**CONVENZIONE N. 66**

***(Riferimenti DGR. n. 103/2018 e Regolamento. n° 4/*2018)**

**TRA**

**SOGGETTO PROMOTORE**

2 POWER SRL

Codice fiscale / Partita IVA

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con sede legale in VIALE EUROPA 314 CAP 81031, Aversa

rappresentato da:

DIANA GIACOMO

In qualità di *Legale Rappresentante*

**E**

**SOGGETTO OSPITANTE**

DOMAG SUPERMERCATI S.R.L.

Codice fiscale / Partita IVA

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con sede legale in VIA PATTURELLI N.75 CAP 81100, Caserta

rappresentato da:

BARBARO LOREDANA

In qualità di Legale Rappresentante

**Premesso che**

Il soggetto promotore dichiara sotto la propria responsabilità di essere abilitato, ai sensi dell’art. 2 del Regolamento, a promuovere tirocini in Campania per soggetti appartenenti alle categorie di cui all’art. 1 del medesimo Regolamento in relazione ai soggetti che in attuazione della presente convenzione si intendono avviare in tirocinio,

Il soggetto ospitante dichiara sotto la propria responsabilità:

a) che è in regola

* Con la normativa di cui al D.Lgs n. 81/2008 (Testo unico in materia di salute e sicurezza nei luoghi di lavoro);
* Con l’applicazione integralmente i contratti e gli accordi collettivi di lavoro di qualsiasi livello sottoscritti dalle OOSS comparativamente rappresentative a livello nazionale
* Con gli obblighi della Legge 68/99

b) di non aver in corso procedure concorsuali,

* Che sono in corso procedure concorsuali, ma è stato siglato con le organizzazioni sindacali un accordo che prevede la possibilità di attivazione di tirocini.

c) che il tirocinante non verrà impiegato per

* Sostituire lavoratori assenti con diritto alla conservazione del posto di lavoro;
* Sostituire i lavoratori subordinati nei periodi di picco delle attività;
* Sostituire il personale in malattia, maternità, ferie o congedi parentali.

d) che non saranno ospitati tirocinanti

* Che hanno avuto con lo stesso un precedente rapporto di lavoro o una collaborazione o un incarico (prestazioni di servizi) a meno che questi non siano terminati da almeno 24 mesi;
* Per svolgere attività per le quali non sia necessario un periodo formativo e per profili professionali elementari e connotati da compiti generici e ripetitivi;
* Per svolgere, nel caso nella medesima unità operativa sia in corso una procedura di CIG straordinaria o in deroga, attività equivalenti a quelle svolte dai lavoratori sospesi, salvo il caso in cui ci siano accordi con le organizzazioni sindacali comparativamente più rappresentative che prevedono tale possibilità;
* Per far svolgere attività equivalenti a quelle per le quali il datore di lavoro ha effettuato, nella medesima unità operativa e nei 12 mesi precedenti all’attivazione del tirocinio, licenziamenti per giustificato motivo oggettivo, licenziamenti collettivi e licenziamenti per fine appalto e risoluzioni del rapporto di lavoro di apprendistato per volontà del datore di lavoro, al termine del periodo formativo.

Si conviene quanto segue:

***Art. 1 – Oggetto della convenzione***

1. La convenzione ha per oggetto:
	1. L’attivazione di tirocini che si svolgono presso una sede operativa ubicata nel territorio della Regione Campania;
	2. L’attivazione di tirocini che si svolgono presso una sede operativa ubicata in altre regioni italiane in quanto il datore di lavoro/soggetto ospitante ha la sede legale in Campania e ha scelto di utilizzare la presente disciplina.
2. Il soggetto promotore e il soggetto ospitante si impegnano a rispettare gli obblighi previsti a loro carico dalle vigenti disposizioni normative.

***Art. 2 – Disposizioni generali***

1. Il tirocinio non costituisce rapporto di lavoro;
2. Non possono essere attivati tirocini che facciano riferimento a profili professionali elementari connotati da compiti generici e ripetitivi, fatte salve le eccezioni previste dal Regolamento;
3. Le attività, cui il tirocinante può essere adibito, devono essere coerenti con il contenuto del progetto formativo e sempre finalizzate al conseguimento degli apprendimenti;
4. Al tirocinante deve essere garantita adeguata copertura assicurativa così come previsto dall’art. 2 del Regolamento;
5. Al tirocinante deve essere corrisposta un’indennità di partecipazione così come previsto all’art. 7 del regolamento, fatte salve le deroghe espressamente previste dall’art. 7 stesso;
6. Non possono essere attivati tirocini oltre i limiti numerici stabiliti all’art. 8 del Regolamento fatte salve le deroghe espressamente previste dall’art. 8 stesso;

***Art. 3 – Obblighi del soggetto promotore***

 1.            Il soggetto promotore si impegna a:

1. Promuovere l’esperienza di tirocinio progettandone i contenuti e lo svolgimento, assumendosi la responsabilità della qualità e della regolarità dell’iniziativa;
2. Promuovere tirocini di durata congrua in relazione agli obiettivi formativi da conseguire;
3. Individuare, nel progetto formativo, il tutor didattico-organizzativo con i compiti di cui all’art. 9 del Regolamento, verificando e garantendo che lo stesso non accompagni più di 20 tirocinanti contemporaneamente;
4. Sottoscrivere il progetto formativo concordato col soggetto ospitante e col tirocinante;
5. Inviare al servizio telematico messo a disposizione dalla Regione il progetto formativo individuale di tirocinio, adempiendo, in questo modo, agli obblighi di comunicazione nei confronti delle organizzazioni sindacali, della Direzione Territoriale del Lavoro e della Regione.
6. Assicurarsi che sia presente la copertura assicurativa dei tirocinanti contro gli infortuni sul lavoro presso l'Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro (INAIL) nonché‚ presso idonea compagnia assicuratrice, per la responsabilità civile verso terzi. Le coperture assicurative devono riguardare anche le attività eventualmente svolte dal tirocinante al di fuori dell'azienda rientranti nel progetto formativo e di orientamento;
7. Rilasciare al tirocinante un’attestazione finale di tirocinio sottoscritto dal soggetto promotore e dal soggetto ospitante utilizzando il modello approvato con provvedimento del Dirigente regionale della Direzione Lavoro, in cui sono indicate le attività effettivamente svolte al fine della spendibilità dell’attestazione nel mercato del lavoro;

***Art. 4 – Obblighi del soggetto ospitante***

1.            Il soggetto ospitante si impegna a:

1. Sottoscrivere il progetto formativo concordato col soggetto promotore e col tirocinante, utilizzando il modello approvato con provvedimento del Dirigente regionale della Direzione Lavoro;
2. Rispettare e far rispettare i contenuti del progetto di tirocinio;
3. Individuare, nel progetto formativo, il tutor aziendale con i compiti di cui all’art. 9 del Regolamento, verificando e garantendo che lo stesso non accompagni più di 3 tirocinanti contemporaneamente e che sia in possesso di esperienze e competenze professionali adeguate per garantire il raggiungimento degli obiettivi del tirocinio;
4. Assicurarsi che sia effettuata, per via telematica, la comunicazione di avvio del tirocinio, nonché le eventuali comunicazioni di proroga e di interruzione;
5. Far svolgere il tirocinio nelle fasce orarie consentite di cui all’art. 8, con un impegno orario per il tirocinante non superiore all'orario settimanale previsto dal contratto o accordo collettivo applicato dal soggetto ospitante;
6. Corrispondere l’indennità di partecipazione, fatte salve le eccezioni previste dall’art. 7 del Regolamento;
7. Garantire il rimborso delle spese sostenute dal tirocinante, qualora quest'ultimo venga inviato in missione; in caso di missione all’estero, deve essere garantita al tirocinante idonea copertura assicurativa;
8. Assicurare al tirocinante ai sensi dell’art. 37 del D.lgs. n. 81/2008, all'avvio del tirocinio, sufficiente e adeguata formazione in materia di salute e sicurezza nei luoghi di lavoro, nelle modalità, con i contenuti minimi e con la durata previsti dalla normativa;
9. Far effettuare, ove le specifiche mansioni delle attività lo richiedano, le visite mediche e sottoporre il tirocinante alla sorveglianza sanitaria;
10. fornire in uso, per la durata del tirocinio, gli indumenti da lavoro e i mezzi di protezione individuale, ove la tipologia di attività lo richieda;
11. Segnalare prontamente, qualora la posizione assicurativa del tirocinante sia stata costituita dal soggetto promotore o da altro soggetto, gli eventuali incidenti, in modo tale da consentire a quest’ultimo di effettuare le dovute comunicazioni agli istituti assicurativi nei tempi previsti dalla normativa vigente;
12. Curare la tenuta del “dossier individuale del tirocinante” contenente le evidenze documentali dell’esperienza di tirocinio, raccolte anche in itinere, al fine del rilascio dell’attestazione finale;
13. Proporre al soggetto promotore eventuali proroghe del tirocinio, adeguatamente motivate e, laddove necessario, contenenti una integrazione dei contenuti del progetto formativo, almeno n. 15 gg. prima del termine previsto;
14. Consentire al tutor aziendale di collaborare con il tutor didattico organizzativo alla valutazione delle competenze acquisite, al fine del rilascio dell’attestazione finale di tirocinio;
15. Comunicare tempestivamente al soggetto promotore l’eventuale perdita dei requisiti previsti in premessa;
16. Sottoscrivere, assieme al soggetto promotore, l’attestazione finale di tirocinio da rilasciare al tirocinante al termine del tirocinio sulla base delle evidenze documentali raccolte nel “dossier individuale del tirocinante”.

***Art. 5 – Decorrenza e durata della convenzione***

1. La presente convenzione è valida a decorrere dalla data di sottoscrizione fino a 17/07/2025 (massimo di 24 mesi);
2. La stessa non è tacitamente rinnovabile ed è da considerarsi automaticamente risolta in caso di perdita dei requisiti di cui in premessa da parte del soggetto ospitante o di violazione delle norme vigenti;
3. Gli impegni assunti dalle parti con la presente convenzione permangono fino alla data di conclusione dei tirocini attivati e delle loro eventuali successive proroghe.

 Luogo Data

Aversa (CE) 18/07/2023

DIANA    GIACOMO

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Timbro e firma per il Soggetto Promotore - Il Responsabile del proceimento

BARBARO LOREDANA

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Timbro e firma per il Soggetto Ospitante - Il Responsabile del procedimento