

HEALTH POLICY FOR A STABLE LABOUR MARKET: ANALYSIS OF IMPLEMENTED INITIATIVES: ITALY

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Good morning, I am happy to meet you

Thank you all for this opportunity.

My presentation is based on three topics:

- 1) Italian context on health and safety at work;
- 2) Main problems;
- 3) Specific solutions and the role of the Social Partners in building health policy for a stable labour market.

1. Italian context on health and safety at work

The economic increase in Italy last year, even though slight, has shown at the same time a raise of the number of labour accidents and occupational diseases.

We had 400,000 labour accidents reported in 2018, of those 1,220 deadly accidents, 6% more than 2017.

I would like to highlight that 60% of deadly accidents happens out of working place: driving means of transportation or “*in itinere*”, during the travel from home to workplace and vice versa.

The occupational diseases reported in 2018 were about 60,000, 2.5% more than 2017.

The main Italian law on the protection of health and safety at work is represented by legislative decree no. 81/2008, of implementation of European directives, as later integrated and corrected.

The law assigns a meaningful role to social partners, who are called to participate with institutional entities, in the “*system for promoting health and safety*”.

A distinctive feature of the law is the required coordination between the different figures operating in the matter (employer, prevention experts, workers and their representatives) and the strengthening the prevention culture.

According to these goals a very important management's duty is the written risk evaluation. This document marks a strict link between health and safety measures and work organization.

But, as you know, to provide a good standards of legal rules does not means solution for any problem, by itself.

2. Main problems

After more than ten years from the entry into force of legislative decree no. 81/2008, health and safety rules must be account with occupational changes:

* Reforms on labour law recently introduced in Italy (so called "*Jobs Act*") are characterized by strong flexibility not only in terms of contractual types but also in terms of management of the employment relationship, with repercussions in relation to health and safety at work that need to be carefully considered by all prevention figures.

It is clear that hazards are more serious for people without a permanent job; in particular training and information lacks or is weak for foreign workers.

*Another problem concerned the relationship between health and safety conditions and age of the workers.

The youngest (between, 20 and 24 years old) and the eldest (over 55 years old) result the more injured workers by accidents at work.

In order to get the retirement pension are now required higher contributions and so a lot of people are forced to work until old age, with a probable increase of the number of labour accidents and occupational diseases.

On other side the youngest need more protection because they often are employed by temporary work or stage (training at work).

*At last, occupational transformations are related to technological evolution.

In particular the "*smart working*" is a new way of working, inside and outside of the plant; it has been recently allowed in Italy (law no. 81/2017).

It is necessary to provide a systematic interpretation of this new discipline, in conjunction with what the Italian legislative decree no. 81/2008 established as well as the general principles of Constitution. In case of smart working the choice of the workplace is very important, because it is a particular type of subordinate work and that choice can't be left just to the discretion of the worker. Another kind of work related to digitization is the “*crowd working*”, work performed by digital platform, which is under rapid expansion.

It is difficult to apply the traditional categories of labour laws (employer/worker; self-employment/employment) to this type of work, which affect the rules of work performance. It requires drawing up a new system of safeguards, under which even the collective representation of this new forms of work must find specific recognition, with regard, inter alia, to health and safety.

3. Specific solutions and the role of the Social Partners in building health policy for a stable labour market

- a) To strengthen the power of workers representatives. For the effective application of the legal framework, contributions may be provided, in a participatory view, by the various types of specific entities representing workers at company or local level or by worksite (as well as joint bodies which are assigned important functions, especially at local level, regarding training, resolution of disputes, and technical assistance to companies).

Workers representatives on health and safety, formally present in workplace, often are not allowed (or are not able) to carry out fully their functions. Therefore their role must be strengthened whether to internal prevention figures (technical experts and labour medical services) either to external experts of the public Institutions.

The indicated outlook, however, does not invalidate the role of collective negotiation, especially at company and plant level, for the purpose of specifying, improving and making effective the degrees of protection defined by the law.

- b) There are, besides, activities, as contract work and self-employed work, where the number of labour accidents is very high.

In this particular context, what becomes prominent is the definition of a system of qualification of the companies, the self-employed and the monitoring of tender contracts relating to maintenance or cleaning services activities in

confined areas (silos, wells, cisterns, tanks, purification plants, underground passages, tunnels, etc.), with regard to which it seems appropriate to direct inspection activity on a priority basis. It is particular worth could be the prevision of a system for qualifying companies and self-employed workers, using a “*point-based license*” mechanism, which rules out the possibility of conducting business following verified, repeated violations of health and safety regulations; a significant measure to counteract undeclared employment and unfair competition.

- c) Another impulse to development of the culture of health and safety comes from training. In Italy several undersigned agreements between State and Regions, of implementation of art. 37, of the legislative decree no. 81/2008, are concerning health and safety training at workplace. Training involves workers, their representatives, management and employer himself in particular cases.

We hope that the different engaged subjects decide to take their chances with relevant training operations instead of choosing the easier road of mere formal fulfilment.

- d) At last, the impact of technology on job performance could affect universalistic protection assured by legislative decree no. 81/2008; really traces of the selective approach still retain.

Therefore we hope for an intervention by social partners or legislator giving full and consistent implementation to the constitutional principles.

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