-term contract. Without continuation after the notice, examining the **internal limits of the right to strike in dismissal** would have demanded rigorous scrutiny of initial reliance.

It is precisely the repetition of absence for six days after the warning that seals the finding on the **breach of the fiduciary bond**. This juncture engages with what was observed in this journal regarding breaches of corporate procedures and dismissal[D2], where repeated intentional misconduct insulates just cause from external time-bars. Consistent with the study on defensive monitoring in disciplinary dismissals[D1], the **materiality of repeated breach** governs the outcome whenever the conditions for a protective shield fail.

5.2 — When Does the Dismissal Shield Apply and How Should Defence Be Framed in Labour Litigation?

The shield against disciplinary dismissal in essential public services operates solely where abstention retains a collective nature under Article 40 of the Constitution and breaches only the procedural requirements of notice, disclosure, or indispensable services under Article 2 of Law no. 146/1990; outside essential services, even a spontaneous collective character suffices.

Rigorous *distinguishing* separates three contiguous hypotheses. In sectors outside essential services, a spontaneous strike lacking formal proclamation remains protected under Article 15 of Law no. 300/1970 and renders **dismissal void**, as reaffirmed in Supreme Court of Cassation, Labour Division, Judgment no. 11347/2025[5]. Within essential services, where the call preserves collective unity yet breaches the time-limits of Article 2, the **bar on termination measures** under Article 4 applies. That protection does not operate, however, where the union fragments abstention into an indefinite sequence left to the worker's **individual discretion**.

In labour litigation, employee counsel must first verify whether the Guarantee Commission's resolution censures procedural defects alone or excludes Article 40 of the Constitution. It is then necessary to prove **blameless reliance** promptly and cease abstention upon an employer's formal warning. Anyone pleading a pre-existing statutory suspension discharges the **burden of proof** by documenting prior notification or a failed entry check. On the employer's side, upholding termination under Article 2119 of the Civil Code and exclusion from GPS lists requires a **complete disciplinary charge**, formal notice to the employee, and accurate citation of substitutive ministerial ordinances.

Distinguishing Between Spontaneous Strike, Procedural Breach, and Exceeding Internal Limits

Outside essential services, a collective spontaneous strike is protected by nullity of dismissal under Article 15 of the Workers' Statute; within essential services, a mere procedural breach under Article 2 of Law no. 146/1990 permits only conservative sanctions under Article 4; an indefinite abstention left to individual choice instead falls outside the internal limits of Article 40 of the Constitution and opens the door to dismissal for just cause.

06. CONCLUSIONS: BALANCING CONSTITUTIONAL PROTECTION AND CONTRACTUAL ACCOUNTABILITY

By Judgment no. 22927/2026, the Labour Division[1] redefines the boundary between trade union protection and contractual synallagma in public employment. Examination of the **internal limits of the right to strike in dismissal** demonstrates that immunity under Article 4 of Law no. 146/1990 shields procedural deviations of a unitary action. It cannot, however, cover abstentions fragmented at the individual's discretion. Judicial scrutiny thus shifts from the form of the proclamation to the **collective substance of the initiative**.

Within the framework of Articles 35, 39, and 40 of the Constitution, continuity of essential public services and the right to education impose duties upon both unions and workers. Where repeated absences following a managerial warning sever trust under Article 2119 of the Civil Code, **dismissal for just cause** interlocks with **regulatory access requirements** for school teaching lists. The durability of labour safeguards thus remains anchored to genuine observance of the collective matrix of industrial action.

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2. **Italian Supreme Court of Cassation, Labour Division, Judgment no. 13181 of 14 May 2024** — Classifies collective abstention executed through fictitious medical certificates as a disguised strike in essential public services and upholds union sanctions under Article 4(2) of Law no. 146/1990. Outcome: dismissed. Para.: 1–10.

3. **Italian Supreme Court of Cassation, Labour Division, Judgment no. 13206 of 14 May 2024** — Reaffirms the irrelevance of actual service disruption or formal union membership of participants where a disguised strike in essential services breaches the procedure of Article 2 of Law no. 146/1990. Outcome: dismissed. Para.: 1–10.

4. **Italian Supreme Court of Cassation, Labour Division, Judgment no. 13537 of 15 May 2024** — Establishes the active duty of trade unions to exercise vigilance and unequivocally dissociate themselves from unlawful protests in essential services under Article 4(2) of Law no. 146/1990. Outcome: upheld and decided on the merits. Para.: 1–12.

5. **Italian Supreme Court of Cassation, Labour Division, Judgment no. 11347 of 30 April 2025** — Affirms the lawfulness of a spontaneous strike lacking proclamation and advance notice outside essential public services and upholds the nullity of dismissal under Article 15 of the Workers' Statute. Outcome: dismissed. Para.: 1–15.

6. **Italian Supreme Court of Cassation, Labour Division, Judgment no. 12416 of 7 May 2024** — Recognises substitutive regulatory status for ministerial ordinances on GPS lists adopted under Article 2(4-ter) of Law Decree no. 22/2020. Outcome: upheld and decided on the merits. Para.: 1–12.

7. **Italian Supreme Court of Cassation, Civil Division, Order no. 10839 of 18 April 2019** — Exempts the Court from regularising service defects under the most straightforward ground doctrine where the appeal is unfounded on the merits. Outcome: dismissed. Para.: 1–6.

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