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Staff leasing and fixed-term contracts in Italy: the differences now exist

The so-called "**Primo Maggio**" Decree has created a **two-track system** for the time limits governing open-ended **staff leasing** arrangements as opposed to those applicable to **fixed-term contracts**. A common-sense amendment, which acknowledges the **substantial differences** between the two employment situations.

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In 2026, Italian Law revisited an issue of great importance to businesses that is much debated and highly sensitive. It regards the management of temporary agency work: for how long can the **same agency worker** be assigned to the **same client organisation**? For how many months or years? And what is the **maximum duration** of such an assignment, beyond which it may be at risk of being deemed unlawful?

Or, to put it another way: should a worker who is employed on a permanent contract by a staff leasing Agency and at the same time is assigned on a fixed-term assignment basis - be **treated as a normal fixed-term worker**?

The answer provided today by the Italian Government appears clear: **no**.

Permanent staff leasing: ratio and evolution of the 24-months limit

Under Article 16-quinquies of Law-Decree No. 62/2026 (so-called "**Primo Maggio Decree**"), converted into Italian Law No. 112/2026, the Italian authorities have in fact clarified the position on this matter by repealing the amendments made on this issue by the 2025 "**Collegato Lavoro**" (Law No. 203/2024, Annexed to the Italian Budget Law of 2025). The Collegato Lavoro had definitively repealed – on behalf of the derogations introduced during the COVID period – the possibility for the user employer to extend the fixed-term assignments of workers hired by the agency on a permanent basis, beyond the **maximum limit of 24 months** provided for by the law for fixed-term contracts and fixed-term assignments (Article 19 of Legislative Decree No. 81/2015).

The general 24-month maximum limit set forth for fixed-term workers is, in fact, based on a very specific rationale: to prevent the excessive use of temporary recruitment and assignments, so as not to undermine the principles underlying the regulations governing fixed-term employment contracts (and, by extension, fixed-term assignments). **However, if the worker already has a permanent contract with the Agency, the issue of de facto precariousness is effectively resolved.**

It is precisely for the reason of the above mentioned general limit that the legislator decided to abolish, in 2025, the exemption from the 24-month limit provided for fixed-term assignments where the worker is employed by a Staffing Agency on a permanent basis. Many criticised this decision, arguing that it **unnecessarily penalised temporary agency work contracts** when compared to fixed-term contracts.

To make the situation even more critical, a **ministerial interpretation** had also been issued, according to which exceeding the 24-month period could even lead to the creation of a **permanent employment relationship with the user employer**. However, consider that this scenario is difficult to apply in practice, given that, in such a case, the worker is already employed on a permanent basis by the Staffing Agency.

"Primo Maggio" Decree: a new threshold

With the new **2026 "Primo Maggio" Decree**, the legislator has once again addressed this issue and established **a clearer system** (Article 16 quinquies of Decree-Law No. 62/2026, converted into Italian Law No. 112/2026).

The new amendments relate to Article 19 of Italian Legislative Decree No. 81/2015. The first change concerns paragraph 2 of Article 19. Here, the law expressly clarifies that, when calculating the **24-month limit** for fixed-term contracts, **periods of assignment** carried out by workers employed by a temporary work agency on **fixed-term contracts** must also be taken into account.

The second amendment is the most significant and provides for the insertion of a new paragraph 2-bis into the above mentioned Article 19. This provision stipulates that a worker employed by a staffing agency on a **permanent contract** may undertake fixed-term assignments with the same user employer, for duties of the same level and legal category, for a **total duration – even if not continuous – not exceeding 36 months**, unless the collective bargaining agreement applied by the user organisation provides for a different time limit.

Here, the Italian Government has made a very specific choice: it recognises that a worker already permanently employed by a Staffing Agency should not be treated in the same way as a fixed-term worker with regards to repeated assignments with the same client.

New regulatory framework: a two-track system

Following the 2026 reform, the framework is therefore easier to understand:

- **24 months'** as a total duration in case of a fixed-term contract and of a fixed-term assignments at the same client for workers employed by a staffing agency on a **fixed-term contract**;
- **36 months'** as a total duration of fixed-term assignments at the same client for workers employed by a Staffing Agency on a **permanent contract**.

This significant **two-track system** reflects a real difference between the two contracts - both legally and in practice.

Effective date, transitional provisions and conclusions

The new provision also includes transitional rules.

1. When does the new rule come into effect? The law stipulates that the new time limit set out in paragraph 2-bis **takes effect** from the date on which the law converting the decree comes into force, namely **June 28th, 2026**.
2. Furthermore, it specifies that **previous periods of secondment** undertaken by workers already employed on permanent contracts by a Staffing Agency shall not be counted towards this new limit. In practice, for these workers, the 36-month period starts from scratch on June 28th, 2026.
3. Finally, it is up to the **collective bargaining** agreement applied by the user employer to set a **different time limit**.

With the changes outlined above, temporary agency work and fixed-term contracts can no longer be treated in the same way.

A worker employed on a fixed-term contract, and a worker hired by a Staffing Agency on a fixed-term contract, are subject to the standard maximum limit of 24 months' assignment;

whereas a worker employed on a permanent basis by a Staffing Agency may be assigned to the same user employer for up to a maximum of 36 months, unless otherwise provided for in the collective bargaining agreement (where applicable, of course).

This is a rule that also makes sense, because anyone already employed on a permanent basis by a Staffing Agency cannot, legally speaking, be treated in the same way as a fixed-term worker, provided that, as Italian case law states, the assignments remain within the general bounds of reasonableness.

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